



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

## COMMITTEE SCHEDULE

TO: MAYOR  
CITY COUNCIL  
DEPARTMENT HEADS  
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: September 14, 2021

The following committee meetings will be held on **Tuesday, September 14, 2021** prior to the City Council Meeting:

**05:00 p.m. - PUBLIC WORKS COMMITTEE:** (Townzen\*, Brashear, Kendall)

**<https://us02web.zoom.us/j/84891568257> OR (312)626-6799 ID: 848 9156 8257**

To Discuss: (a) An Ordinance Amending Section 54-211 Of The Code Of Ordinances Of The City Of Rogers

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**05:15 p.m. - FINANCE COMMITTEE:** (Reithemeyer\*, Wolf, Kendall)

**<https://us02web.zoom.us/j/84891568257> OR (312)626-6799 ID: 848 9156 8257**

To Discuss: (a) An Ordinance Authorizing The Issuance Of Industrial Development Revenue Bonds To Finance Certain Industrial Facilities

(b) A Resolution Amending The 2021 Budget To Recognize Insurance Proceeds In The Amount Of \$5,842.72 To Account #100-04-49195 Insurance Reimbursement

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**05:30 p.m. - TRANSPORTATION COMMITTEE:** (Kruger\*, Legere, Townzen)

**<https://us02web.zoom.us/j/84891568257> OR (312)626-6799 ID: 848 9156 8257**

To Discuss: (a) A Resolution Amending The 2021 Budget To Appropriate \$56,264.25 From Street Fund Reserves Into Account #200-16-70268 Professional Services For Relocation Of Cox And Carroll Electric Facilities Along Laurel Avenue

(b) A Resolution Amending The 2021 Budget; Establishing Capital Project Account #315-15-81142 Rehab Taxiways And Aprons

(c) An Ordinance Changing A Portion Of The Street Name Of "Kilimanjaro Way" That Intersects With South Everest Avenue To "West Kilimanjaro Way"

(d) An Ordinance Changing The Street Name Of "Everest Avenue" To "South Everest Avenue" And "West Everest Avenue"

(e) Street Closure Request - LPGA Race [Request Form](#)

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**05:45 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE:** (Legere\*, Townzen, Hayes)

**<https://us02web.zoom.us/j/84891568257> OR (312)626-6799 ID: 848 9156 8257**

To Discuss: (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To COM (Patterson) [Staff Report](#)

(b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-3 To R-O (Promenade) [Staff Report](#)



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**ROGERS CITY COUNCIL**  
**\*AMENDED\* AGENDA**

**SEPTEMBER 14, 2021**  
**6:30 PM**

**via ZOOM <https://us02web.zoom.us/j/82334265423>**

**OR By Phone (312) 626-6799 ID: 823 3426 5423**

**PUBLIC HEARING:**

1. Adoption of an ordinance authorizing the issuance of not to exceed \$55,000,000 principal amount of industrial development revenue bonds on application of Rogers BTS, LP, a Texas limited partnership

**PUBLIC FORUM:**

**ROLL CALL:**

**ACTION ON MINUTES:**

1. August 24, 2021

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

- |    |          |                                                                                                                                                                                                          |                          |
|----|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 1. | ORD. Re: | Amending Section 54-211 Of The Code Of Ordinances Of The City Of Rogers                                                                                                                                  | PUBLIC WORKS COMMITTEE   |
| 2. | ORD. Re: | Authorizing The Issuance Of Industrial Development Revenue Bonds To Finance Certain Industrial Facilities                                                                                                | FINANCE COMMITTEE        |
| 3. | RES. Re: | Amending The 2021 Budget To Recognize Insurance Proceeds In The Amount Of \$5,842.72 To Account #100-04-49195 Insurance Reimbursement                                                                    | FINANCE COMMITTEE        |
| 4. | RES. Re: | Amending The 2021 Budget To Appropriate \$56,264.25 From Street Fund Reserves Into Account #200-16-70268 Professional Services For Relocation Of Cox And Carroll Electric Facilities Along Laurel Avenue | TRANSPORTATION COMMITTEE |

- |    |          |                                                                                                                                |                                                    |
|----|----------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 5. | RES. Re: | Amending The 2021 Budget; Establishing Capital Project Account #315-15-81142 Rehab Taxiways And Aprons                         | TRANSPORTATION<br>COMMITTEE                        |
| 6. | ORD. Re: | Changing A Portion Of The Street Name Of “Kilimanjaro Way” That Intersects With South Everest Avenue To “West Kilimanjaro Way” | TRANSPORTATION<br>COMMITTEE                        |
| 7. | ORD. Re: | Changing The Street Name Of “Everest Avenue” To “South Everest Avenue” And “West Everest Avenue”                               | TRANSPORTATION<br>COMMITTEE                        |
| 8. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To COM (Patterson)                                     | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |
| 9. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-3 To R-O (Promenade)                                     | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |

**OLD BUSINESS:**

**NEW BUSINESS:**

**APPOINTMENTS:**

**ANNOUNCEMENTS:**

**ORDINANCE NO. 21-\_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 54-211 OF THE CODE OF ORDINANCES OF THE CITY OF ROGERS; SPECIFYING THE SEWER DEVELOPMENT IMPACT FEE FOR CERTAIN TOWNHOUSES WITH A RESIDENTIAL FIRE SPRINKLER SYSTEM; PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES.**

**WHEREAS**, on August 10, 2021, the Rogers City Council amended Section 20-141 of the Code of Ordinances of the City of Rogers to require automatic fire sprinkler systems in all residential dwellings meeting the classification of townhouses and duplexes;

**WHEREAS**, a townhouse means a single-family dwelling unit, to be used as a private residence, constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides;

**WHEREAS**, most single-family residential construction usually requires a 5/8 inches water meter;

**WHEREAS**, an RFSS in a residential structure requires installation of a 1 inch water meter;

**WHEREAS**, installation of an RFSS and a 1 inch water meter in a townhouse will not increase the impact on the sewer system because the RFSS will be activated only in the event of fire; thus such installation will have no greater impact on the sewer system than residential construction without an RFSS and with a 5/8 inch water meter;

**WHEREAS**, it is appropriate and in the public interest to charge sewer development impact fees based on the impact to the sewer system; and

**WHEREAS**, the Rogers Waterworks and Sewer Commission has passed its Resolution. No 21-25, recommending amendment to Section 54-211 of the Code of Ordinances of the City of Rogers, Arkansas.

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

Section 1: The Rogers City Council hereby finds and declares that, effective September 14, 2021, when a Residential Fire Sprinkler System (RFSS) is installed in a townhouse and a 1 inch water meter is required solely because of installation of the RFSS, then the development impact fee specified for a 5/8 inches water meter should be charged for each living unit in the structure. As used herein, "townhouse" means a single-family dwelling unit, to be used as a private residence, constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides. This provision should not apply if the structure would require a 1 inch water meter even without installation of an RFSS. This provision should not apply to apartment buildings or other

commercial rental structures. This provision should not apply to a structure used as a place of business. This provision should be prospective only and is not to be applied retroactively to any development impact fee paid prior to its passage, approval, and effective date.

Section 2: Section 54-211 of the Code of Ordinances of the City of Rogers, Arkansas is hereby amended to read as shown on the attached Exhibit “1.”

Section 3: Emergency Clause: The need to change the impact fees is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

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

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

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

APPROVED:

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

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Rogers Waterworks and Sewer Commission and the Rogers Water Utilities  
Prepared By: Robert A. Frazier, Counsel for Rogers Waterworks and Sewer Commission and the Rogers Water Utilities  
Reviewed By: John M. Pesek, Staff Attorney  
For Consideration By: Public Works Committee

**Sec. 54-211. - Development impact fees.**

(a) Effective April 1, 2006, a development impact fee shall be paid by the person or entity requesting new sewer service, regardless of whether any other required fee has been paid, according to the following schedule in connection with and as a condition to the installation of the meter serving the property:

| Meter Size | Fee         |
|------------|-------------|
| 5/8 inches | \$2,200.00  |
| 1 inch     | \$5,000.00  |
| 1½ inches  | \$10,000.00 |
| 2 inches   | \$15,000.00 |
| 3 inches   | \$30,000.00 |
| 4 inches   | \$45,000.00 |
| 6 inches   | \$90,000.00 |

All proposed living units are to be metered individually, except for institutionalized care facilities or other commercial rentals in which the separation of plumbing facilities would render this requirement impractical.

(b) Refund procedure: the portion of development impact fees collected under subsection (a) of this section, including any accrued interest thereon, that has not been expended within seven years from the date the fees were paid shall be refunded to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.

(c) The development impact fees established under subsection (a) of this section shall be adjusted, if necessary, in accordance with each new capital improvement plan or revision thereof.

(d) Effective April 15, 2020 when a Residential Fire Sprinkler System (RFSS) is installed in a structure to be used as a private residence or dwelling (including a single family home, a duplex, or manufactured home) and a 1 inch water meter is required solely because of installation of the RFSS, then the sewer development impact fee listed above for a 5/8 inches water meter shall be charged for each living unit in the structure. This provision (d) shall not apply if the structure would require a 1 inch water meter even without installation of an RFSS. This provision (d) shall not apply to apartment buildings or other commercial rental structures having three or more living units. This provision (d) shall not apply to a structure used as a place of business. This provision (d) is prospective only and is not to be applied retroactively to any development impact fee paid prior to its passage, approval, and effective date.

(e) Effective September 14, 2021, when a Residential Fire Sprinkler System (RFSS) is installed in a townhouse and a 1 inch water meter is required solely because of installation of the RFSS, then the development impact fee listed above for a 5/8 inches water meter shall be charged for each living unit in the structure. As used herein, "townhouse" means a single-family dwelling unit, to be used as a private residence, constructed in a group of three or more attached units in

which each unit extends from foundation to roof and with a yard or public way on at least two sides. This provision (e) shall not apply if the structure would require a 1 inch water meter even without installation of an RFSS. This provision (e) shall apply to private residences only and shall not apply to apartment buildings or other commercial rental structures. This provision (e) shall not apply to a structure used as a place of business. This provision (e) is prospective only and is not to be applied retroactively to any development impact fee paid prior to its passage, approval, and effective date.

**ORDINANCE NO. 21-\_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS TO FINANCE CERTAIN INDUSTRIAL FACILITIES; AUTHORIZING THE LEASING OF SUCH FACILITIES TO ROGERS BTS, LP; AUTHORIZING A TRUST INDENTURE SECURING THE BONDS; AUTHORIZING THE SALE OF THE BONDS; AUTHORIZING AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Rogers, Arkansas (the "City"), is authorized and empowered under the provisions of Title 14, Chapter 164, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Act"), to issue revenue bonds and to expend the proceeds thereof to finance land, buildings or facilities which can be used in securing or developing industry; and

**WHEREAS**, the City Council of the City has heretofore adopted (i) Resolution No. R-19-27 stating the City's intention to finance an industrial project located in the City (the "Project") by the issuance of revenue bonds under the Act on behalf of HCH Holdings, LLC, an Arkansas limited liability company ("HCH"), and (ii) Resolution No. R-20-01 stating that HCH assigned its interest in the Project to Rogers BTS, LP, a Texas limited partnership (the "Company"); and

**WHEREAS**, the Project consists of an approximately 150,000 square foot facility located at 4909 W. Magnolia St. in Rogers, Arkansas, to be used for corporate and management offices for industry; and

**WHEREAS**, after due consideration the City has determined to proceed with financing the Project and to issue and sell its revenue bonds under the provisions of the Act in the aggregate principal amount of not to exceed \$55,000,000 (the "Bonds"), and in connection therewith to enter into a Trust Indenture (the "Indenture"), between the City and Regions Bank, Little Rock, Arkansas, as Trustee (the "Trustee"), to secure the Bonds; and

**WHEREAS**, the Project will be owned by the City and leased to the Company pursuant to the provisions of a Lease Agreement (the "Lease Agreement") between the City and the Company; and

**WHEREAS**, the Project will be initially subleased to and operated by Transplace Holdings, Inc., a Delaware corporation; and

**WHEREAS**, the Company will enter into an Agreement for Payments in Lieu of Taxes (the "PILOT Agreement") with the City as hereinafter provided; and

**WHEREAS**, pursuant to and in accordance with applicable provisions of Arkansas law, a public hearing was held on the date hereof before the City Council on the question of the issuance of such revenue bonds under the Act; and

**WHEREAS**, forms of the Indenture, the Lease Agreement, and the PILOT Agreement have been presented to and are before this meeting;

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rogers, Arkansas:**

Section 1. The City Council hereby finds that the accomplishment of the Project, and the issuance of the Bonds to finance the same, will provide substantial employment and payrolls and will thereby secure and develop industry within and near the City.

Section 2. The issuance of the Bonds in the aggregate principal amount of \$55,000,000, or such lesser amount as shall be requested by the Company, is hereby authorized. The Bonds shall be designated "City of Rogers, Arkansas Taxable Industrial Development Revenue Bonds (Transplace Project), Series 2021." The Bonds shall be in the forms and denominations, shall be numbered, shall be dated, shall be payable, and shall be subject to redemption prior to maturity all upon the terms and conditions recommended by the Company and set forth in the Indenture. The Bonds shall mature in the year 2031 and shall bear interest at the Applicable Federal Rate per annum until paid. The term "Applicable Federal Rate" shall mean the long term adjusted applicable federal rate for purposes of Section 1274(d) of the Internal Revenue Code of 1986, as amended, as published by the Internal Revenue Service for the month in which the Bonds are issued.

Section 3. The Bonds shall be sold to the Company or its designee for the purchase price of 100% of par, which price is recommended by the Company.

Section 4. To prescribe the terms and conditions upon which the Bonds are to be executed, authenticated, issued, accepted, held and secured, the Mayor and City Clerk are hereby authorized and directed to execute, acknowledge and deliver the Indenture for and on behalf of the City. The Indenture is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Trustee and others in order to complete the Indenture in substantially the form submitted to this meeting with such changes as shall be approved by him, his execution to constitute conclusive evidence of such approval.

Section 5. There is hereby authorized the execution and delivery of the Lease Agreement, and the Mayor and City Clerk are hereby authorized to execute, acknowledge and deliver the Lease Agreement for and on behalf of the City. The Lease Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Company and others in order to complete the Lease Agreement in substantially the form submitted to this meeting with such changes as shall be approved by him, his execution to constitute conclusive evidence of such approval.

Section 6. There is hereby authorized the execution and delivery of the PILOT Agreement, and the Mayor is hereby authorized to execute and deliver the PILOT Agreement for and on behalf of the City. The PILOT Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Company and

others in order to complete the PILOT Agreement in substantially the form submitted to this meeting with such changes as shall be approved by him, his execution to constitute conclusive evidence of such approval.

Section 7. The acquisition and construction of the Project, and the issuance and sale of the Bonds, are exceptional situations in which the City has no responsibility for payment of the costs and expenses thereof, all of which are payable by the Company, and the Company's recommendations with respect thereto are acceptable to the City. Therefore, pursuant to applicable laws of the State of Arkansas, including the Act, competitive bidding is hereby waived.

Section 8. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the documents herein authorized and the performance of all obligations of the City thereunder, the issuance, execution, sale and delivery of the Bonds, and the performance of all acts of whatever nature necessary to effect and carry out the authority conferred by this Ordinance. The Mayor and City Clerk are hereby further authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

Section 9. The City Clerk is hereby authorized and directed to file in the office of the City Clerk, as a part of the minutes of the meeting at which this Ordinance is adopted, for inspection by any interested person copies of the Indenture, the Lease Agreement, and the PILOT Agreement, and such documents shall be on file for inspection by any interested person.

Section 10. The provisions of this Ordinance are hereby declared to be separable, and if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

Section 11. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 12. There is hereby found and declared to be an immediate need for the securing and developing of industry in order to provide substantial employment and payrolls, thereby alleviating unemployment and otherwise benefitting the public health, safety and welfare of the City and the inhabitants thereof, and the issuance of the Bonds authorized hereby and the taking of the other action authorized hereby are immediately necessary for the accomplishing of these public benefits and purposes. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in force and effect immediately upon and after its passage.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

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

#### CERTIFICATE

The undersigned, City Clerk of the City of Rogers, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. \_\_\_\_\_, adopted at a regular session of the City Council of the City of Rogers, Arkansas, held at 6:30 o'clock p.m., on the 14th day of September, 2021, and that the Ordinance is of record in Ordinance Record Book No. \_\_\_\_\_, at page \_\_\_\_\_, now in my possession.

GIVEN under my hand and seal on this \_\_\_\_\_ day of September, 2021.

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. R21-\_\_\_\_\_**

**A RESOLUTION AMENDING THE 2021 BUDGET TO RECOGNIZE INSURANCE PROCEEDS IN THE AMOUNT OF FIVE THOUSAND EIGHT HUNDRED FORTY TWO DOLLARS AND SEVENTY-TWO CENTS (\$5,842.72) TO ACCOUNT #100-04-49195 INSURANCE REIMBURSEMENT; APPROPRIATING THAT SAME AMOUNT INTO ACCOUNT #100-04-70165 VEHICLE MAINTENANCE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers' Fire Department had two vehicles that were damaged in separate accidents; and

**WHEREAS**, the City received five thousand eight hundred forty two dollars and seventy two cents (\$5,842.72) in insurance proceeds to repair the damage to the vehicles.

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

Section 1: The City of Rogers' 2021 Budget is amended to recognize five thousand eight hundred forty two dollars and seventy two cents (\$5,842.72) in insurance proceeds to Account #100-04-49195 Insurance Reimbursement;

Section 2: The City of Rogers' 2021 Budget is amended to five thousand eight hundred forty two dollars and seventy two cents (\$5,842.72) into Account #100-04-70165 Vehicle Maintenance;

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

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

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED:

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

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Tom Jenkins, Fire Chief  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration By: Finance Committee

**RESOLUTION NO. R21-\_\_\_\_\_**

**A RESOLUTION AMENDING THE 2021 BUDGET TO APPROPRIATE FIFTY SIX THOUSAND TWO HUNDRED SIXTY FOUR DOLLARS AND TWENTY FIVE CENTS (\$56,264.25) FROM STREET FUND RESERVES INTO ACCOUNT #200-16-70268 PROFESSIONAL SERVICES FOR RELOCATION OF COX AND CARROLL ELECTRIC FACILITIES ALONG LAUREL AVENUE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers has reached an agreement with Cox Advanced Services Arkansas, LLC and Carroll Electric to relocate certain facilities along Laurel Avenue from the intersection of 26<sup>th</sup> Street to Dixieland Road; and

**WHEREAS**, the City of Rogers has reached an agreement to pay Cox and Carroll Electric fifty six thousand two hundred sixty four dollars and twenty five cents (\$56,264.25) for them to relocate their facilities along Laurel from the intersection of 26<sup>th</sup> Street to Dixieland Road.

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

Section 1: The City of Rogers' 2021 Budget is amended to appropriate fifty six thousand two hundred sixty four dollars and twenty five cents (\$56,264.25) from Street Fund Reserves into Account #200-16-70268 Professional Services;

Section 2: This appropriation will be used to relocate Cox and Carroll Electric facilities along Laurel from the intersection of 26<sup>th</sup> Street to Dixieland Road;

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 \_\_\_\_\_, 2021.

**APPROVED:**

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

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director of Community Development

Prepared By: John M. Pesek, Staff Attorney

For Consideration By: Transportation Committee

**RESOLUTION NO. R21-\_\_\_\_\_**

**A RESOLUTION AMENDING THE 2021 BUDGET; ESTABLISHING CAPITAL PROJECT ACCOUNT #315-15-81142 REHAB TAXIWAYS AND APRONS; APPROPRIATING SIXTY FOUR THOUSAND NINE HUNDRED FORTY DOLLARS (\$64,940.00) INTO ACCOUNT #315-15-81142 REHAB TAXIWAYS AND APRONS; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT AMENDMENT WITH GARVER, LLC, OF NORTH LITTLE ROCK, ARKANSAS, FOR DESIGN, BID, AND CONSTRUCTION PHASE SERVICES ASSOCIATED WITH THE REHABILITATION OF AIRCRAFT TAXIWAYS AND APRONS AT THE ROGERS EXECUTIVE AIRPORT IN AN AMOUNT NOT TO EXCEED FIFTY NINE THOUSAND NINE HUNDRED FORTY DOLLARS (\$59,940.00); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers desires to enter into a contract amendment with Garver, LLC, of North Little Rock, Arkansas, for design, bid, and construction phase services that will be used for the rehabilitation of aircraft taxiways and aprons at the Roger Executive Airport.

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

Section 1: That the sum of Sixty Four Thousand Nine Hundred Forty Dollars (\$64,940.00) is hereby appropriated from Airport Fund Reserves into Account #315-15-81142, Rehab Taxiways and Aprons;

Section 2: That the Mayor and City Clerk are authorized to enter into a contract amendment with Garver, LLC, for design, bid, and construction phase services associated with the rehabilitation of taxiways and aprons and related improvements at the Rogers Executive Airport in an amount not to exceed fifty nine thousand nine hundred forty dollars (\$59,940.00), plus applicable taxes, if any;

Section 3: That execution of said contract amendments with Garver, LLC shall be contingent upon the approval of the Federal Aviation Administration, as may be required;

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

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

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**APPROVED:**

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

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: David Krutsch, Airport Manager  
Prepared by: John M. Pesek, Staff Attorney  
For Consideration By: Transportation Committee

**ORDINANCE NO. 21-\_\_\_\_\_**

**AN ORDINANCE CHANGING A PORTION OF THE STREET NAME OF “KILIMANJARO WAY” THAT INTERSECTS WITH SOUTH EVEREST AVENUE TO “WEST KILIMANJARO WAY”; CHANGING A PORTION OF THE STREET NAME OF “KILIMANJARO WAY” THAT INTERSECTS WITH WEST EVEREST AVENUE TO “SOUTH KILIMANJARO WAY”; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Section 14-524 of the Code of Ordinances, City of Rogers provides for the renaming of existing streets whenever road construction, public safety concerns, or changes to the Master Street Plan create the need to rename an already named existing street;

**WHEREAS**, the Rogers Fire Department has requested a proposed name change and city staff has reviewed and recommended that City Council authorize the renaming of a portion of “Kilimanjaro Way” that intersects with South Everest Avenue to “West Kilimanjaro Way;” and

**WHEREAS**, the Rogers Fire Department has requested a proposed name change and city staff has reviewed and recommended that City Council authorize the renaming of a portion of “Kilimanjaro Way” that intersects with West Everest Avenue to “South Kilimanjaro Way.”

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

Section 1: “Kilimanjaro Way” that intersects with South Everest Avenue will hereafter be known as “West Kilimanjaro Way.” The Fire Chief, Police Chief, and Director of Community Development are hereby directed to ensure that all appropriate and necessary parties are notified of this street name change. Further, the Director of Community Development shall update the name of the street during the next update to the City’s master street plan;

Section 2: “Kilimanjaro Way” that intersects with West Everest Avenue will hereafter be known as “South Kilimanjaro Way.” The Fire Chief, Police Chief, and Director of Community Development are hereby directed to ensure that all appropriate and necessary parties are notified of this street name change. Further, the Director of Community Development shall update the name of the street during the next update to the City’s master street plan;

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

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

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

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**APPROVED:**

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

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Tom Jenkins, Chief, Rogers Fire Department

Prepared By: John M. Pesek, Staff Attorney

For Consideration By: Transportation Committee

**ORDINANCE NO. 21-\_\_\_\_\_**

**AN ORDINANCE CHANGING THE STREET NAME OF “EVEREST AVENUE” TO “SOUTH EVEREST AVENUE” AND “WEST EVEREST AVENUE”; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Section 14-524 of the Code of Ordinances, City of Rogers provides for the renaming of existing streets whenever road construction, public safety concerns, or changes to the Master Street Plan create the need to rename an already named existing street; and

**WHEREAS**, the Rogers Fire Department has requested a proposed name change and city staff has reviewed and recommended that City Council authorize the renaming of “Everest Avenue” to “South Everest Avenue” that begins at West McKinley Boulevard and goes south until it delineates at the southeast parcel line of the cul-de-sac of Peaks, Phase II thus begins “West Everest Avenue” which shall continue until it intersects with South 26<sup>th</sup> Street.

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

Section 1: “Everest Avenue” shall now renamed to “South Everest Avenue” that begins at West McKinley Boulevard and goes south until it delineates at the southeast parcel line of the cul-de-sac of Peaks, Phase II thus begins “South Everest Avenue” which shall continue until it intersects with South 26<sup>th</sup> Street. The Fire Chief, Police Chief, and Director of Community Development are hereby directed to ensure that all appropriate and necessary parties are notified of this street name change. Further, the Director of Community Development shall update the name of the street during the next update to the City’s master street plan;

Section 2: Emergency Clause: The need to rename said street 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 \_\_\_\_\_, 2021.

APPROVED:

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

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Tom Jenkins, Chief, Rogers Fire Department  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration By: Transportation Committee

ORDINANCE NO. 21-\_\_\_\_\_

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM C-2 TO COM, 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, on September 7, 2021, the City Council has found that certain lands hereinafter described are better suited for COM 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 COM and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

The East 50 ft. of Lots 1, 4, 5, and 8, Block 5, Duckworth'.

**LAYMAN'S DESCRIPTION:**

702 W. Cypress Street

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

**SECTION 4: Emergency Clause.** 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 5: 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 6: 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 \_\_\_\_\_, 2021.

**APPROVED:**

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

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Mark Patterson

Prepared By: Nicholas Little, Planner II

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 21-\_\_\_\_\_

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM C-3 TO R-O, 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, on September 7, 2021, the City Council has found that certain lands hereinafter described are better suited for R-O 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 R-O and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

LOT 1 OF THE FARMS COMMERCIAL SUBDIVISION, ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON FINAL PLAT RECORD 2008 AT PAGES 58 TO 60.

**LAYMAN'S DESCRIPTION:**

Southwest of the intersection of S. Promenade Boulevard and W. Oak Street

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

**SECTION 4: Emergency Clause.** 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 5: 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 6: 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 \_\_\_\_\_, 2021.

**APPROVED:**

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

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Libby Topping  
Prepared By: Nicholas Little, Planner II  
For Consideration By: Community Environment & Welfare Committee