



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117
www.rogersar.gov

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS
FROM: Jessica Rush, CITY CLERK-TREASURER
DATE: November 9, 2021

The following committee meetings will be held on **Tuesday, November 9, 2021** prior to the City Council Meeting:

05:10 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall) **Community Room**

- To Discuss:
- (a) A Resolution Amending The 2021 Budget To Provide For Additional Compensation To City And RWU Employees; Transferring Funds From The American Rescue Plan Fund To The General Fund, Street Fund, And Airport Fund
 - (b) An Ordinance Amending The 2021 Budget To Provide For Additional Compensation To Elected Officials From The American Rescue Plan
 - (c) 2020 Audit Presented

05:20 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Legere) **Community Room**

- To Discuss:
- (a) A Resolution Authorizing The Rogers Police Department To Sell Approximately Fifty-Four Obsolete Tasers To Accredited Security, LLC Of Naples, Florida

05:30 p.m. - COMMUNITY SERVICES COMMITTEE: (Brashear*, Hayes, Kruger) **Community Room**

- To Discuss:
- (a) A Resolution Authorizing The Rogers Public Library To Dispose Of Certain Property In The Landfill
 - (b) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation To Receive Up To \$22,000.00

05:40 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Legere, Townzen) **Community Room**

- To Discuss:
- (a) A Resolution Accepting The Lowest Qualified Bid For The Purchase Of Box Culverts
 - (b) Street Closure Request [Turkey Trot For Heroes 5K](#)

05:50 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes) **Community Room**

- To Discuss:
- (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into A One Year Contract With Garver, LLC Of North Little Rock, Arkansas, For The Professional Services Of Planning Review And Contract Staff Support
 - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-1 To NBT (Scott Capital) [Staff Report](#)
 - (c) An Ordinance Amending Chapter 38 Of The City Of Rogers Code Of Ordinances; Adding Section 38-62. – Parklet Program
 - (d) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement To Grant A Utility Easement To Carroll Electric Cooperative Corporation
 - (e) Review Of Suggested Revisions To Chapter 22 Of The City Of Rogers Code Of Ordinances



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ROGERS CITY COUNCIL
AGENDA

NOVEMBER 9, 2021
6:30 PM

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

October 26, 2021
November 03, 2021

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | | |
|----|----------|---|------------------------------------|
| 1. | RES. Re: | Amending The 2021 Budget To Provide For Additional Compensation To City And RWU Employees; Transferring Funds From The American Rescue Plan Fund To The General Fund, Street Fund, And Airport Fund | FINANCE
COMMITTEE |
| 2. | ORD. Re: | Amending The 2021 Budget To Provide For Additional Compensation To Elected Officials From The American Rescue Plan | FINANCE
COMMITTEE |
| 3. | RES. Re: | Authorizing The Rogers Police Department To Sell Approximately Fifty-Four Obsolete Tasers To Accredited Security, LLC Of Naples, Florida | PUBLIC SAFETY
COMMITTEE |
| 4. | RES. Re: | Authorizing The Rogers Public Library To Dispose Of Certain Property In The Landfill | COMMUNITY
SERVICES
COMMITTEE |
| 5. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation To Receive Up To \$22,000.00 | COMMUNITY
SERVICES
COMMITTEE |
| 6. | RES. Re: | Accepting The Lowest Qualified Bid For The | TRANSPORTATION |

- | | | |
|----|--|---|
| | Purchase Of Box Culverts | COMMITTEE |
| 7. | RES. Re: Authorizing The Mayor And City Clerk To Enter Into A One Year Contract With Garver, LLC Of North Little Rock, Arkansas, For The Professional Services Of Planning Review And Contract Staff Support | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 8. | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-1 To NBT (Scott Capital) | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 9. | RES. Re: Authorizing The Mayor And City Clerk To Enter Into An Agreement To Grant A Utility Easement To Carroll Electric Cooperative Corporation | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |

OLD BUSINESS:

1. ORD. Re: Amending Chapter 38 Of The City Of Rogers Code Of Ordinances; Adding Section 38-62. – Parklet Program

NEW BUSINESS:

APPOINTMENTS:

Reappointment of Laura Orr to the A&P Commission; term to expire November, 01 2024.

Reappointment of Kasey Bare to the A&P Commission; term to expire November, 01, 2024.

ANNOUNCEMENTS:

RESOLUTION NO. R21- _____

**A RESOLUTION AMENDING THE 2021 BUDGET
TO PROVIDE FOR ADDITIONAL COMPENSATION TO CITY AND RWU
EMPLOYEES; TRANSFERRING FUNDS FROM THE AMERICAN RESCUE PLAN
FUND TO THE GENERAL FUND, STREET FUND, AND AIRPORT FUND;
APPROPRIATING SAID FUNDS 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 and Rogers Water Utilities during the COVID-19 pandemic;

WHEREAS, sworn Fire personnel previously received a two thousand dollar (\$2,000.00) distribution in 2020 from the COVID-19 Ambulance Worker Payment Grant. Eligible sworn fire personnel that did not receive the full two thousand dollar (\$2,000.00) distribution may be eligible for an increased distribution under this Resolution;

WHEREAS, the City of Rogers was awarded eleven million seven hundred ten thousand seven hundred twenty-nine dollars (\$11,710,729.00) from the American Rescue Plan, which the City will allocate the lost revenue portion of these funds to a one-time distribution to employees based on the following: Sworn Police - three thousand dollars (\$3,000.00); Sworn Fire – one thousand dollars (\$1,000.00); Civilian full-time employees – one thousand five hundred dollars (\$1,500.00); and Civilian part-time employees – seven hundred fifty dollars (\$750.00);

WHEREAS, the Governor had various emergency orders in place from April 1, 2020 through September 28, 2021, and payments under this Resolution will be allocated to employees based on their employment during those dates on a pro-rated basis per each of those months;

WHEREAS, it is in the best interest of the City of Rogers to reward the hard work and dedication of all employees during the COVID-19 pandemic, 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 to each employee who was employed with the City of Rogers and Rogers Water Utilities on the date this Resolution is adopted and who also served during the period of the Governor's declared emergency;

Section 2: The 2021 Budget shall be amended to recognize funds to be transferred from the American Rescue Plan Fund into Account #348-48-72100 Interfund Transfer Out, in the amount of one million one hundred twenty-seven five hundred thirty three dollars (\$1,127,533.00); to the General Fund Account #100-01-49900 Interfund Transfer In, in the amount of one million seventy-two thousand two hundred ninety six dollars (\$1,072,296.00); Street Fund Account #216-16-49900 Interfund Transfer In, in the amount of forty-seven thousand eight hundred fifty-eight dollars (\$47,858); and, Airport Fund Account #315-15-49900

Interfund Transfer In, in the amount of seven thousand three hundred seventy-nine dollars (\$7,379);

Section 3: The 2021 Budget shall be amended to appropriate said transfer to the General Fund, Street Fund, and Airport Fund to the following accounts as shown in Exhibit "A;"

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 _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

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

Exhibit "A"

Page 6 of 19

ORDINANCE NO. 21- _____

**AN ORDINANCE AMENDING THE 2021 BUDGET
TO PROVIDE FOR ADDITIONAL COMPENSATION TO ELECTED OFFICIALS
FROM THE AMERICAN RESCUE PLAN; PROVIDING FOR THE EMERGENCY
CLAUSE; AND FOR OTHER PURPOSES.**

WHEREAS, the Mayor and City Council appreciate the hard work and dedication of each elected official of the City of Rogers during the COVID-19 pandemic; and

WHEREAS, the City of Rogers was awarded eleven million seven hundred ten thousand seven hundred twenty-nine dollars (\$11,710,729.00) from the American Rescue Plan, which the City will allocate a certain lost revenue portion of these funds to a one-time distribution to elected officials in the amount of one thousand five hundred dollars (\$1,500.00);

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 to each elected City official in the amount of one thousand five hundred dollars (\$1,500.00);

Section 2: The portions of the City of Rogers' 2021 amended budget as adopted by Resolution No. R-21-_____, which are required by state law to be adopted by ordinance are hereby adopted;

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.

PASSED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

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

RESOLUTION NO. R21 _____

A RESOLUTION AUTHORIZING THE ROGERS POLICE DEPARTMENT TO SELL APPROXIMATELY FIFTY-FOUR OBSOLETE TASERS TO ACCREDITED SECURITY, LLC OF NAPLES, FLORIDA; RECOGNIZING TEN THOUSAND EIGHT HUNDRED DOLLARS INTO ACCOUNT #100-03-49500 SALE OF ASSETS AND FOR OTHER PURPOSES.

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

WHEREAS, the Taser's identified in **Exhibit A** are to be sold to Accredited Security, LLC of Naples, Florida for two hundred dollars (\$200.00) each, resulting in a total purchase price of ten thousand eight hundred dollars (\$10,800.00); and

WHEREAS, Accredited Security is the "sole source" of refurbished Taser equipment and this purchase price represents the highest value the Rogers Police Department is able to receive for the obsolete Taser's as identified in **Exhibit A**.

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

Section 1: The Rogers Police Department may sell the obsolete Taser's identified in **Exhibit A** to Accredited Security, LLC of Naples, Florida for two hundred dollars (\$200.00) each for a total purchase price of ten thousand eight hundred dollars (\$10,800.00), which represents the highest value for these items;

Section 2: The Rogers Police Department shall maintain a record of all Taser's that are sold to Accredited Security, LLC;

Section 3: The 2021 budget is amended to recognize funds in the amount of ten thousand eight hundred dollars (\$10,800.00) into Account #100-03-49500 Sale of Assets;

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 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: Jonathan Best, Interim Chief of Police

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety Committee

EXHIBIT "A"

AFFIDAVIT FOR DISPOSAL OF PROPERTY OF THE ROGERS POLICE DEPARTMENT BY SALE WHICH HAS BEEN DEEMED OBSOLETE

I, Jonathan Best, Chief of the Rogers Police Department, do hereby certify that the following property of the Rogers Police Department has become obsolete, is no longer used by the City, and it is now appropriate to dispose of said property by sale as permitted under Ark. Code Ann. § 14-54-302(a)(1). I hereby certify that I will be responsible for overseeing that the property is properly sold to Accredited Security, LLC, a the sole-source company. The property listed below will be disposed of by sale for two hundred dollars (\$200.00) per Taser.

Taser X130009YA
Taser X13000AMA
Taser X13000ARK
Taser X13000AT5
Taser X13000A6D
Taser X13000HTD
Taser X13000HEN
Taser X13000H8W
Taser X13000H9V
Taser X13000HMY
Taser X13000HMK
Taser X13000HK2
Taser X13000HHR
Taser X13002H4V
Taser X13002H2N
Taser X13002H2X
Taser X13002E4C
Taser X13002H4C
Taser X13002H32
Taser X13002H4H
Taser X13002H2D
Taser X13002H3X
Taser X13002H37
Taser X13002M2V
Taser X13002MW4
Taser X13002MVN
Taser X13002KTC

Taser X13002MX2
Taser X13002MXD
Taser X13002KTN
Taser X13002MTP
Taser X13002M3R
Taser X13002M43
Taser X13002MWR
Taser X13002MWF
Taser X13002MT5
Taser X13002MXP
Taser X13002MW9
Taser X13002MY1
Taser X130038WN
Taser X130038W7
Taser X130037XN
Taser X1300380K
Taser X130038WD
Taser X1300398T
Taser X130038M7
Taser X13003YV6
Taser X13003YPR
Taser X130041C0
Taser X13004NTV
Taser X13007NDY
Taser X13003YTN
Taser X13004NTE
Taser X00-535557

Jonathan Best
Jonathan Best, Chief of Police

[Signature]
Notary Public

Date: 11/2/2021

Date: 11-2-21

Commission Expires: 4-30-27



RESOLUTION NO. R21_____

A RESOLUTION AUTHORIZING THE ROGERS PUBLIC LIBRARY TO DISPOSE OF CERTAIN PROPERTY IN THE LANDFILL; RECOGNIZING THAT THE PROPERTY IS RENDERED WORTHLESS; ACKNOWLEDGING THE OVERSIGHT FOR DISPOSAL; AND FOR OTHER PURPOSES.

WHEREAS, the Director of the Rogers Public Library has certified that the items listed in the attached **Exhibit A** have been rendered worthless by damage or prolonged use;

WHEREAS, the Director of the Rogers Public Library additionally certifies that disposal of said property in the landfill is proper and will be overseen to ensure compliance with Ark. Code Ann. §14-54-302(e)(2)(A); and

WHEREAS, the City Council of the City of Rogers approves the Director's affidavit of certification attached as **Exhibit A** and deems that disposal in the landfill is appropriate.

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

Section 1: The Director of the Rogers Public Library may dispose of the items identified in the attached **Exhibit A** in the landfill used by the City pursuant to Ark. Code Ann. §14-54-302 (e)(2)(A);

Section 2: The Rogers Public Library shall maintain a record of all items that are sent to the landfill per 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 _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Hanna Mulligan, Director - Rogers Public Library

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Services Committee

EXHIBIT "A"

AFFIDAVIT OF LANDFILL DISPOSAL OF CERTAIN PROPERTY OF THE ROGERS PUBLIC LIBRARY WHICH HAS BEEN DEEMED OBSOLETE

I, Hannah Norris Milligan, Director of the Rogers Public Library, do hereby certify that the following property of the Rogers Public Library has been rendered worthless by damage or prolonged use, is no longer of value, and it is now appropriate to dispose of said property in a landfill as specified under Ark. Code Ann. § 14-54-302(e)(2)(A). I hereby certify that I will be responsible for overseeing that the property is removed for disposal. The records listed below contain a description of the property to be disposed of by landfill.

TYPE OF PROPERTY

- 1 – tall work table
- 2 – 5' bench/table
- 2 – 7' double door cabinets
- 3 – mid-size shelves
- 1 – small bench/tables
- 2 – 4' bench/tables
- 6 – 5' desks
- 4 – 5' desktop shelves
- 4 – 2.5' desktop shelves
- 2 – small double door cabinet
- 2 – corner desks
- 3 – small shelves
- 1 – small set of drawers
- 1 – legal file cabinet
- 1 – letter file cabinet

Hannah Norris Milligan

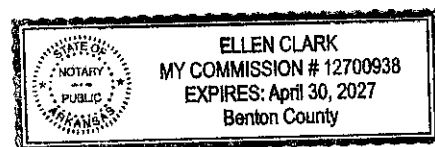
Hannah Norris Milligan

[Signature]
Notary Public

Commission Expires: 4-30-27

Date: 11/1/2021

Date: 11-1-21



RESOLUTION NO. R21-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION TO RECEIVE UP TO TWENTY-TWO THOUSAND DOLLARS (\$22,000.00); AMENDING THE 2021 BUDGET TO RECOGNIZE GRANT FUNDS IN THAT AMOUNT INTO ACCOUNT #100-08-45600 GRANTS AND DONATIONS; APPROPRIATING THAT AMOUNT INTO ACCOUNT #100-08-84512 RAILYARD BIKE PARK; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers will receive up to twenty-two thousand dollars (\$22,000.00), from the Walton Family Foundation to be used at the City of Rogers Railyard Bike Park to support paving improvements; and

WHEREAS, there is no matching provision in this grant.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into a grant agreement with the Walton Family Foundation in which the City will receive up to twenty-two thousand dollars (\$22,000.00) in grant funds for paving improvements at the Railyard Bike Park;

Section 2: The 2021 Budget is hereby amended to recognize grant funds in the amount of twenty-two thousand dollars (\$22,000.00) into Account #100-08-45600 Grants and Donations;

Section 3: The 2021 Budget is further amended to appropriate twenty-two thousand dollars (\$22,000.00) into Account #100-08-84512 Railyard Bike Park;

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 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: Jim White, Director of Parks and Recreation
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Community Services Committee

RESOLUTION NO. R21-_____

A RESOLUTION ACCEPTING THE LOWEST QUALIFIED BID FOR THE PURCHASE OF BOX CULVERTS; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH SCURLOCK INDUSTRIES, OF FAYETTEVILLE, ARKANSAS; AMENDING THE 2021 BUDGET TO APPROPRIATE TWO HUNDRED FORTY-SIX THOUSAND THREE HUNDRED SEVENTY FIVE DOLLARS (\$246,375.00) FROM STREET FUND RESERVES TO ACCOUNT #200-16-70935 DRAINAGE CONSTRUCTION; AND FOR OTHER PURPOSES.

WHEREAS, bids were lawfully requested and reviewed for the purchase of five hundred (500) linear feet of 8' x 2' precast reinforced concrete box culverts; and

WHEREAS, Scurlock Industries, of Fayetteville, Arkansas, submitted the lowest qualified bid in the amount of two hundred forty-six thousand three hundred seventy five dollars (\$246,375.00).

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

Section 1: Scurlock Industries, of Fayetteville, Arkansas, submitted the lowest qualified bid for the purchase of five hundred (500) linear feet of 8' x 2' precast reinforced concrete box culverts;

Section 2: The Mayor and City Clerk are authorized to enter into a contract with Scurlock Industries, of Fayetteville, Arkansas, for said purchase in the amount of hundred forty-six thousand three hundred seventy five dollars (\$246,375.00);

Section 3: The 2021 budget is amended to appropriate hundred forty-six thousand three hundred seventy five dollars (\$246,375.00) from Street Fund Reserves into Account #200-16-70935 Drainage Construction;

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 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: Frankie Guyll, Street Department Superintendent

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

RESOLUTION NO. R21-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A ONE YEAR CONTRACT WITH GARVER, LLC OF NORTH LITTLE ROCK, ARKANSAS, FOR THE PROFESSIONAL SERVICES OF PLANNING REVIEW AND CONTRACT STAFF SUPPORT; THE 2021 BUDGET IS AMENDED TO APPROPRIATE THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-18-70268 PROFESSIONAL SERVICES; AND FOR OTHER PURPOSES.

WHEREAS, due to recent staffing changes within the Department of Community Development and to meet its current obligations, it desires to enter into a one year agreement with Garver, LLC of North Little Rock, Arkansas for planning review and staff support as needed; and

WHEREAS, expenditures under this contract will remain subject to all applicable laws concerning purchasing and appropriations;

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

Section 1: That the Mayor and City Clerk are authorized to enter into a one year contract with Garver, LLC of North Little Rock, Arkansas for the professional services of planning review and contract staff support in an amount not to exceed three hundred thousand dollars (\$300,000.00);

Section 2: The 2021 budget is hereby amended to appropriate three hundred thousand from general fund reserves into Account #100-18-70268 Professional Services;

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, Department of Community Development

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 21-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM I-1 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, on November 2, 2021, the City Council has found that certain lands hereinafter described are better suited for NBT 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:

PROPERTY DESCRIPTION:

Lot 1, Block 9 J. Wade Sikes Park Addition, Rogers, Benton County, Arkansas, as shown on Plat Record "B" at Page 20.

LAYMAN'S DESCRIPTION:

114 W. Pine St.

SECTION 3: Zoning. That the above described lands are better suited for NBT than I-1 zoning and same should be and are hereby zoned NBT.

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: Hannah Cicioni

Prepared by: Amber Long, Planner

For Consideration By: Community Environment & Welfare Committee

RESOLUTION NO. R21-_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
AN AGREEMENT TO GRANT A UTILITY EASEMENT TO CARROLL ELECTRIC
COOPERATIVE CORPORATION; AND FOR OTHER PURPOSES.**

WHEREAS, Carroll Electric Cooperative Corporation of Berryville, Arkansas desires an easement to place underground facilities on land owned by the City of Rogers; and

WHEREAS, the City believes it appropriate to place the Carroll Electric underground facilities at the location as described in Exhibit "A" to this Resolution.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into an easement agreement with Carroll Electric Cooperative Corporation in the location as stated in Exhibit "A."

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 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: Lance Jobe, City Engineer

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 21-_____

AN ORDINANCE AMENDING CHAPTER 38 OF THE CITY OF ROGERS CODE OF ORDINANCES; ADDING SECTION 38-62. – PARKLET PROGRAM; AMENDING APPENDIX B – FEE SCHEDULE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers City Council finds it to be in the best interest of the City to adopt guidelines allowing Parklets for outdoor dining and business in public space;

WHEREAS, Parklet applications will be processed by the Community Development Department and sent to the Transportation Committee for review and final permit decision;

WHEREAS, design standards will be contained in the Parklet Program Guidelines manual which will be subject to the review and approval of the Community Environment and Welfare Committee and adopted by reference in the City of Rogers Code of Ordinances; and

WHEREAS, to adequately protect the value of this public space, an application fee and annual permit fee will be added to Appendix B of the City of Rogers Code of Ordinances.

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

Section 1: Chapter 38, Article IV, Section 38-62. – Parklet Program shall be created in the City of Rogers, Code of Ordinances and shall read as shown in the attached Exhibit “A” and Municode Corporation is hereby instructed to make said amendments;

Section 2: Appendix B – Fee Schedule shall be amended to read as shown in the Attached Exhibit “B” and Municode Corporation is hereby instructed to make said amendments;

Section 3 - Emergency Clause: The need to amend the City Code is immediate 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 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: John McCurdy, Director Community Development

Prepared by: Bonnie Bridges, Staff Attorney

EXHIBIT “A”

Sec. 38-62. – Parklet Program.

(a) *Purpose and Intent.*

1. To allow expanded business opportunities to better serve the public.
2. To maximize citizen use and benefit of public space.

(b) *Permit required.*

1. Parklet applications shall be reviewed and processed by the Community Development Department.
2. Design standards, rules, and regulations are governed by the Parklet Program Guidelines manual that is adopted by reference as if set out word for word herein. This manual and any additions, deletions, or changes shall be reviewed and approved by the Community Environment and Welfare Committee of the City Council, a copy of which is on file in the office of the clerk-treasurer.
3. Once a completed permit application has gone through the above review process, it will be heard by the Transportation Committee for a final determination as to whether or not the parklet permit should be issued.
4. Violations are governed under Sec. 1-5 of this Code.
5. Parklet permits shall not be issued for a time frame of longer than 1 (one) year.
6. Upon expiration of a parklet permit, nothing in this section shall be construed as to prohibit the applicant from re-applying.

- (c) *Fee.* The applicant shall pay the fees as adopted by the City Council, as listed in Appendix B – Fee Schedule of the Rogers City Code of Ordinances.

EXHIBIT “B”

Sec. 38-62. – Parklet Program Fee.

Application fee: \$100.00 per application

Permit fee: \$1,000.00 per parking space annually