



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: December 14, 2021

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

05:30 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall) **Community Room**

- To Discuss:
- (a) A Resolution Adopting The City Of Rogers' 2022 Budget; Appropriating Funds And Authorizing Expenditures For Items Included Within The City Of Rogers' 2022 Budget
 - (b) An Ordinance Authorizing The Adoption Of Certain Provisions Of The City Of Rogers' 2022 Budget
 - (c) An Ordinance Amending Rogers Code Section 48-86 By Providing For Specific Collection And Enforcement Procedures For The Collection Of The 3% Tax Upon Gross Proceeds Of Hotel And Motel Accommodation In The City Of Rogers For Advertising And Promotion Of The City And Its Environs In Conformity With A.C.A. § 26-75-603
 - (d) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Contract With NWA Entertainment, LLC In The Amount Of \$35,000.00 For The City's 2022 Fourth Of July Fireworks Display

05:40 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear) **Committee Room #2**

- To Discuss:
- (a) A Resolution Authorizing The Destruction Of Certain Records Of The City Of Rogers Police Department

05:40 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Legere) **Community Room**

- (a) A Resolution Waiving Competitive Bidding For The Purchase Of A New Type 1 Ambulance From Braun Ambulance Corporation Of Van Wert, Ohio, For Use By The Rogers Fire Department
- (b) A Resolution Waiving Competitive Bidding For The Purchase Of A Records Management Software From ESO Software Of Austin, Texas, For Use By The Rogers Fire Department

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

- To Discuss:
- (a) An Ordinance Amending Chapter 38 Of The City Of Rogers Code Of Ordinances; Adding Section 38-62. – Parklet Program; Amending Appendix B – Fee Schedule
 - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-9A (PUD) To RMF-12B, Accepting The Density Concept Plan (Shadowbroke)
 - (c) An Ordinance Amending Rogers Code Section 14-675 By Reaffirming The Zone Of

- Certain Lands As RMF-9.5B, Accepting The Density Concept Plan (The Grove)
- (d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands
From C-2 To C-4 (Goff)
-



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ROGERS CITY COUNCIL
AGENDA

DECEMBER 14, 2021
6:30 PM

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. November 23, 2021

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. RES. Re: Adopting The City Of Rogers' 2022 Budget;
Appropriating Funds And Authorizing Expenditures
For Items Included Within The City Of Rogers' 2022
Budget FINANCE
COMMITTEE
2. ORD. Re: Authorizing The Adoption Of Certain Provisions Of
The City Of Rogers' 2022 Budget FINANCE
COMMITTEE
3. ORD. Re: Amending Rogers Code Section 48-86 By Providing
For Specific Collection And Enforcement Procedures
For The Collection Of The 3% Tax Upon Gross
Proceeds Of Hotel And Motel Accommodation In The
City Of Rogers For Advertising And Promotion Of The
City And Its Environs In Conformity With A.C.A. §
26-75-603 FINANCE
COMMITTEE

- | | | | |
|-----|----------|---|--|
| 4. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Contract With NWA Entertainment, LLC In The Amount Of \$35,000.00 For The City's 2022 Fourth Of July Fireworks Display | FINANCE
COMMITTEE |
| 5. | RES. Re: | Authorizing The Destruction Of Certain Records Of The City Of Rogers Police Department | RESOURCES &
POLICY
COMMITTEE |
| 6. | RES. Re: | Waiving Competitive Bidding For The Purchase Of A New Type 1 Ambulance From Braun Ambulance Corporation Of Van Wert, Ohio, For Use By The Rogers Fire Department | PUBLIC SAFETY
COMMITTEE |
| 7. | RES. Re: | Waiving Competitive Bidding For The Purchase Of A Records Management Software From ESO Software Of Austin, Texas, For Use By The Rogers Fire Department | PUBLIC SAFETY
COMMITTEE |
| 8. | ORD. Re: | Amending Chapter 38 Of The City Of Rogers Code Of Ordinances; Adding Section 38-62. – Parklet Program; Amending Appendix B – Fee Schedule | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 9. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-9A (PUD) To RMF-12B, Accepting The Density Concept Plan (Shadowbroke) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 10. | ORD. Re: | Amending Rogers Code Section 14-675 By Reaffirming The Zone Of Certain Lands As RMF-9.5B, Accepting The Density Concept Plan (The Grove) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

1. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning
Certain Lands From C-2 To C-4 (Goff)

COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE

NEW BUSINESS:

APPOINTMENTS:

Reappointment of Caroline Smith to the Library Board of Trustees; term to expire on December 31, 2026

Reappointment of Greg Lindley to the Parks and Recreation Commission; term to expire on December 31, 2026

Appointment of John Sampier to the Northwest Arkansas Conservation Authority to replace the position previously held by Jack McHaney; term to expire on December 14, 2027

ANNOUNCEMENTS:

RESOLUTION NO. R21-_____

A RESOLUTION ADOPTING THE CITY OF ROGERS' 2022 BUDGET; APPROPRIATING FUNDS AND AUTHORIZING EXPENDITURES FOR ITEMS INCLUDED WITHIN THE CITY OF ROGERS' 2022 BUDGET; AND FOR OTHER PURPOSES.

WHEREAS, the efficient operation of the city government of the City of Rogers, Arkansas requires that a budget be planned and adopted by the Mayor and City Council;

WHEREAS, the Mayor, in consultation with the staff, the department head of each city department, and the public, has proposed a comprehensive budget for calendar and budget year 2022 for the City of Rogers;

WHEREAS, the City Council of the City of Rogers has made a comprehensive review and analysis of the proposed City of Rogers' 2022 Budget;

WHEREAS, the City Council finds that the City of Rogers' 2022 Budget accurately reflects the estimated revenues and expenditures for the 2022 budget year; and

WHEREAS, the Mayor and City Council continue to comply with Ark. Code Ann. § 14-58-201, et seq., concerning the process for adoption and amendment of the City of Rogers' 2022 Budget.

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

Section 1: The City of Rogers' 2022 Budget is hereby adopted;

Section 2: The respective funds and assigned account numbers for each category of revenue and expenditure proposed in the City of Rogers' 2022 Budget are adopted and appropriated;

Section 3: The Mayor or his duly authorized representative may execute any contract, conveyance, or lease contract for any purchase approved within the City of Rogers' 2022 Budget and valued equal to or less than thirty-five thousand dollars (\$35,000.00);

Section 4: The Mayor or his duly authorized representative may approve, disapprove, or adjust any payment of funds appropriated by this Resolution;

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.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: C. Greg Hines, Mayor; Casey Wilhelm, Director of Finance

Prepared By: John Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

ORDINANCE NO. 21-_____

**AN ORDINANCE AUTHORIZING THE ADOPTION OF CERTAIN PROVISIONS OF
THE CITY OF ROGERS' 2022 BUDGET; PROVIDING FOR THE EMERGENCY
CLAUSE; AND FOR OTHER PURPOSES**

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

Section 1: The portions of the City of Rogers' 2022 Budget, as adopted by Resolution No. R-21-____, which are required by state law to be adopted by ordinance are hereby adopted;

Section 2: That the need to adopt the City of Rogers' 2022 Budget 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;

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; and

Section 5: Emergency Clause: It is hereby declared an emergency exists and this ordinance, being necessary for the preservation of health, safety and welfare of the citizens of Rogers, Arkansas, shall be in effect upon its passage and approval.

PASSED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: C. Greg Hines, Mayor; Casey Wilhelm, Director of Finance

Prepared By: John Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

ORDINANCE NO. 21-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 48-86 BY PROVIDING FOR
SPECIFIC COLLECTION AND ENFORCEMENT PROCEDURES FOR THE
COLLECTION OF THE 3% TAX UPON GROSS PROCEEDS OF HOTEL AND
MOTEL ACCOMMODATION IN THE CITY OF ROGERS FOR ADVERTISING AND
PROMOTION OF THE CITY AND ITS ENVIRONS IN CONFORMITY WITH A.C.A. §
26-75-603; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER
PURPOSES**

WHEREAS, the Advertising and Promotions Commission (the “Commission”) for the City of Rogers, Arkansas, was created by City of Rogers’ Ordinance 99-61;

WHEREAS, an additional 1% tax upon the gross proceeds of hotel and motel accommodations was levied upon such revenues by City of Rogers’ Ordinance 17-45 and codified as Rogers Code Section 48-85 resulting in the total of such taxes being 3% (the “Tax”);

WHEREAS, Rogers’ Code Section 48-86 fails to provide sufficient detail regarding methods and procedures available to the Commission for enforcement and collection of the Tax; and,

WHEREAS, Rogers’ Code Section 48-86 should also be amended to provide the A&P Commission and the citizens of and businesses within the City of Rogers clarity and certainty as to the methods and procedures for collection and enforcement of the Tax.

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

SECTION 1: That Rogers Code Section 48-86 should be and hereby is amended to provide as follows:

Sec. 48-86. Administration, Collection, and Remittance. The tax proceeds collected under this article shall be administered, collected, and dispersed by the Advertising and Promotion Commission in accordance with the requirements of the Advertising and Promotion Commission. The Advertising and Promotion Commission shall have the following authority for collection and enforcement of the taxes assessed under this article:

1. Collection and Use of Funds

- a. Enforcement. Pursuant to Ark. Code Ann. § 26-75-603 the commission shall have full enforcement and collection power, including the power to:
 - i. Assess penalties and interest against any taxpayer who fails to report or pay the tax;

- ii. Assess unpaid or unreported tax within three years of the date the tax is due;
- iv. Provide judicial relief from assessments in accordance with state law; and,
- v. Issue certificates of indebtedness in as prescribed within this section.

b. Investigation. The commission may examine or investigate the place of business, personal property, equipment, facilities, as well as the records, books, accounts, documents, and papers of any persons for the purpose of determining accuracy of a report or fixing any liability under these tax provisions. Taxpayers or other persons and his or their agents and employees must provide the commission access to these items and facilitate the investigation.

c. Notice. The commission must provide notice to a taxpayer via personal service or by mail to the taxpayer's last address on file with the commission. Once proper notice has been served and given, the commission may take any action permitted within this article and by Ark. Code Ann. § 26-75-603. The commission shall give a taxpayer notice of assessment, demand, decision, or hearing before any commission directly involving that taxpayer.

d. Assessment. The commission may determine proper tax amount to assess upon any taxpayer who failed to file a report and remit the hotel and restaurant tax by following the following procedure:

- i. Proposed Assessment. Proposal of tax assessment and applicable penalties must be properly noticed upon the taxpayer.
- ii. Notice of Proposed Assessment. Notice of a proposed tax assessment shall explain the basis for proposed assessment and state that final assessment is to be made if the taxpayer is agreeable to the assessment.
- iii. Administrative relief. Any taxpayer seeking administrative relief from the proposed assessment shall do in accordance with the following:
 - (1) Taxpayer may petition the commission for relief solely based upon evidence produced by the taxpayer at a hearing.
 - (2) Taxpayer who petitions for such relief is not entitled by law to any other administrative hearing prior to the final decision.
 - (3) Taxpayer may request a hearing before the Commission when seeking relief. The Commission shall provide taxpayer with reasonable notice of the time and location of hearing.
- iv. Judicial relief. Available by the taxpayer bringing an action in Benton County Circuit Court within 30 days of service of the demand for payment upon taxpayer established by:
 - (1) Proposed assessment that is agreeable to the taxpayer; or

- (2) Final determination of the commission following administrative review; judicial relief may be sought from a final determination in accordance with Ark. Code Ann. § 26-75-603(d).

2. Enforcement authority.

- a. Criminal Penalty. Any person found in violation of this article shall be guilty of a misdemeanor.
- b. Payment Enforcement. The commission may utilize provisions of Ark. Code Ann. § 26-75-603(c) to enforce payment if:
- i. Taxpayer does not properly and timely pursue relief from the final decision, and
 - ii. Final assessment is made against the taxpayer; or
 - iii. Taxpayer fails to pay the deficiency assessed upon notice and demand.

SECTION 2: 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 3: Emergency Clause. It is hereby declared an emergency exists and this ordinance, being necessary for the preservation of health, safety and welfare of the citizens of Rogers, Arkansas, shall be in effect upon its passage and approval.

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 _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Raymond Burns, Rogers-Lowell Chamber of Commerce President

Prepared By: John Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R21-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH NWA ENTERTAINMENT, LLC IN THE AMOUNT OF THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00) FOR THE CITY'S 2022 FOURTH OF JULY FIREWORKS DISPLAY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers annually provides a public fireworks display celebrating the Fourth of July;

WHEREAS, the NWA Entertainment, LLC previously provided the fireworks display in past years, including 2018, 2019, 2020, and 2021 and has been deemed the most appropriate event promotion provider for 2022;

WHEREAS, the 2022 contract terms and the 2022 contract amount of thirty-five thousand dollars (\$35,000.00) remain identical to that approved in 2021; and

WHEREAS, this expense is included in the 2022 Budget for the City of Rogers.

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 an agreement with NWA Entertainment, LLC in an amount not to exceed thirty-five thousand dollars (\$35,000.00) for its event promotion services for the annual Fourth of July Fireworks display;

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 _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

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

RESOLUTION R21- _____

**A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS OF
THE CITY OF ROGERS POLICE DEPARTMENT; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers Police Department desires to destroy certain of its archived records in accordance with the City's record retention schedule and state law. *See* City of Rogers' Code § 2-1 and Ark. Code Ann. §§ 14-2-204 and 12-12-104; and

WHEREAS, the list of records to be destroyed is set out in the attached Affidavit of Destruction.

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

Section 1: The City of Rogers Police Department may destroy the records as stated in the attached Affidavit of Destruction and in accordance with City of Rogers Code § 2-1 and Ark. Code Ann. §§ 14-2-204 and 12-12-104;

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 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, Rogers Police Department

Prepared by: John Pesek, Senior Staff Attorney

For Consideration By: Resources & Policy Committee

**AFFIDAVIT OF DESTRUCTION OF FINANCE DEPARTMENT RECORDS AND
HUMAN RESOURCES DEPARTMENT RECORDS**

I, Jonathan Best, Interim Chief of Police, do hereby certify that the following records of the City of Rogers' Police Department, have been retained for the appropriate time as specified under Ark. Code Ann. §§ 14-2-204 and 12-12-104, and § 2-1 of the City of Rogers Code of Ordinances. The records, as identified in the schedule attached hereto, covering the time period as stated in said schedule, are to be destroyed in December, 2021, by shredding said records.

Signature
Council Member

Date

 12/7/2021
Signature
Chief of Police
Performing Destruction

Approval by City Council noted in council minutes dated: _____

To be filled out on date of Destruction:

On this _____ day of _____, 2021, records as noted were destroyed.

Witness: _____ Date: _____
City Clerk

RECORDS FOR DESTRUCTION 2021

2010 Adult Incidents
2010 Juvenile Incidents
2011 Adult Incidents
2011 Juvenile Incidents
2012 Adult Incidents
2012 Juvenile Incidents
2013 Admin Testing Files
2013 Adult Incidents
2013 Juvenile Incidents
2013 Records Checks
2013 Records Files
2013 Tickets
2014 FOI Requests
2014 GI Boards
2014 Adult Incidents
2014 Juvenile Incidents
2014 Records Checks
2014 Records Files
2014 Subpoenas
2014 Tickets
2015 FOI Requests
2015 GI Boards
2015 Incidents
2015 Records Checks
2015 Records Files
2015 Ticketbooks
2015 Tickets
2016 GI Boards
2016 Juvenile Incidents
2016 Records Checks
2016 Records Files
2016 Subpoenas
2017 FOI Request - Don Davis
2017 FOI Requests
2017 GI Boards
2017 Juvenile Incidents
2017 Records Checks
2017 Records Files
2000 - 2017 Juvenile Expungement
Cases (See Attached List)

RESOLUTION NO. R21-_____

A RESOLUTION WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF A NEW TYPE 1 AMBULANCE FROM BRAUN AMBULANCE CORPORATION OF VAN WERT, OHIO, FOR USE BY THE ROGERS FIRE DEPARTMENT; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR SAID PURCHASE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Fire Department needs to purchase a replacement Type 1 ambulance for use by the department;

WHEREAS, this purchase was budgeted in the City of Rogers' 2022 Budget; and

WHEREAS, Braun Ambulance Corporation of Van Wert, Ohio, can provide the vehicle with the specifications necessary to the Rogers Fire Department.

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Braun Ambulance Corporation of Van Wert, Ohio, in an amount not to exceed two hundred seventy thousand dollars (\$270,000.00) for the purchase of an ambulance for the Rogers Fire Department;

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of the vehicle for use by the Rogers Fire Department;

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.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Tom Jenkins, Chief of Fire
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

RESOLUTION NO. 21-_____

A RESOLUTION WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF A RECORDS MANAGEMENT SOFTWARE FROM ESO SOFTWARE OF AUSTIN, TEXAS, FOR USE BY THE ROGERS FIRE DEPARTMENT; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR SAID PURCHASE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Fire Department needs to replace its existing records management software as it was recently purchased by ESO Software of Austin, Texas and will be unsupported in 2022;

WHEREAS, this purchase is budgeted in the City of Rogers' 2022 Budget; and

WHEREAS, ESO Software of Austin, Texas bought Firehouse Software who operates the Rogers Fire Department's current records management software. That system will be unsupported in 2022; however, ESO Software's system will integrate into current data sets.

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with ESO Software of Austin, Texas, in an amount not to exceed twenty-five thousand dollars (\$25,000.00) for the purchase of records management software for use by the Rogers Fire Department;

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of records management software for use by the Rogers Fire Department;

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.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Tom Jenkins, Chief of Fire
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety 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 the 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 the 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: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

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: \$1,500.00 per parking space annually

ORDINANCE NO. 21-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM RMF-9A (PUD) TO RMF-12B, 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 December 7, 2021, the City Council has found that certain lands hereinafter described are better suited for RMF-12B zoning.

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

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as RMF-12B and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Lots 14G, 14H, & 14I of the Final Plat of The Peaks Phase 2, as shown on Plat Book 2017, Page 492, and also Lot 14N of the Re-Plat of Lot 14F, The Peaks Phase 2 as shown on Instrument L202172146 in the Official Records of the Circuit Clerk of Benton County, Arkansas.

LAYMAN'S DESCRIPTION:

± 7.54 acres South of the intersection of S. Everest Ave. and W. Everest Ave.

SECTION 3: Zoning. That the above described lands are better suited for RMF-12B than RMF-9A (PUD) zoning and same should be and are hereby zoned RMF-12B.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between McClelland Consulting Engineers, Inc. and the City of Rogers, as approved by the Rogers Planning Commission on December 7, 2021, 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 _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Adam Osweiler

Prepared By: Amber Long, Planner

For Consideration By; Community Environment & Welfare Committee

ORDINANCE NO. 21-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY REAFFIRMING THE ZONE OF CERTAIN LANDS AS RMF-9.5B, 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 December 7, 2021, the City Council has found that certain lands hereinafter described as, and zoned RMF-9.5B, shall remain zoned as such.

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

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as RMF-9.5B and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Lot 50 of the Grove Phase III, Rogers, Benton County, Arkansas.

LAYMAN'S DESCRIPTION:

±24.78 acres SE of the intersection of W. Broadway Pl. and S. Dixieland Rd.

Parcel Number: 02-22266-025

SECTION 3: Zoning. That the above described lands are zoned for RMF-9.5B and same shall continue.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between McClelland Consulting Engineers, Inc. and the City of Rogers, as approved by the Rogers Planning Commission on December 7, 2021, 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 _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Adam Osweiler

Prepared By: Amber Long, Planner

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-2 TO C-4, 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 16, 2021, the City Council has found that certain lands hereinafter described are better suited for C-4 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-4 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A part of Lot 1 of Banz 5th Addition, a subdivision to the City of Rogers, Benton County, Arkansas, as show in plat record book "O" at page 221 and filed for record on the 3rd day of April, 1974, and being described as follows: commencing at the NW corner of Lot 1 of Banz 5th Addition, said point being a hole in the concrete of an existing drainage ditch; thence South 88 degrees 44 minutes 45 seconds East 99.56 feet to the true point of beginning, said point being in a set PK nail drilled inside of a chiseled box on the concrete of an existing parking lot; thence South 88 degrees 44 minutes 45 seconds East 135.96 feet to a found iron pin; thence along a curve to the right with a delta angle of 88 degrees 37 minutes 49 seconds West 260.01 feet to a drilled hole inside of a chiseled box on the concrete the existing drainage ditch, thence North 00 degrees 01 minutes 05 seconds East 10.00 feet; thence South 88 degrees 37 minutes 49 seconds East 97.29 feet; thence North 01 degrees 00 minutes 18 seconds East 132.28 feet to the true point of beginning, containg 0.548 acres and hereafter to be known as Lot 1B of Banz 5th Addition to the City of Rogers, Benton County, Arkansas.

LAYMAN'S DESCRIPTION:

2212 S 8th Street

SECTION 3: Zoning. That the above described lands are better suited for C-4 than C-2 zoning and same should be and are hereby zoned C-4.

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: Donna Welsh

Prepared By: Nick Little, Planner

For Consideration By; Community Environment & Welfare Committee