



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

***AMENDED AMENDED* COMMITTEE SCHEDULE**

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: January 11, 2022

The following committee meetings will be held on **Tuesday, January 11, 2022** prior to the City Council Meeting:

05:00 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall) **Committee Room 2 OR via ZOOM**
<https://us02web.zoom.us/j/81777458698> OR by phone (312)626-6799 ID: 817 7745 8698

To Discuss: (a) A Resolution Waiving Competitive Bidding For A Software License From
The Environmental Systems Research Institute, Inc. Of Redlands, California

05:10 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear) **Committee**
Room 2 OR via ZOOM <https://us02web.zoom.us/j/81777458698> OR by phone (312)626-6799 ID: 817 7745
8698

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

05:10 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Legere, Townzen) **Committee Room 1 OR**
via ZOOM <https://us02web.zoom.us/j/87807115253> OR by phone (312)626-6799 ID: 878 0711 5253

To Discuss: (a) A Resolution Scheduling A Public Hearing Concerning The Vacation Of A
Platted But Unused Alley In The Revised Hillcrest Addition
(b) A Resolution Scheduling A Hearing Concerning The Vacation Of A Certain
Portion Of West Capitol Avenue
(c) A Resolution Scheduling A Hearing Concerning The Vacation Of A Certain
Portion Of An Undeveloped Street Right-Of-Way Originally Platted As
Linden Street On The West Side Of Monte Ne Road

05:20 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall) **Community Room OR via**
ZOOM <https://us02web.zoom.us/j/87337664534> OR by phone (312)626-6799 ID: 873 3766 4534

To Discuss: (a) An Ordinance Authorizing An Amendment To The City Of Rogers' Franchise
Agreement With Orion Waste Solutions; To Approve A Fee Increase For
Solid Waste Disposal That Is Proportional To Cost Increases

05:40 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes)
Community Room OR via ZOOM <https://us02web.zoom.us/j/87337664534> OR by phone (312)626-6799
ID: 873 3766 4534

To Discuss: (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain
Lands From R-DP To NBT (Agostini: 409 N. 6th St.) [Staff Report](#)
(b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain
Lands From R-DP To NBT (DBD Blessings: 510 N. 6th St.) [Staff Report](#)

- (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To NR (Yahusz: 5593 S Bellview Road) [Staff Report](#)

- (d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To N-R (Visitor Center: ± 2.06 acres located on W Pleasant Grove Rd. between S 45th and S 43rd Streets) [Staff Report](#)

- (e) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-O To C-2 (Hounds: 1201 S. 43rd Street) [Staff Report](#)

- (f) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 & C-2 To RMF-8A, Accepting The Density Concept Plan (Village at Pinnacle Hills: 4.06± acres at the NE corner of S. Everest Avenue and W. Everest Avenue) [Staff Report](#)

- (g) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-21B To RMF-12B, Accepting The Density Concept Plan (ATRE 28th Street: ± 23.52 acres at 5308 S 28th Pl.) [Staff Report](#)



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

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

JANUARY 11, 2022
6:30 PM

Join via ZOOM <https://us02web.zoom.us/j/87807115253> or by phone (312)626-6799 ID: 878 0711 5253

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. December 14, 2021

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. RES. Re: Waiving Competitive Bidding For A Software License FINANCE
From The Environmental Systems Research Institute, Inc. COMMITTEE
Of Redlands, California
2. RES. Re: Authorizing The Destruction Of Certain Records Of The RESOURCES &
City Of Rogers' Legal Department POLICY
COMMITTEE
3. RES. Re: Scheduling A Public Hearing Concerning The Vacation Of TRANSPORTATION
A Platted But Unused Alley In The Revised Hillcrest COMMITTEE
Addition
4. RES. Re: Scheduling A Hearing Concerning The Vacation Of A TRANSPORTATION
Certain Portion Of West Capitol Avenue COMMITTEE
5. RES. Re: Scheduling A Hearing Concerning The Vacation Of A TRANSPORTATION
Certain Portion Of An Undeveloped Street Right-Of-Way COMMITTEE
Originally Platted As Linden Street On The West Side Of
Monte Ne Road

- | | | | |
|-----|----------|--|--|
| 6. | ORD. Re: | Authorizing An Amendment To The City Of Rogers' Franchise Agreement With Orion Waste Solutions; To Approve A Fee Increase For Solid Waste Disposal That Is Proportional To Cost Increases | PUBLIC WORKS
COMMITTEE |
| 7. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Agostini: 409 N. 6th St.) Staff Report | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 8. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (DRD Blessings: 510 N. 6th St.) Staff Report | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 9. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To NR (Yahusz: 5593 S Bellview Road) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 10. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To N-R (Visitor Center: ± 2.06 acres located on W Pleasant Grove Rd. between S 45th and S 43rd Streets) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 11. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-O To C-2 (Hounds: 1201 S. 43rd Street) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 12. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 & C-2 To RMF-8A, Accepting The Density Concept Plan (Village at Pinnacle Hills: 4.06± acres at the NE corner of S. Everest Avenue and W. Everest Avenue) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 13. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-21B To RMF-12B, Accepting The Density Concept Plan (ATRE 28 th Street: ± 23.52 acres at 5308 S 28th Pl.) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION R22-_____

**A RESOLUTION WAIVING COMPETITIVE BIDDING FOR A SOFTWARE LICENSE FROM
THE ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. OF REDLANDS,
CALIFORNIA; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers has purchased several licenses for certain municipal and utility management software known as Cityworks;

WHEREAS, a three year license from Environmental Systems Research Institute (“ESRI”), Inc., of Redlands, California, for GIS mapping is required for Cityworks;

WHEREAS, soliciting bids for Cityworks would not produce competitive bids as ESRI, Inc. is already used by the City; however, a more expansive license is required to allow more users that will include RWU;

WHEREAS, it is advantageous to purchase this license as part of a joint procurement with RWU. Both RWU and the City will equally share in the cost to purchase this license;

WHEREAS, the Rogers Waterworks and Sewer Commission has passed its Resolution No. 21-34, waiving the requirements of competitive bidding for purchase of the ESRI license and authorizing RWU to enter into a Joint Procurement Agreement with the City; and

WHEREAS, City staff and RWU have negotiated the terms of a Joint Procurement Agreement for Purchase of Cityworks Software Licenses and Implementation Services.

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

Section 1: The Mayor and City Clerk are authorized to enter into a three-year Small Government Term Enterprise License Agreement with ESRI, Inc., of Redlands, California, on behalf of the City and RWU, subject to the terms of the Joint Procurement Agreement with RWU;

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 purchase of the Cityworks software licenses;

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 of the City Council, or parts of Resolutions of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this ____ day of _____ 2022.

APPROVED:

C. GREG HINES,
Mayor

Attest:

JESSICA RUSH, City Clerk
Requested by: Casey Wilhelm, Director of Finance
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION R22- _____

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

WHEREAS, the City of Rogers Legal Department desires to destroy certain archived court records to create space for current court records; 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' Senior Staff Attorney may destroy the following records of the City of Rogers' Legal Department, pursuant to Ark. Code Ann. §16-10-211:

- (a) Audited records four years or older: bank reconciliations, check book registers and check listings, cancelled checks, bank statements, deposit collection records, receipt and disbursement journals, time payment records, citation books from the police department, served arrest warrants, copies of citations, alternate service or community service time sheets, uniform filing fees collection remittance forms and fine reports, miscellaneous fee and fine collection reports, and served or unexecuted search warrants.
- (b) Audited records seven years or older: completed case files and written exhibits, show cause orders, case information including arrest reports and affidavits, files concerning cases resulting in a suspended imposition of sentence.

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.

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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John M. Pesek, Rogers Legal Department

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Resources & Policy Committee

AFFIDAVIT OF DESTRUCTION OF LEGAL DEPARTMENT RECORDS

I, John M. Pesek, do hereby certify that the following records of the Rogers Legal Department, have been retained for at least seven (7) years as specified under Ark. Code Ann. § 16-10-211 and have been audited as required by law. The records listed below, covering the time period stated, are to be destroyed in April 2022 by burning/shredding said records.

TYPE OF RECORDS

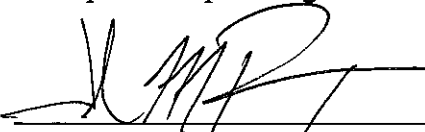
TIME PERIOD

Staff attorney/city attorney closed case files

2014

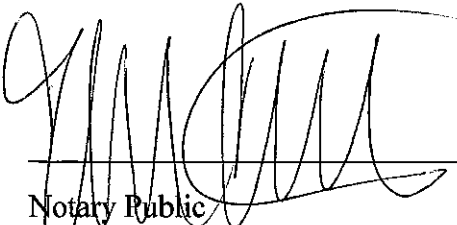
Receipts/Receipt listings

2014



Senior Staff Attorney
John M. Pesek

Subscribed and Sworn to me this 7 day of January, 2022.



Notary Public



RESOLUTION R22- ____

A RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING THE VACATION OF A PLATTED BUT UNUSED ALLEY IN THE REVISED HILLCREST ADDITION; DIRECTING NOTICE OF THE HEARING; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the Rogers' Code of Ordinance §14-523, a request by the adjoining land owner has been made to vacate a platted but unused ally between Lots 1 through 6, on the North side, and Lots 11 through 16, Block 6, Revised Hillcrest Addition within the corporate limits of the City of Rogers, Arkansas; said alley having a legal description as follows:

A PART OF AN EXISTING 10 FOOT WIDE ALLEY LOCATED SOUTH OF LOTS 1, 2, 3, 4, 5, 6, OF BLOCK 06 OF REVISED HILLCREST ADDITION AND NORTH OF LOTS 11 , 12, 13, 14, 15, 16, OF BLOCK 06 OF REVISED HILLCREST ADDITION, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SE CORNER OF LOT 1 OF BLOCK 06 OF SAID REVISED HILLCREST ADDITION AND RUNNING THENCE ALONG THE EAST LINE OF SAID REVISED HILLCREST ADDITION S 01° 05'45"W 10.00 FEET TO THE NE CORNER OF LOT 16 OF BLOCK 06 OF SAID REVISED HILLCREST ADDITION, THENCE LEAVING THE EAST LINE OF SAID REVISED HILLCREST ADDITION N 88°06'50"W 290.58 FEET, THENCE N 01°21'52"E 5.00 FEET TO A SET #4 REBAR, THENCE N 88°06'50"W 9.76 FEET TO A SET #4 REBAR, THENCE N 01°21'52"E 5.00 FEET TO THE SW CORNER OF LOT 06 OF BLOCK 06 OF SAID REVISED HILLCREST ADDITION, THENCE S 88°06'50"E 300.29 FEET TO THE POINT OF BEGINNING. CONTAINING 0.07 ACRES, MORE OR LESS.

WHEREAS, upon a request by an adjoining property owner where there exists an unused ally that has not been used as such for a period of five (5) years, the City shall set a date and time for a hearing before the City Council for the consideration of the vacation request.

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

Section 1: That the City Council shall hear said petition at its regular meeting to be held at the Rogers City Hall, 301 W. Chestnut Street, Rogers, Arkansas, on the 22nd day of February, 2022 at 6:30 p.m.;

Section 2: That the City Clerk is hereby directed to publish notice of said hearing for the time and in the manner prescribed by law and the Director of Community Development is directed to post notification in accordance with Rogers' City Code §14-523;

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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Community Development Director

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

RESOLUTION R22- _____

A RESOLUTION SCHEDULING A HEARING CONCERNING THE VACATION OF A CERTAIN PORTION OF WEST CAPITOL AVENUE; DIRECTING NOTICE OF THE HEARING; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Code of Ordinances, City of Rogers, §14-521, a request by the adjoining property owner has been made to vacate a portion of an existing street having the legal description as follows:

PART OF WEST CAPITOL AVENUE OF PINNACLE HEIGHTS, AS PER PLAT RECORD L202013247 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 5 OF SAID PINNACLE HEIGHTS, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF SOUTH PINNACLE HILLS PARKWAY THENCE ALONG SAID RIGHT-OF-WAY 72.51 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 460.00 FEET AND A LONG CHORD OF S41°47'41"E 72.44 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF WEST CAPITOL AVENUE; THENCE ALONG SAID RIGHT-OF-WAY S63°06'45"W 171.36 FEET; THENCE LEAVING SAID RIGHT-OF-WAY N27°19'36"W 70.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF WEST CAPITOL AVENUE; THENCE ALONG SAID RIGHT-OF-WAY N63°06'45"E 153.27 FEET TO THE POINT OF BEGINNING, CONTAINING 11,431 SQUARE FEET, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

WHEREAS, upon request for vacating a portion of a street by the adjoining land owner where the street has been unused for a period of five (5) years, this City Council shall set a date and time for a hearing before the City Council for consideration of the vacation request.

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

Section 1: A hearing on the vacation of the proposed street described herein is scheduled for and shall be held with the regularly scheduled City Council meeting on Tuesday, February 22nd at 6:30 p.m.;

Section 2: The City Clerk and Department of Community Development are hereby directed to publish and post notice as required under City of Rogers, Code of Ordinances, §14-521;

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

Section 4 - Repeal of Conflicting Resolutions: All 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 _____ 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Community Development Director

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

RESOLUTION R22- _____

A RESOLUTION SCHEDULING A HEARING CONCERNING THE VACATION OF A CERTAIN PORTION OF AN UNDEVELOPED STREET RIGHT-OF-WAY ORIGINALLY PLATTED AS LINDEN STREET ON THE WEST SIDE OF MONTE NE ROAD; DIRECTING NOTICE OF THE HEARING; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Code of Ordinances, City of Rogers, §14-521, a request by the City of Rogers has been made to vacate a portion of platted undeveloped street right-of-way having the legal description as follows:

PART OF LOT 9A OF MONTE NE TERRACE, UNIT ONE, A SUBDIVISION TO ROGERS, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 8, OF SAID MONTE NE TERRACE, UNIT ONE; THENCE ALONG THE EAST LINE OF LOT 9A, S 10°30'47" W, 86.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE, S 10°30'47" W, 100.54 FEET TO A POINT; THENCE LEAVING SAID EAST LINE AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND SUBTENDED BY A CHORD BEARING AND DISTANCES OF N 38°41'14" W, 32.67 TO A POINT; THENCE N 87°53'42" W, 128.68 FEET TO A POINT; THENCE N 00°24'54" E, 50.02 FEET TO A POINT; THENCE S 87°53'42" E, 137.57 FEET TO A POINT; THENCE AROUND LEFT HAVING A RADIUS OF 25.00 FEET AND SUBTENDED BY A CHORD BEARING AND DISTANCES OF N 51°19'02" E, 37.85 FEET TO THE POINT OF BEGINNING, CONTAINING 8161.9 SQ FEET, 0.187 OF AN ACRE, MORE OR LESS.

WHEREAS, upon request for vacating a portion of a street by the adjoining land owner where the street has been unused for a period of five (5) years, this City Council shall set a date and time for a hearing before the City Council for consideration of the vacation request.

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

Section 1: A hearing on the vacation of the proposed street described herein is scheduled for and shall be held with the regularly scheduled City Council meeting on Tuesday, February 22nd at 6:30 p.m.;

Section 2: The City Clerk and Department of Community Development are hereby directed to publish and post notice as required under City of Rogers, Code of Ordinances, §14-521;

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

Section 4 - Repeal of Conflicting Resolutions: All 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 _____ 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Community Development Director

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

ORDINANCE NO. 22-_____

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CITY OF ROGERS' FRANCHISE AGREEMENT WITH ORION WASTE SOLUTIONS; TO APPROVE A FEE INCREASE FOR SOLID WASTE DISPOSAL THAT IS PROPORTIONAL TO COST INCREASES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, Orion Waste Solutions, LLC has requested an increase in the fees for collection of residential garbage to account for a significant increase in operating costs;

WHEREAS, Orion Waste Solutions, LLC relies in part on 4.8 percent increase in transportation costs for the period November 2020 to November 2021 as set forth in the U.S. All Urban Consumers Indexes (CPI-U) for Transportation Garbage Collections published by the United States Department of Labor, Bureau of Statistics; and

WHEREAS, the proposed increases in rates are proportional to the increase in costs and consistent with the requirements of law and the provisions of the original franchise agreement designed to protect consumers against undue and excessive rate increases, and are as follows:

SERVICE	CURRENT	PROPOSED	DIFFERENCE
Curbside Garbage (96 Gallon Cart)	\$ 13.47	\$ 14.41	\$ 0.94
Curbside Recycle (64 Gallon Cart)	\$ 4.46	\$ 4.46	\$ 0.00
Total Monthly Service	\$ 17.93	\$ 18.87	\$ 0.94

LOW VOLUME SERVICE	CURRENT	PROPOSED	DIFFERENCE
Curbside Garbage (64 Gallon Cart)	\$ 12.99	\$ 13.90	\$ 0.91
Curbside Recycle (64 Gallon Cart)	\$ 4.46	\$ 4.46	\$ 0.00
Total Monthly Service	\$ 17.45	\$ 18.36	\$ 0.91

WHEREAS, Orion Waste Solutions, LLC is seeking a Convenience Center rate increase due to the increase in CPI-U and a rate increase in Waste Management's landfill services. The Convenience Center rate increase is as follows:

	CURRENT	PROPOSED	DIFFERENCE
Residential Carload	\$6.50	\$7.46	\$ 0.96
Residential Truck load	\$11.00	\$12.63	\$ 1.63
Residential Large Truck load	\$15.50	\$17.79	\$ 2.29
Price per Cubic Yard	\$11.00	\$12.63	\$ 1.63
Minimum Dump Fee	\$50.00	\$57.40	\$ 7.40
Trash Bag	\$2.10	\$2.41	\$ 0.31

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

Section 1: The Mayor and City Clerk may execute an amendment to the City of Rogers' franchise agreement with Orion Waste Solutions, LLC titled "The Agreement for the Collection and

Transfer of Residential Solid Waste and Recyclable Materials” entered into on December 31, 2015, adopted by City of Rogers Ordinance No. 16-01, and codified in Appendix A, Article III, Division 1 of the Code of Ordinances, City of Rogers, Arkansas;

Section 2: The amendment to the City of Rogers’s franchise agreement with Orion Waste Solutions, LLC described in Section 1 is attached as Exhibit “A;”

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 - 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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Request By: C. Greg Hines, Mayor
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Works Committee

EXHIBIT “A”

Amendment to Agreement for the Collection and Transfer of Residential Solid Waste and Recyclable Materials

Pursuant to Section II (k) of the “Agreement for the Collection and Transfer of Residential Solid Waste and Recyclable Materials” (“Original Agreement”) this Amendment to the Original Agreement is entered into this ____ day of ____, 2022 amended by and the City of Rogers, Arkansas (“the City”) and Orion Waste Solutions, LLC (“the Contractor”). The provisions of this Amendment to the Original Agreement shall become effective on January 11, 2022.

Subsection (m) of Section III and Subsections (a) and (b) of Section IV of the Original Agreement are amended to alter the rates of service, and shall read as follows:

Section III. – General services, operations and performance.

(m) *Local facility.* The contractor shall establish and maintain a local facility to serve as the base of operations within 20 miles of the city limits, by the effective date of this agreement. All trucks and other equipment to be used in connection with the agreement shall be kept at the customer location or at the local facility in order to permit expeditious service response. The contractor shall provide adequate telephone communications; shall have a local telephone number, and, shall have at least two people available to receive calls during normal business hours 9:00 a.m. to 4:30 p.m., at least five days a week, including Saturday. The contractor and/or the office personnel shall maintain some form of telecommunications with the operations personnel during operations hours. This facility shall include a transfer station where residents can take items of trash, including bulk waste items, for disposal, and a recycling center to process the recyclables collected in the city. This transfer station shall be open at least five days a week, including Saturday. Rates charged for disposal of items shall be as follows:

Residential Carload	\$7.46
Residential Truck Load	\$12.63
Residential Large Truck Load	\$17.79
Price per Cubic Yard	\$12.63
Minimum Dumping Fee	\$57.40
Trash Bag	\$2.41

Section IV. - Residential services, operations and performance.

(a) Solid waste services for residents.

Base fee service. The contractor shall provide residential solid waste collection and transfer services for all residential customers located within the service areas of this agreement one time per week using container bins on wheels, which will be limited to one container bin weekly of either a 64-gallon or 96-gallon capacity. The base fee charged to customers shall be:

64-gallon recycling container-cart: \$4.46

96-gallon solid waste container: \$14.41

64-gallon solid waste container: \$13.90

(b) **Residential collections.**

Recycle bin collection. One time per week curbside collection of residential recycling shall be provided as a tandem service to the one time per week solid waste collection service outlined above for those customers. The customer will be instructed to set out recycle bins under the same placement rules as for the set out of solid waste. The contractor shall be responsible to provide an inventory of recycling bins sufficient to provide for all customers who are in the city.

Recyclable materials. Customers will be permitted to recycle newspapers, magazines, plastic bottle containers, aluminum and tin cans and cardboard. Educational brochures will instruct customers how to prepare items.

Yard waste services. Residents are encouraged to manage yard wastes on-site using techniques such as backyard composting and mulching mowers to the greatest extent possible. However, residential yard waste collection will be provided by contractor at an extra cost to residents through purchase of special green bags at a cost of \$2.30 per green bag, which shall be picked up on the same day as solid waste. Any increase in the price charged for these special bags must be approved by the city council.

Bulky waste pickup. The contractor shall provide bulky waste pickup service for all customers at least one day a month. Items to be included in the bulky waste pickup shall be negotiated between the contractor and the city and publicized to all residents of the city.

Leaf pickup. The contractor shall provide pickup of leaves at least once on each route during the fall months, and shall advertise the date of such pickup in advance.

Extra trash following Christmas. Contractor shall make provisions to pick up extra trash on the pickup date following the Christmas holiday.

In no other way whatsoever is the Residential Solid Waste and Recycling Agreement amended or modified, and the parties hereto adopt, repeat, and reaffirm all other provisions of that Original Agreement as previously amended.

IN WITNESS WHEREOF, the parties set their hands and seals this _____ day of _____, 2022.

CITY OF ROGERS

ORION WASTE SOLUTIONS, LLC

By: _____
C. Greg Hines, Mayor

By: _____

Attest:

Jessica Rush, City Clerk

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM R-DP 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 December 21, 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:

Lots 2 and 3, Block 1, Oakview Addition, to the City of Rogers, Benton County, Arkansas. Subject to existing easements, mineral reservations and/or conveyances, and restrictions of record, if any.

LAYMAN'S DESCRIPTION:

409 N. 6th St.

SECTION 3: Zoning. That the above described lands are better suited for NBT than R-DP 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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Request By: Michael J. Agostini

Prepared By: Amber Long

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM R-DP 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 December 21, 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:

Lots 15, 18 & 19 Hardins Addition and the Easterly 10 feet of a 20 foot wide vacated alley located along the West boundary of said lots 15, 18 & 19, to the City of Rogers, Arkansas, as shown on plat of record in plat book A and page 44, plat records of Benton County, Arkansas.

LAYMAN'S DESCRIPTION:

510 N 6th Street

SECTION 3: Zoning. That the above described lands are better suited for NBT than R-DP 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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Request By: Will Kellstrom

Prepared By: Nick Little

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO NR, 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 January 4, 2022, the City Council has found that certain lands hereinafter described are better suited for NR 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:

PART OF THE NW/4 OF THE NW/4 OF SECTION 34 T-19-N R-30-W BENTON COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NW CORNER OF SAID SECTION 34 SAID NW CORNER LYING IN THE CENTERLINE OF AN EXISTING COUNTY ROAD RUN S00(DEGREES)17' 49"E 460 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING THENCE N89(DEGREES) 30'50"E 363 FEET THENCE S00(DEGREES) 17' 49"E 300 FEET THENCE S89(DEGREES) 30'50"W 363 FEET TO THE CENTERLINE OF SAID COUNTY ROAD THENCE N00(DEGREES) 17'49"W 300 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHT-OF-WAY OF SAID COUNTY ROAD. ALSO: A PART OF THE NW/4 OF THE NW/4 OF SECTION 34 T-19-N R-30-W BENTON COUNTY ARKANSAS BEING MORE PARTICULARLY DESCRIBED BY A PLAT OF SURVEY.

LAYMAN'S DESCRIPTION:

5593 S Bellview Road

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

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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Request By: Burke Larkin

Prepared By: Nick Little

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO N-R, 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 January 4, 2022, the City Council has found that certain lands hereinafter described are better suited for N-R zoning.

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

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

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

PROPERTY DESCRIPTION:

Parcels #02-02087-575

TRACT 5: TRACT 3 OF A REPLAT OF TRACTS 1 AND 2 FOR PAMELA MARCHANT FILED IN PLAT RECORD BOOK "P4" AT PAGE 747 OF THE RECORDS OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: A PART OF TRACT 1 OF A TRACT SPLIT FOR PAMELA MARCHANT FILED IN BOOK "PI" AT PAGE 78 ON JUNE 11, 1998 IN BENTON COUNTY RECORDS, BEING LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 19 NORTH, RANGE 30 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT A FOUND 5/8" REBAR FOR THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE N 89° 25' 12" W, 1131.78 FEET TO A POINT LYING IN PLEASANT GROVE ROAD FOR THE POINT OF BEGINNING; THENCE SO1* 20' 14" E, 299.72 FEET TO A SET 5/8" REBAR; THENCE N 89° 03' 51" W, 200.00 FEET TO A SET 5/8" REBAR; THENCE N 01° 20' 45" W, 298.48 FEET TO A POINT LYING IN PLEASANT GROVE ROAD; THENCE S 89° 25' 12" E, 200.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.37 ACRES, MORE OR LESS AND SUBJECT TO ANY EASEMENTS AND OR RIGHTS-OF-WAY OF RECORD OR FACT. SUBJECT TO PROTECTIVE COVENANTS AND EASEMENTS, IF ANY. LESS AND EXCEPT: COMMENCING AT THE NW CORNER OF THE SE ¼ OF THE SE ¼ OF SECTION 28, T-1 9-N, R- 30-W, THENCE SOUTH 86°32'55" EAST - 193.42 FEET TO THE NE CORNER OF SAID TRACT 3 SOUTH 1°32'03" WEST -40.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY LINE OF PLEASANT GROVE ROAD AS DEDICATED BY NAT P4-747 FOR THE POINT OF BEGINNING, THENCE CONTINUING ALONG THE EAST LINE OF SAID TRACT 3 SOUTH 1°32'03" WEST -40.72 FEET; THENCE LEAVING SAID EAST LINE NORTHWESTERLY ALONG A CURVE CONCAVE TO THE SW A DISTANCE OF 202.73 FEET, SAID CURVE HAVING A RADIUS OF 989.00 FEET AND WHOSE CHORD BEARS NORTH 77°50'24" WEST -203.37 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 3; THENCE ALONG WEST LINE OF SAID TRACT 3 NORTH 1°31'32" EAST - 9.91 FEET TO A POINT ON SAID EXISTING SOUTH RIGHT OF WAY LINE; THENCE ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE SOUTH 86°32'55" EAST -200.00 FEET TO THE POINT OF BEGINNING, CONTAINING 4,348 SQUARE FEET OR 0.10 ACRES, MORE OR LESS.

Parcel # 02-02087-561

TRACT 8: TRACT 1A OF A REPEAT OF TRACTS 1 AND 2 FOR PAMELA MARCHANT FILED IN PLAT RECORD BOOK P4 AT PAGE 747 OF THE RECORDS OF BENTON COUNTY, ARKANSAS, DESCRIBED AS A PART OF TRACT 1 OF A TRACT SPLIT FOR PAMELA MARCHANT FILED IN BOOK PI AT PAGE 78, PLAT RECORDS OF BENTON COUNTY, ARKANSAS, BEING LOCATED IN THE S 1/2 OF THE SE 1/4 OF SECTION 28, T-19-N, R-30-W, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND 518" REBAR FOR THE NE CORNER OF SAID S 1/2 OF THE SE 1/4; THENCE N 89° 25' 12" W, 916.98 FEET TO THE POINT OF BEGINNING; THENCE S 00° 17' 47" E, 300.89 FEET TO A FOUND 5/8" REBAR; THENCE N 89° 03' 51" W, 209.38 FEET TO A SET 5/8" REBAR; THENCE N 01° 20' 14" W, 299.72 FEET TO A POINT LYING IN PLEASANT GROVE ROAD; THENCE S 89° 25' 12" E, 214.80 FEET, TO THE POINT OF BEGINNING, CONTAINING 1.46 ACRES, MORE OR LESS AND SUBJECT TO ANY EASEMENTS AND OR RIGHTS-OF-WAY OF RECORD OR FACT. SUBJECT TO

PROTECTIVE COVENANTS AND EASEMENTS, IF ANY. LESS AND EXCEPT: COMMENCING AT THE NW CORNER OF THE SE 1/4 OF THE SE 1/4 OF SECTION 28, T-19-N, R-30-W, THENCE SOUTH 86°32'55" EAST - 193.42 FEET TO THE NW CORNER OF SAID TRACT 1 A, THENCE ALONG THE WEST LINE OF SAID TRACT 1 A SOUTH 1°32'03" WEST - 40.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY LINE OF PLEASANT GROVE ROAD AS DEDICATED BY PLAT P4-747 FOR THE POINT OF BEGINNING, THENCE ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE SOUTH 86°32'55" EAST - 214.07 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 1A; THENCE ALONG SAID EAST LINE SOUTH 2°34'30" WEST - 124.37 FEET; THENCE LEAVING SAID EAST LINE NORTHWESTERLY ALONG A CURVE CONCAVE TO THE SW A DISTANCE OF 230.87 FEET, SAID CURVE HAVING A RADIUS OF 989.00 FEET AND WHOSE CHORD BEARS NORTH 65°15'05" WEST - 230.34 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 1A; THENCE ALONG SAID WEST LINE NORTH 1°32'03" EAST - 40.72 FEET TO THE POINT OF BEGINNING, CONTAINING 16,587 SQUARE FEET OR 0.38 ACRES, MORE OR LESS. LESS AND EXCEPT: A PART OF TRACT 1A OF A REPEAT OF TRACTS 1 AND 2 FOR PAMELA MARCHANT AS SHOWN ON PLAT RECORD P4-747, BENTON COUNTY, ARKANSAS AND BEING A PORTION OF THAT PROPERTY DESCRIBED IN DEED RECORD 201065951-56 OF THE RECORDS OF THE CIRCUIT CLERK AND RECORDER OF BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NW CORNER OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 28, THENCE SOUTH 86°32'55" EAST - 408.22 FEET, THENCE SOUTH 2°34'30" WEST -

164.37 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 2°34'30" WEST - 108.06 FEET; THENCE NORTH 25°03'09" WEST - 25.98 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE TO THE NE A DISTANCE OF 84.91 FEET, SAID CURVE HAVING A RADIUS OF 118.50 FEET AND WHOSE CHORD BEARS NORTH 4°31'32" WEST - 83.11 FEET; THENCE NORTHEASTERLY ALONG A SECOND CURVE CONCAVE TO THE NW A DISTANCE 14.19 FEET, SAID CURVE HAVING A RADIUS OF 40.00 FEET AND WHOSE CHORD BEARS NORTH 5°50'30" EAST - 14.11 FEET; THENCE SOUTHEASTERLY ALONG A THIRD CURVE CONCAVE TO THE SW A DISTANCE OF 24.41 FEET, SAID CURVE HAVING A RADIUS OF 989.00 FEET AND WHOSE CHORD BEARS SOUTH 59°16'LS" EAST - 24.41 FEET TO THE POINT OF BEGINNING, CONTAINING 2,155 SQUARE FEET (0.05 ACRES), MORE OR LESS, BENTON COUNTY, ARKANSAS.

LAYMAN'S DESCRIPTION:

± 2.06 acres located on W Pleasant Grove Rd. between S 45th and S 43rd Streets

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

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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Request By: Kaitlin Parker

Prepared By: Amber Long

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM R-O TO C-2, 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 January 4, 2022, the City Council has found that certain lands hereinafter described are better suited for C-2 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-2 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF LOT 11 OF THE FARMS COMMERCIAL SUBDIVISION, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 2008, PAGE 58 OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NW CORNER OF SAID LOT 11, THENCE S86°51' 27"E 231.11 FEET, THENCE S02°14' 00"W 220.94 FEET, THENCE N86°45' 43"W 234.62 FEET TO THE EAST RIGHT-OF-LINE LINE OF S. 43RD STREET, THENCE ALONG SAID EAST RIGHT-OF-LINE N03°08' 33"E 220.52 FEET TO THE POINT OF BEGINNING, CONTAINING 51,396.34 SQUARE FEET OR 1.18 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVES COVENANTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

1201 S. 43rd Street

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

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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Request By: Grant Cox

Prepared By: Nick Little

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 & C-2 TO RMF-8A, 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 January 4, 2022, the City Council has found that certain lands hereinafter described are better suited for RMF-8A 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-8A and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

DESCRIPTION PART OF PARCEL 02-01694-230

PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 22;
THENCE ALONG THE SOUTH LINE THEREOF N86°48'42"W 461.04 FEET;
THENCE LEAVING SAID SOUTH LINE N02°44'59"E 296.22 FEET;
THENCE S86°48'33"E 127.26 FEET;
THENCE N02°44'59"E 367.10 FEET;
THENCE S86°49'43"E 334.01 FEET TO THE EAST LINE OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 22;
THENCE ALONG SAID EAST LINE S02°46'08"W 663.41 FEET TO THE POINT OF BEGINNING, CONTAINING 5.95 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

DESCRIPTION PARCEL 02-01694-264

PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 22;
THENCE ALONG THE EAST LINE THEREOF N02°46'08"E 663.41 FEET TO THE POINT OF BEGINNING;
THENCE LEAVING SAID EAST LINE N86°49'43"W 630.78 FEET;
THENCE N02°43'00"E 659.08 FEET TO THE NORTH LINE OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 22;
THENCE ALONG SAID NORTH LINE S86°57'51"E 631.36 FEET TO THE NORTHEAST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 22;

THENCE ALONG THE EAST LINE THEREOF S02°46'08"W 660.57 FEET TO THE POINT OF BEGINNING, CONTAINING 9.56 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY WEST PERRY ROAD ALONG THE NORTH AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

4.06± acres at the NE corner of S. Everest Avenue and W. Everest Avenue

SECTION 3: Zoning. That the above described lands are better suited for RMF-8A than A-1 & C-2 zoning and same should be and are hereby zoned RMF-8A.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between Cottages at Pinnacle Hills, LLC and the City of Rogers, as approved by the Rogers Planning Commission on January 4, 2022, 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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Request By: Taylor Lindley

Prepared By: Nick Little

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO.22- _____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM RMF-21B 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 January 4, 2022, 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:

Parcel#02-02087-323

AS-SURVEYED LEGAL DESCRIPTION - TRACT "A"
--

PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) AND PART OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 30 WEST, FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID NE1/4 OF THE SW1/4; THENCE ALONG THE SOUTH LINE OF SAID NE1/4 OF THE SW1/4, N87°04'32"W 58.66 FEET TO A SET 5/8-INCH REBAR WITH CAP MARKED "PLS 1759"; THENCE DEPARTING SAID SOUTH LINE, N03°13'16"E CROSSING A FOUND 5/8-INCH REBAR WITH CAP MARKED "BATES" AT A DISTANCE OF 653.66 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 654.23 FEET; THENCE S87°11'11"E, AT 58.66 FEET PASS THE EAST LINE OF SAID NE1/4 OF THE SW1/4, CONTINUING A TOTAL DISTANCE OF 457.39 FEET TO A FOUND 5/8-INCH REBAR WITH CAP MARKED "PLS 786" ON THE WESTERLY RIGHT-OF-WAY OF INTERSTATE I-49, FOR THE POINT OF BEGINNING;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY, N87°11'11"W, AT 398.73 FEET PASS THE EAST LINE OF SAID NE1/4 OF THE SW1/4, CONTINUING A TOTAL DISTANCE OF 1190.66 FEET TO A FOUND 1/2-INCH REBAR; THENCE N02°10'41"E 296.96 FEET TO A FOUND 5/8-INCH REBAR WITH CAP; THENCE S87°11'04"E, AT 797.33 FEET PASS THE EAST LINE OF SAID NE1/4 OF THE SW1/4, CONTINUING A TOTAL DISTANCE OF 1006.77 FEET TO FOUND 5/8-INCH REBAR WITH CAP MARKED "PLS 529" ON THE WESTERLY RIGHT-OF-WAY OF INTERSTATE I-49; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY, S30°49'56"E 119.88 FEET TO A FOUND 1-1/2-INCH ALUMINUM ARDOT MONUMENT; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY, S28°40'52"E 231.17 FEET TO THE POINT OF BEGINNING, CONTAINING 326,756 SQUARE FEET OR 7.50 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

Parcel#02-02087-324

AS-SURVEYED LEGAL DESCRIPTION - TRACT "B"
--

PART OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 30 WEST, FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID NE1/4 OF THE SW1/4; THENCE ALONG THE SOUTH LINE OF SAID NE1/4 OF THE SW1/4, N87°04'32"W 58.66 FEET TO A SET 5/8-INCH REBAR WITH CAP MARKED "PLS 1759" FOR THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTH LINE, N87°04'32"W 733.25 FEET TO A FOUND CHISELED "X" IN CONCRETE; THENCE DEPARTING SAID SOUTH LINE, N03°13'12"E 652.81 FEET TO A FOUND 1/2-INCH REBAR; THENCE S87°11'11"E 733.27 FEET; THENCE S03°13'16"W CROSSING A FOUND 5/8-INCH REBAR WITH CAP MARKED "BATES" AT A DISTANCE OF 0.57 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 654.23 FEET TO THE POINT OF BEGINNING, CONTAINING 479,191 SQUARE FEET OR 11.00 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

Parcel#02-02087-322

And 300' off the western property line of:

SURVEY DESCRIPTION:

PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) AND A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NE CORNER OF THE NW1/4 OF THE SE1/4 OF SAID SECTION 27; THENCE S00°30'22"W 666.80 FEET; THENCE N89°33'34"W 558.74 FEET; THENCE N89°04'16"W 354.85 FEET; THENCE N30°57'22"W 230.99 FEET; THENCE N33°01'53"W 120.14 FEET TO THE POINT OF BEGINNING; THENCE N89°22'46"W 1006.35 FEET; THENCE N00°01'38"W 370.92 FEET; THENCE S89°27'58"E 745.10 FEET TO THE WESTERLY RIGHT-OF-LINE OF S. 28TH PLACE; THENCE ALONG SAID WESTERLY RIGHT-OF-LINE THE FOLLOWING COURSES: S08°11'00"E 28.71 FEET; THENCE S45°04'33"E 128.78 FEET; THENCE S33°01'53"E 304.778 FEET TO THE POINT OF BEGINNING, CONTAINING 326,519.05 SQUARE FEET OR 7.50 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

± 23.52 acres at 5308 S 28th Pl.

SECTION 3: Zoning. That the above described lands are better suited for RMF-12B than RMF-21B 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 Alta Terra Real Estate and the City of Rogers, as approved by the Rogers Planning Commission on January 4, 2022, 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: Amendment. Alta Terra Real Estate's Density Concept Plan is amended to include a gate at the rear entrance located on the west side of the development that will connect to the stub out in the Pleasant Acres subdivision. The gate will be locked and will provide access only to emergency services. The design for the connection, the gate, and its locking mechanism must meet approval of the City Engineer and the Rogers Fire Department.

SECTION 6: 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 7: 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 8: 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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Request By: Ryan Gill/Kelsey Kreher

Prepared By: Amber Long

For Consideration By: Community Environment & Welfare Committee