



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

## COMMITTEE SCHEDULE

TO: MAYOR  
CITY COUNCIL  
DEPARTMENT HEADS  
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: September 27, 2022

The following committee meetings will be held on **Tuesday, September 27, 2022** prior to the City Council Meeting:

**05:40 p.m. - PUBLIC WORKS COMMITTEE:** (Townzen\*, Brashear, Kendall)

**Committee Room #2** OR <https://us02web.zoom.us/j/84860561686> OR (312)626-6799 ID: 848 6056 1686

To Discuss: (a) RWU Monthly Report

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

**Committee Room #1** OR <https://us02web.zoom.us/j/89115799246> OR (312)626-6799 ID: 891 1579 9246

- To Discuss:
- (a) A Resolution Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of Overgrown Weeds And Debris On Property Located Within The City Of Rogers, Arkansas
  - (b) A Resolution Amending The 2022 Budget To Recognize Funds From The U.S. Department Of Homeland Security Assistance To Firefighters Grant Program In The Amount Of \$114,000.00 Into Account #100-04-45110 Federal Revenue; Appropriating \$125,400.00 Into Account #100-04-80201 Capital Grant Expense
  - (c) An Ordinance Amending The City Of Rogers' Code Of Ordinances Section 10-34 – Fire District Established

**05:50 p.m. - TRANSPORTATION COMMITTEE:** (Kruger\*, Legere, Townzen)

**Committee Room #1** OR <https://us02web.zoom.us/j/89115799246> OR (312)626-6799 ID: 891 1579 9246

- To Discuss:
- (a) A Resolution Amending The 2022 Budget To Recognize \$641,322.00 Into Account #315-15-48050 Federal Grant Revenue; Appropriating The Sum Of \$650,440.00 From Said Grant Funds And Airport Fund Reserves Into Account #315-15-81142 Rehab Taxiways And Aprons; Authorizing The Mayor And City Clerk To Enter Into A Contract With Custom Pavement Maintenance And Safety, LLC Of Van Buren, Arkansas In The Amount Of \$652,940.00

**06:00 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE:** (Legere\*, Townzen, Hayes)

**Committee Room #1** OR <https://us02web.zoom.us/j/89115799246> OR (312)626-6799 ID: 891 1579 9246

- To Discuss:
- (a) Presentation of Comprehensive Growth Map & Development Code Update



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## **ROGERS CITY COUNCIL** **AGENDA**

**SEPTEMBER 27, 2022**

**6:30 PM**

City Council Chambers OR virtually via  
ZOOM <https://us02web.zoom.us/j/85628231626>  
OR (312)626-6799 ID: 856 2823 1626

### **PUBLIC HEARING:**

1. A Public Hearing re: Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of Overgrown Weeds And Debris On Property Located Within The City Of Rogers at 803 N 12th Street, Rogers, AR 72756

### **PUBLIC FORUM:**

### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

### **ACTION ON MINUTES:**

1. September 13, 2022

### **REPORTS OF BOARDS AND STANDING COMMITTEES:**

- |    |                                                                                                                                                                                                                                                                                                   |                         |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 1. | RES. Re: Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of Overgrown Weeds And Debris On Property Located Within The City Of Rogers, Arkansas                                                                                                                                 | PUBLIC SAFETY COMMITTEE |
| 2. | RES. Re: Amending The 2022 Budget To Recognize Funds From The U.S. Department Of Homeland Security Assistance To Firefighters Grant Program In The Amount Of \$114,000.00 Into Account #100-04-45110 Federal Revenue; Appropriating \$125,400.00 Into Account #100-04-80201 Capital Grant Expense | PUBLIC SAFETY COMMITTEE |

- |    |          |                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |
|----|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 3. | ORD. Re: | Amending The City Of Rogers' Code Of Ordinances<br>Section 10-34 – Fire District Established                                                                                                                                                                                                                                                                                                                                               | PUBLIC SAFETY<br>COMMITTEE  |
| 4. | RES. Re: | Amending The 2022 Budget To Recognize \$641,322.00<br>Into Account #315-15-48050 Federal Grant Revenue;<br>Appropriating The Sum Of \$650,440.00 From Said Grant<br>Funds And Airport Fund Reserves Into Account #315-15-<br>81142 Rehab Taxiways And Aprons; Authorizing The<br>Mayor And City Clerk To Enter Into A Contract With<br>Custom Pavement Maintenance And Safety, LLC Of Van<br>Buren, Arkansas In The Amount Of \$652,940.00 | TRANSPORTATION<br>COMMITTEE |

### **OLD BUSINESS:**

### **NEW BUSINESS:**

1. ORD. Re: Accepting The Final Plat Of Seminole Park Rogers,  
Benton County, Arkansas, The Dedication Of Utility  
Easements And Other Public Ways Therein

### **APPOINTMENTS:**

1. The appointment of Ed McClure to the Planning Commission; term to expire September 27,  
2028.

### **ANNOUNCEMENTS:**

**RESOLUTION NO. R22 \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN  
FOR THE REMOVAL OF OVERGROWN WEEDS AND DEBRIS ON PROPERTY  
LOCATED WITHIN THE CITY OF ROGERS, ARKANSAS; AND FOR OTHER  
PURPOSES.**

**WHEREAS**, Suzanne Goodman is the owner of certain real property situated in Rogers, Benton County, Arkansas, more particularly described as follows:

**LEGAL DESCRIPTION:** Lot 2, Block 1 Jack Allumbaugh Sub-Rogers, Benton County, Arkansas.

**LAYMAN'S DESCRIPTION:** 803 N 12<sup>th</sup> Street, Rogers, AR 72756

**PARCEL NO.:** 02-05275-000

**WHEREAS**, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the unsightly and unsanitary conditions on the property described above, and instructed to clean the property in accordance with §18-94 of the City of Rogers' Code of Ordinances;

**WHEREAS**, the property owner of record did not abate the situation on this property, and as a result, the City of Rogers was required to abate the conditions on this property and incurred the following costs:

|          |                               |
|----------|-------------------------------|
| \$       | 1,903.42 clean-up costs       |
| \$       | 7.85 certified mail fee       |
| \$       | <u>22.00 filing fee costs</u> |
| TOTAL \$ | 1,933.27                      |

**WHEREAS**, the property owner has been given at least thirty (30) days' written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903; and

**WHEREAS**, Ark. Code Ann. §14-54-904 authorizes the City Council to assert a clean-up lien on this property to collect the amounts expended by the City in cleaning up the property.

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

Section 1: Pursuant to Ark. Code Ann. §14-54-904, the City Council of the City of Rogers, Arkansas certifies that the following real property is subject to a valid municipal clean-up lien which shall be placed on the tax books of the Benton County Tax Collector as delinquent taxes and collected accordingly:

\$ **1,933.27**, plus 10% for collection - 803 N 12<sup>th</sup> Street, Rogers, Benton County, Arkansas, 72758, Parcel 02-25275-000

Section 2: 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 3: 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 \_\_\_\_\_, 2022.

APPROVED:

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

Attest:

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

Requested by: Jim White, Director, Parks and Recreation Department

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety Committee

**RESOLUTION NO. R22\_\_\_\_\_**

**A RESOLUTION AMENDING THE 2022 BUDGET TO RECOGNIZE FUNDS FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM IN THE AMOUNT OF ONE HUNDRED FOURTEEN THOUSAND DOLLARS (\$114,000.00) INTO ACCOUNT #100-04-45110 FEDERAL REVENUE; APPROPRIATING ONE HUNDRED TWENTY-FIVE THOUSAND FOUR HUNDRED DOLLARS (\$125,400.00) INTO ACCOUNT #100-04-80201 CAPITAL GRANT EXPENSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers Fire Department has been awarded a one hundred fourteen thousand dollars (\$114,000.00) from the Assistance to Firefighters Grant Program from the U.S. Department of Homeland Security; and

**WHEREAS**, this grant has a City matching portion of ten percent (10%) that equals eleven thousand four hundred dollars (\$11,400.00) and will be paid from General Fund Reserves.

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

Section 1: The 2022 Budget is amended to recognize grant revenue in the amount of one hundred fourteen thousand dollars (\$114,000.00) into Account #100-04-45110 Federal Revenue;

Section 2: The 2022 Budget is further amended to appropriate one hundred fourteen thousand dollars (\$114,000.00) from Account #100-04-45110 Federal Revenue and eleven thousand four hundred dollars (\$11,400.00) from General Fund Reserves into Account #100-04-80201 Capital Grant Expense;

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

**ORDINANCE NO. 22-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE CITY OF ROGERS' CODE OF ORDINANCES  
SECTION 10-34 – FIRE DISTRICT ESTABLISHED; 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 amend Section 10-34 (a) & (b) of Chapter 10 of the City of Rogers Code of Ordinances regarding the establishment of a Fire District; and

**WHEREAS**, the proposed amendment will redefine the Fire District to only exist in the Downtown Historic District boundary as defined by the Rogers' Historical Commission.

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

Section 1: Chapter 10, Article II, Section 10-34 – Fire District Established, specifically subsections (a) & (b), shall be amended in the City of Rogers, Code of Ordinances and shall read as shown in the attached Exhibit “A” and Municode Corporation is hereby instructed to make said amendments;

Section 2: 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 3: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED:

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

Attest:

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

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

**Sec. 10-34. Fire district established.**

- (a) As referenced, and fully set out that certain published code known as the Arkansas Fire Prevention Code, as adopted in section 10-31, there is hereby established a fire district, and such district shall consist of certain structures within the city which are currently ~~zoned within the Downtown Historic District boundary as established by the Rogers' Historic District Commission.~~ or which may in the future be zoned as:
- ~~(1) — Core Mixed Use (COR).~~
- ~~(2) — Commercial Mixed Use (COM).~~
- (b) All structures regulated by Volume II of the Arkansas Fire Prevention Code within ~~the two zones~~ this zone, shall be considered part of the fire district.

**RESOLUTION NO. R22-\_\_\_\_\_**

**A RESOLUTION AMENDING THE 2022 BUDGET TO RECOGNIZE SIX HUNDRED FORTY-ONE THOUSAND THREE HUNDRED TWENTY-TWO DOLLARS (\$641,322.00) INTO ACCOUNT #315-15-48050 FEDERAL GRANT REVENUE; APPROPRIATING THE SUM OF SIX HUNDRED FIFTY THOUSAND FOUR HUNDRED FORTY DOLLARS (\$650,440.00) FROM SAID GRANT FUNDS AND AIRPORT FUND RESERVES INTO ACCOUNT #315-15-81142 REHAB TAXIWAYS AND APRONS; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH CUSTOM PAVEMENT MAINTENANCE AND SAFETY, LLC OF VAN BUREN, ARKANSAS IN THE AMOUNT OF SIX HUNDRED FIFTY-TWO THOUSAND NINE HUNDRED FORTY DOLLARS (\$652,940.00); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers Executive Airport anticipates receipt of a grant from the Federal Aviation Administration for the Rehab Taxiways and Aprons project at the Rogers Executive Airport;

**WHEREAS**, bids for construction were received and Custom Pavement Maintenance and Safety, LLC, was the lowest qualified bidder in the amount of six hundred fifty-two thousand nine hundred forty dollars (\$652,940.00); and

**WHEREAS**, the Rogers Airport Commission has reviewed the construction bids and recommends approval by unanimous vote.

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

Section 1: That the Mayor and City Clerk are authorized to enter into an agreement with Custom Pavement Maintenance and Safety, LLC for construction of the Rehab Taxiways and Aprons project in an amount not to exceed six hundred fifty-two thousand nine hundred forty dollars (\$652,940.00);

Section 2: The 2022 Budget is amended to recognize revenue in the sum of six hundred forty-one thousand three hundred twenty-two dollars (\$641,322.00) into Account #315-15-48050 Federal Grant Revenue;

Section 3: The 2022 Budget is amended to appropriate six hundred fifty thousand four hundred forty dollars (\$650,440.00) from Federal Grant Revenue and Airport Fund Reserves into Account #315-15-81142 Rehab Taxiways and Aprons;

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

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

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED:

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

Attest:

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

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

**ORDINANCE NO. 22- \_\_\_\_\_**

**AN ORDINANCE ACCEPTING THE FINAL PLAT OF SEMINOLE PARK ROGERS,  
BENTON COUNTY, ARKANSAS, THE DEDICATION OF UTILITY EASEMENTS  
AND OTHER PUBLIC WAYS THEREIN; PROVIDING FOR THE EMERGENCY  
CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Final Plat has been submitted for the subdivision of Seminole Park Rogers, Benton County Arkansas which is more particularly described as follows, to-wit:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 19 NORTH, RANGE 30 WEST, ALSO KNOWN AS LOT 4, WEST OLRICH ADDITION TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD "G" AT PAGE 03, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING COTTON PICKER SPINDLE FOR THE NORTHWEST CORNER OF SAID FORTY TRACT AND RUNNING THENCE S86°31'43"E 329.48' TO AN EXISTING 1/2" REBAR, THENCE S02°21'39"W 655.89' TO A SET MAG NAIL, THENCE N86°14'36"W 331.10' TO AN EXISTING 1/2" REBAR, THENCE N02°29'56"E 654.21' TO THE POINT OF BEGINNING. CONTAINING 4.97 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

**WHEREAS**, the City Council finds that said Final Plat is in conformance with the Ordinances of the City of Rogers, Arkansas; and

**WHEREAS**, the City Council finds that it is in the best interest of the citizens of Rogers, Arkansas that said Final Plat be approved and the dedication of the utility easements and other public ways be accepted and confirmed.

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

Section 1: The Final Plat of Seminole Park, Rogers, Benton County, Arkansas, as described in the Plat thereof, is hereby accepted, approved, and confirmed;

Section 2: All dedication of utility easements and other public ways as set forth in the Plat are hereby accepted by the City. The Mayor and City Clerk are authorized and directed to certify the aforesaid approval and acceptance upon the face of the Plat;

Section 3: Emergency Clause: As the facilities to be constructed within this subdivision will promote the economy of the City and will promote the public health and welfare, an emergency is 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 \_\_\_\_\_, 2022.

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