



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: February 14, 2023

The following committee meetings will be held on **Tuesday, February 14, 2023** prior to the City Council Meeting:

05:30 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Legere, Townzen) **Committee Room #1** OR
<https://us02web.zoom.us/j/84347975287> OR **By Phone (312)626-6799 ID: 843 4797 5287**

- To Discuss:
- (a) A Resolution Amending The 2023 Budget By Establishing Capital Project Account #315-15-81144 West Side Acquisitions
 - (b) Street Closure Request - Construction Work Champions Drive
[Request Form & Map](#)
 - (c) Street Closure Request - NWA Book Fest [Request Form & Map](#)

05:45 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Legere) **Committee Room #1** OR
<https://us02web.zoom.us/j/84347975287> OR **By Phone (312)626-6799 ID: 843 4797 5287**

- To Discuss:
- (a) A Resolution Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, Arkansas (1108 W. Walnut)
 - (b) A Resolution Adopting Updated Policies And Procedures In The Standard Operating Procedures Of The Rogers Police Department
 - (c) A Resolution Amending The 2022 Budget To Recognize Funds From The Edward Byrne Grant In The Amount Of \$37,841.00 Into Account #100-03-45631 Edward Byrne Federal Grant Revenue 2022

06:00 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes) **Committee Room #1** OR <https://us02web.zoom.us/j/84347975287> OR **By Phone (312)626-6799 ID: 843 4797 5287**

- To Discuss:
- (a) An Ordinance Amending Chapter 14, Section 723 – Conditional Uses Of The City Of Rogers Code Of Ordinances
 - (b) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Permanent Encroachment And Usage Agreement Within The Public Right Of Way With 401 North 1st Street Rogers, LLC And The District
 - (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To U-COM (2111 W. Walnut Street) [Staff Report](#)

- (d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To RMF-10.5 (1704 S Dixieland & 1710 S Dixieland) [Staff Report](#)
-

06:00 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall) **Committee Room #2** OR
<https://us02web.zoom.us/j/82317284544> OR **By Phone (312)626-6799 ID: 823 1728 4544**

To Discuss:

- (a) A Resolution Amending The 2023 Budget To Recognize A Donation From The Artosphere Festival Of \$1,000.00 Into Account #100-18-45600 Grants And Donations
-
- (b) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement With Esco Processing And Recycling Of Rogers, Arkansas For The Purchase Of A Used Styrofoam Densifier
-
- (c) A Resolution Amending The City Of Rogers' 2022 Budget To Appropriate General Fund Reserves, Street Fund Reserves, And Health Insurance Fund Reserves To Various Accounts
-
- (d) A Resolution Amending The 2023 Budget To Recognize Grant Proceeds In The Amount Of \$416,294.00 And Appropriate Said Grant Proceeds And General Fund Reserves In The Amount Of \$28,162,354.00 To Various Accounts
-
- (e) A Resolution Amending The 2023 Budget To Appropriate American Rescue Fund Reserves In The Amount Of \$387,945.00 To Account Number 348-48-73320 Education Assistance
-
- (f) A Resolution Amending The 2023 Budget To Appropriate Court Automation Fund Reserves In The Amount Of \$120,078.00 To Account Number 338-38-70251 Court Automation Expense
-
- (g) A Resolution Amending The 2023 Budget To Appropriate Grant Proceeds And Street Fund Reserves In The Amount Of \$9,272,193.00 To Various Accounts
-
- (h) A Resolution Amending The 2023 Budget To Recognize Grant Proceeds In The Amount Of \$1,246,380.00 And Appropriate Said Grant Proceeds And Airport Fund Reserves In The Amount Of \$686,219.00 To Various Accounts
-
- (i) A Resolution Amending The 2023 Budget To Appropriate CMRS 911 Fund Reserves In The Amount Of \$630,314.00 To Various Accounts
-
- (j) A Resolution Amending The 2023 Budget To Recognize Grant Proceeds In The Amount Of \$638,429.00 And Appropriate Said Grant Proceeds And CDBG Fund Reserves In The Amount Of \$638,429.00 To Various Accounts
-



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ROGERS CITY COUNCIL **AGENDA**

FEBRUARY 14, 2023
6:30 PM

City Council Chambers OR virtually via
ZOOM <https://us02web.zoom.us/j/89269380398>
OR (312)626-6799 ID: 892 6938 0398

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. January 24, 2023

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | | |
|----|----------|---|---------------------------------|
| 1. | RES. Re: | Amending The 2023 Budget By Establishing Capital Project Account #315-15-81144 West Side Acquisitions | TRANSPORTATION COMMITTEE |
| 2. | RES. Re: | Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, Arkansas | PUBLIC SAFETY COMMITTEE |
| 3. | RES. Re: | Adopting Updated Policies And Procedures In The Standard Operating Procedures Of The Rogers Police Department | PUBLIC SAFETY COMMITTEE |
| 4. | RES. Re: | Amending The 2022 Budget To Recognize Funds From The Edward Byrne Grant In The Amount Of \$37,841.00 Into Account #100-03-45631 Edward Byrne Federal Grant Revenue 2022 | PUBLIC SAFETY COMMITTEE |
| 5. | ORD. Re: | Amending Chapter 14, Section 723 – Conditional Uses Of The City Of Rogers Code Of Ordinances | COMMUNITY ENVIRONMENT & WELFARE |

		COMMITTEE
6.	RES. Re: Authorizing The Mayor And City Clerk To Enter Into A Permanent Encroachment And Usage Agreement Within The Public Right Of Way With 401 North 1st Street Rogers, LLC And The District	COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
7.	ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To U-COM (2111 W. Walnut Street)	COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
8.	ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To RMF-10.5 (1704 S Dixieland & 1710 S Dixieland)	COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
9.	RES. Re: Amending The 2023 Budget To Recognize A Donation From The Artosphere Festival Of \$1,000.00 Into Account #100-18-45600 Grants And Donations	FINANCE COMMITTEE
10.	RES. Re: Authorizing The Mayor And City Clerk To Enter Into An Agreement With Esco Processing And Recycling Of Rogers, Arkansas For The Purchase Of A Used Styrofoam Densifier	FINANCE COMMITTEE
11.	RES. Re: Amending The City Of Rogers' 2022 Budget To Appropriate General Fund Reserves, Street Fund Reserves, And Health Insurance Fund Reserves To Various Accounts	FINANCE COMMITTEE
12.	RES. Re: Amending The 2023 Budget To Recognize Grant Proceeds In The Amount Of \$416,294.00 And Appropriate Said Grant Proceeds And General Fund Reserves In The Amount Of \$28,162,354.00 To Various Accounts	FINANCE COMMITTEE
13.	RES. Re: Amending The 2023 Budget To Appropriate American Rescue Fund Reserves In The Amount Of \$387,945.00 To Account Number 348-48-73320 Education Assistance	FINANCE COMMITTEE
14.	RES. Re: Amending The 2023 Budget To Appropriate Court Automation Fund Reserves In The Amount Of \$120,078.00 To Account Number 338-38-70251 Court Automation Expense	FINANCE COMMITTEE
15.	RES. Re: Amending The 2023 Budget To Appropriate Grant Proceeds And Street Fund Reserves In The Amount Of \$9,272,193.00 To Various Accounts	FINANCE COMMITTEE
16.	RES. Re: Amending The 2023 Budget To Recognize Grant Proceeds In The Amount Of \$1,246,380.00 And Appropriate Said Grant Proceeds And Airport Fund Reserves In The Amount Of \$686,219.00 To Various Accounts	FINANCE COMMITTEE
17.	RES. Re: Amending The 2023 Budget To Appropriate CMRS 911 Fund Reserves In The Amount Of \$630,314.00 To Various Accounts	FINANCE COMMITTEE

18. RES. Re: Amending The 2023 Budget To Recognize Grant
Proceeds In The Amount Of \$638,429.00 And
Appropriate Said Grant Proceeds And CDBG Fund
Reserves In The Amount Of \$638,429.00 To Various
Accounts

FINANCE
COMMITTEE

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R23-_____

A RESOLUTION AMENDING THE 2023 BUDGET BY ESTABLISHING CAPITAL PROJECT ACCOUNT #315-15-81144 WEST SIDE ACQUISITIONS; APPROPRIATING SIXTY TWO THOUSAND TWO HUNDRED DOLLARS (\$62,200.00) FROM AIRPORT FUND RESERVES INTO ACCOUNT #315-15-81144 WEST SIDE ACQUISITIONS; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT AMENDMENT WITH GARVER, LLC, OF NORTH LITTLE ROCK, ARKANSAS, FOR ACQUISITION SERVICES AT THE ROGERS EXECUTIVE AIRPORT IN AN AMOUNT NOT TO EXCEED FORTY TWO THOUSAND TWO HUNDRED DOLLARS (\$42,200.00); AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to enter into a contract amendment with Garver, LLC, of North Little Rock, Arkansas, for acquisition services that will be used for acquiring land on the west side of the Rogers Executive Airport; and

WHEREAS, the Airport plans to use funds allocated under the Bipartisan Infrastructure Law for this project.

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

Section 1: That the sum of Sixty-Two Thousand Two Hundred Dollars (\$62,200.00) is appropriated from Airport Fund Reserves into account #315-15-81144, West-side Acquisitions.

Section 2: That the Mayor and City Clerk are authorized to enter into a contract amendment with Garver, LLC, for acquisition support services at the Rogers Executive Airport in the amount not to exceed Forty-Two Thousand Two Hundred Dollars (\$42,200.00), plus applicable taxes, if any.

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

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

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

RESOLVED this _____ day of _____, 2023.

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

RESOLUTION NO. R23-_____

**A RESOLUTION SCHEDULING A PUBLIC HEARING TO DETERMINE A
NUISANCE STRUCTURE ON CERTAIN PROPERTY LOCATED IN ROGERS,
ARKANSAS; AND FOR OTHER PURPOSES.**

WHEREAS, LJ Remainder, LLC is the owner of certain real property situated in Rogers, Benton County, Arkansas, more particularly described as follows:

LEGAL DESCRIPTION: Part of the NW1/4 of the SW1/4 of Section 12, Township 19 North, Range 30 West, described as beginning at the NE corner of said NW1/4 of the SW1/4 and running thence South 178.57 feet; thence North 87°56' West 150 feet; thence North to the North line of the said NW1/4 of the SW1/4; thence East along the North line of said NW1/4 of the SW1/4 to the place of beginning; subject to the right of way of U.S. Highway 71 on the North side thereof. Less and except: Part of the NW1/4 of the SW1/4 of Section 12, Township 19 North, Range 30 West, Benton County, Arkansas, more particularly described as follows: Commencing at a point being used as the Center West Sixteenth Corner of said Section 12; thence South 02°23'32" West a distance of 30.00 feet to a point on the South right of way line of U.S. Highway 71B (West Walnut Street) as established by the plat of Tract 1A of the Lot Split for Braum's of Rogers as shown on the plat recorded in Plat Book 17 at Page 118 for the POINT OF BEGINNING; thence continuing South 02°23'32" West along said right of way line a distance of 5.00 feet to a point on the West line of said tract 1A; thence continuing South 02°23'32" West along said West line a distance of 10.00 feet to a point on the South right of way line of U.S. Highway 71B (West Walnut Street) as established by AHTD Job 090338; thence North 86°42'26" West along said right of way line a distance of 149.49 feet to a point; thence North 02°16'53" East a distance of 15.00 feet to a point on the South right of way line of U.S. Highway 71B (West Walnut Street) as established AHTD Job 481; thence South 86°42'26" East along said right of way line a distance of 149.52 feet to the POINT OF BEGINNING and containing 0.05 acres (2,243 square feet) more or less, as shown on plans referenced as AHTD Job 090338.

LAYMAN'S DESCRIPTION: 1108 W Walnut St, Rogers, AR
PARCEL NO.: 02-01308-000

WHEREAS, the owners were given proper notice of numerous violations of the standards provided for in the Rogers' Code of Ordinances, including the International Property Maintenance Code ("IPMC") as adopted by reference in Rogers' Code of Ordinances §§ 10-32 and 10-33, which constitute life, health, or safety violations, located on the property described above, and were instructed to abate the nuisance in accordance with § 18-58 of the Code of Ordinances;

WHEREAS, the property owners of record did not abate the dilapidated, unsightly, unsafe, and unsanitary conditions on this property, and as a result, the City of Rogers requests a hearing to seek a finding that the structure is a nuisance structure in accordance with § 18-59 of the Code of Ordinances; and

WHEREAS, to make a finding that the structure is a nuisance, this City Council shall set a date and time for a public hearing before the City Council for consideration of the dilapidated, unsightly, unsafe, and unsanitary conditions on the above described property.

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

Section 1: A hearing to determine if the structure shall be deemed a nuisance is scheduled for and shall be held along with the regularly scheduled City Council meeting on Tuesday, March 28th, 2023 at 6:30 p.m.;

Section 2: The City's Legal Department will send a copy of this Resolution and its request for clean-up costs to the property owner as required under Ark. Code Ann. § 14-54-903;

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 _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: William Hyde, Deputy Fire Chief – Risk Reduction

Prepared By: Bailey Crossett, Staff Attorney

For Consideration By: Public Safety Committee

RESOLUTION NO. R23-_____

**A RESOLUTION ADOPTING UPDATED POLICIES AND PROCEDURES IN THE
STANDARD OPERATING PROCEDURES OF THE ROGERS POLICE
DEPARTMENT; AND FOR OTHER PURPOSES.**

WHEREAS, the Rogers Police Department needs to update its Standard Operating Procedures to include certain updated policies; and

WHEREAS, the updated policies are identified in Exhibit “A” and these new policies are to be incorporated into Rogers Police Department’s Standard Operating Procedures.

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

Section 1: That the policies and procedures set forth in the attached Exhibit “A” are adopted for use and implementation by the Rogers Police Department;

Section 2: Severability Provision: If any of the 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 _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Jonathan Best, Chief of Police
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

RESOLUTION NO. R23_____

A RESOLUTION AMENDING THE 2022 BUDGET TO RECOGNIZE FUNDS FROM THE EDWARD BYRNE GRANT IN THE AMOUNT OF THIRTY-SEVEN THOUSAND EIGHT HUNDRED FORTY-ONE DOLLARS (\$37,841.00) INTO ACCOUNT #100-03-45631 EDWARD BYRNE FEDERAL GRANT REVENUE 2022; APPROPRIATING THAT SAME AMOUNT INTO ACCOUNT #100-03-71205 EDWARD BYRNE GRANT FEDERAL EXPENSE 2022; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Police Department received thirty-seven thousand eight hundred forty-one dollars (\$37,841.00) from the Edward Byrne Memorial Justice Assistance Grant for 2022;

WHEREAS, the funds will be used for training by the City of Rogers Police Department; and

WHEREAS, approximately twelve thousand four hundred fifty-nine dollars (\$12,459.00) of this grant will pass through to Benton County once the funds are received by City in accordance with the grants terms and conditions.

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

Section 1: That the 2022 Budget is amended to recognize funds in the amount of thirty seven thousand eight hundred forty-one dollars (\$37,841.00) into Account #100-03-45631 Edward Byrne Grant Federal Revenue 2022;

Section 2: That the 2022 Budget is further amended to appropriate the amount of thirty seven thousand eight hundred forty-one dollars (\$37,841.00) into Account #100-03-71205 Edward Byrne Grant Federal Expense 2022;

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

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

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Jonathan Best, Police Chief
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

ORDINANCE NO. 23-_____

**AN ORDINANCE AMENDING CHAPTER 14, SECTION 723 – CONDITIONAL USES
OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE
EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

WHEREAS, the Department of Community Development finds it to be in the best interest of the City to update certain provisions regarding conditional uses as found in § 14-723 of the City of Rogers' Code of Ordinances; and

WHEREAS, these changes will assist the Department of Community Development and Planning Commission in permitting conditional uses by streamlining the application process and by allowing conditional use permits to run with the land and its use rather than with ownership.

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

Section 1: Chapter 14, § 14-723 – Conditional Uses of the City of Rogers, Code of Ordinances is amended to read as shown in the attached Exhibit "A" and the Municode Corporation is hereby instructed to make said revisions;

Section 2: Emergency Clause: The need to amend said City Code chapter 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 _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director, Community Development Department

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

Sec. 14-723. Conditional uses.

- (a) Uses listed in the schedule of uses as "conditional in district" may be approved by the Planning Commission after a public hearing subject to the following conditions:
 - (1) Filing of an application by the property owner and payment of an application fee;
 - (2) Written notification to all property owners within 300 feet of the property as verified by an affidavit signed by the applicant, publication of a public hearing notice in a local newspaper 15 days prior to the date of the public hearing, and placement of a sign on the property by the Department of Community Development which gives notice of a public hearing 15 days prior to the public hearing;
 - (3) Consideration by the Planning Commission of the following factors:
 - a. Whether the use is a conditional use in the district requested and that the property is zoned correctly;
 - b. Whether the use would be compatible with the adjacent properties;
 - c. Whether the use would be contrary to the City land use plan;
 - d. Whether all other zoning requirements can be met; and
 - e. Whether ingress and egress for the proposed use will create a traffic hazard.
- (b) The Planning Commission may deny a conditional use if in its opinion any of the above conditions cannot be met.
- (c) A conditional use once denied shall not be heard again within a period of one year unless the applicant can show how the Planning Commission erred in its determination or that new information, not available at the time of the public hearing, has been discovered. A majority vote of the entire Planning Commission shall be required to rehear any conditional use.
- (d) As a part of approving a conditional use, the Planning Commission may impose restrictions which will in its opinion ensure the proposed use to be compatible with the surrounding area and/or carry out the preamble of the zoning ordinance.
- (e) Once issued, a conditional use permit shall immediately be in effect and shall remain valid as long as the conditional use remains in place on the property. The permit shall become invalid if the conditional use ceases to be in place for at least 60 days, unless the break in use is due to an act of God.
- (f) The Planning Commission shall hold a public hearing if a complaint is filed about a conditional use violation by an adjoining property owner or City employee. Based on the violation, the Commission may discontinue the permit, take no action if the violation has been resolved, or modify the permit to prevent future violations. The permit holder has 15 days to discontinue the use or file an appeal with the City Council. Filing an appeal halts all proceedings until the City Council makes its final decision on the violation.
- (g) Temporary uses such as carnivals, religious revivals, circuses, etc. may be permitted by the Director of Community Development or their designee after filing an application and paying a fee. The hours of operation and duration will be specified. Lights and noise-generating activities must be 500 feet away from dwelling units.

RESOLUTION NO. R-23-_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
A PERMANENT ENCROACHMENT AND USAGE AGREEMENT WITHIN THE
PUBLIC RIGHT OF WAY WITH 401 NORTH 1ST STREET ROGERS, LLC; AND FOR
OTHER PURPOSES.**

WHEREAS, 401 North 1st Street, LLC is constructing a covered parking easement that will cover a section of the City's public right-of-way;

WHEREAS, 401 North 1st Street, LLC requests use of the City's public right-of-way in order to provide covered parking over the City's right-of-way; and

WHEREAS, the City is willing to permit use of the public right-of-way on the terms and conditions contained within the negotiated Agreement.

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

Section 1: 401 North 1st Street, LLC has agreed to the City's terms in the Agreement Permitting Permanent Encroachment and Usage within the Public Right-Of-Way for placement of its column;

Section 2: The Mayor and City Clerk are hereby authorized to enter into said Agreement authorizing use of the public right-of-way for this purpose;

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 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 _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development

Prepared by: John M. Pesek, Senior Staff Attorney

ORDINANCE NO. 23- _____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM C-2 TO U-COM; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City that certain lands hereinafter described are better suited for U-COM zoning.

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

Section 1: Chapter 14, Article VI, Section 14-675—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: The land described herein shall be zoned as U-COM and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A part of the NW¼ of Section 11, Township 19 North, Range 30 West, in Benton County, Arkansas, described as follows: From the SE corner of said NW¼; run North 89°57'46" West 1060.51 feet along the centerline of U.S. Highway 71 B; thence North 00°02'14" East 564.01 feet to the point of beginning; thence North 89°50'28" West 507.00 feet; thence North 00°09'32" East 456.00 feet; thence South 89°50'28" East 507.00 feet; thence South 00°09'32" West 456.00 feet to the point of beginning.

LAYMAN'S DESCRIPTION:

2111 W. Walnut Street

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

Section 4: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances 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 5: 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 6: 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 _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Christina Moore, Planner I

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 23-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO RMF-10.5; PROVIDING FOR
THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City that certain lands hereinafter described are better suited for RMF-10.5 zoning.

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

Section 1: Chapter 14, Article VI, Section 14-675—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: The land described herein shall be zoned as RMF-10.5 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PARCEL 02-01574-000

PART OF THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 14, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS SOUTH 00°31' WEST 1152.6 FEET FROM THE NORTHEAST CORNER OF THE SAID NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4), THENCE NORTH 89°39' WEST 660 FEET, MORE OR LESS, TO THE WEST LINE OF THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4); THENCE SOUTH 00°31' WEST 160 FEET; THENCE SOUTH 89°39' EAST 660 FEET, MORE OR LESS, TO THE EAST LINE OF THE SAID NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) THENCE NORTH 00°31' EAST 160 FEET TO THE POINT OF BEGINNING.

PARCEL 02-01587-000

PART OF THE EAST HALF(E1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 14, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS SOUTN 00° 31' WEST 1152.6 FEET FROM THE NORTHEAST CORNER OF THE SAID NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4); THENCE NORTH 89°39' WEST 660 FEET, MORE OR LESS TO THE WEST LINE OF THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4); THENCE SOUTH 00°31' WEST 160 FEET; THENCE SOUTH 89°39' EAST 660 FEET, MORE OR LESS TO THE WAST LINE OF SAID NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4); THENCE NORTH 00°31' EAST 160 FEET TO THE

POINT OF BEGINNING. SUBJECT TO THE RIGHT OF WAY OF DIXIELAND ROAD.

LAYMAN'S DESCRIPTION:

1704 S Dixieland & 1710 S Dixieland

Section 3: Zoning: That the above described lands are better suited for RMF-10.5 than A-1 zoning and same should be and are hereby zoned RMF-10.5.

Section 4: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances 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 5: 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 6: 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 _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Christina Moore, Planner I

For Consideration By: Community Environment & Welfare Committee

RESOLUTION NO. R23-_____

A RESOLUTION AMENDING THE 2023 BUDGET TO RECOGNIZE A DONATION FROM THE ARTOSPHERE FESTIVAL OF ONE THOUSAND DOLLARS (\$1,000.00) INTO ACCOUNT #100-18-45600 GRANTS AND DONATIONS; TO APPROPRIATE THAT SAME AMOUNT FROM ACCOUNT #100-18-45600 GRANTS AND DONATIONS INTO ACCOUNT #100-18-70491 ARTS & CULTURE PROGRAMMING; AND FOR OTHER PURPOSES.

WHEREAS, the Arts and Culture division has received a one thousand dollar (\$1,000.00) donation to support its Railyard Live Series; and

WHEREAS, the donation has been made by the Artosphere Festival.

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

Section 1: The City of Rogers' 2023 Budget is amended to recognize one thousand dollars (\$1,000.00) into Account #100-18-45600 Grants and Donations;

Section 2: The City of Rogers' 2023 Budget is amended to appropriate one thousand dollars (\$1,000.00) from Account #100-18-45600 Grants and Donations into Account #100-18-70491 Arts & Culture Programming;

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

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

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director, Community Development Department
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R23-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH ESCO PROCESSING AND RECYCLING OF ROGERS, ARKANSAS FOR THE PURCHASE OF A USED STYROFOAM DENSIFIER; AMENDING THE 2023 BUDGET TO APPROPRIATE THIRTY THOUSAND DOLLARS (\$30,000.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-68-80100 CAPITAL EXPENDITURES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers' Recycling Center desires to purchase a used Styrofoam densifier from eSCO Processing and Recycling of Rogers, Arkansas for thirty thousand dollars (\$30,000.00); and

WHEREAS, this machine will replace the City's heavily used machine that is currently in need of repair.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into an agreement with eSCO Processing and Recycling of Rogers, Arkansas for an amount not to exceed thirty thousand dollars (\$30,000.00);

Section 2: The City of Rogers' 2023 Budget is amended to appropriate thirty thousand dollars (\$30,000.00) from General Fund Reserves into Account #100-68-80100 Capital Expenditures;

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

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

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Jim White, Director of Parks & Recreation
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R23-_____

**A RESOLUTION AMENDING THE CITY OF ROGERS' 2022 BUDGET TO
APPROPRIATE GENERAL FUND RESERVES, STREET FUND RESERVES, AND
HEALTH INSURANCE FUND RESERVES TO VARIOUS ACCOUNTS; AND FOR
OTHER PURPOSES.**

WHEREAS, the City of Rogers reviewed the final 2022 budget for areas of expenses over budget during the year; and

WHEREAS, various departments within the General fund, Street fund, and Health Insurance fund identified expenses that were incurred and resulted in the need for additional appropriations;

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

Section 1: The City of Rogers' 2022 Budget is amended as follows:

<u>Fund</u>	<u>Department</u>	<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
Revenues:				
General Fund	Administration	100-01-49195	Insurance Reimbursement	<u>\$ 59,370.00</u>
Expenses:				
General Fund	Fire	100-04-70167	Fuel&Oil Expense	\$ 40,665.00
	Information			
General Fund	Systems	100-09-80100	Capital Expenditures	\$ 59,370.00
General Fund	District Court	100-12-60105	Salaries and Wages	\$ 14,413.00
General Fund	Animal Services	100-13-84002.005	Fleet CAT B	\$ 774.00
			General Fund Total	<u>\$ 115,222.00</u>
Street Fund	Street Maintenance	200-16-70130	Electric Utilities	\$ 36,000.00
Street Fund	Street Maintenance	200-16-70165	Vehicle Maintenance	\$ 30,000.00
Street Fund	Street Maintenance	200-16-70167	Fuel&Oil Expense	\$ 16,350.00
			Asphalt Hot Mix	
Street Fund	Street Maintenance	200-16-70905	Expense	\$ 50,000.00
			Drainage	
Street Fund	Street Maintenance	200-16-70935	Construction	\$ 90,000.00
			Street Fund Total	<u>\$ 222,350.00</u>
Health Insurance Fund	Health	375-75-70268	Professional Services	<u>\$ 3,094.00</u>

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 resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Prepared By: Casey Wilhelm, Director of Finance
Reviewed By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R23-__

A RESOLUTION AMENDING THE 2023 BUDGET TO RECOGNIZE GRANT PROCEEDS IN THE AMOUNT OF FOUR HUNDRED SIXTEEN THOUSAND TWO HUNDRED NINETY-FOUR DOLLARS (\$416,294.00); APPROPRIATING SAID GRANT PROCEEDS AND GENERAL FUND RESERVES IN THE AMOUNT OF TWENTY-EIGHT MILLION ONE HUNDRED SIXTY-TWO THOUSAND THREE HUNDRED FIFTY-FOUR DOLLARS (\$28,162,354.00) INTO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the 2022 final budget for general fund revenues and expenditures pending at year-end; and

WHEREAS, various departments identified grant revenues and appropriations approved in 2022 where the receipt of the grant proceeds or payment of the expense will not occur until 2023.

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

Section 1: The 2023 Budget is amended to recognize grant proceeds in the amount of four hundred sixteen thousand two hundred ninety-four dollars (\$416,294.00) to the following accounts:

<u>Department</u>	<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
Police	100-03-45630	Edward Byrne Grant Federal Rev. 2021	287.00
Police	100-03-45631	Edward Byrne Grant Federal Rev. 2022	32,007.00
Fire	100-04-45110	Federal Revenue	114,000.00
Community Development	100-18-45600	Grants and Donations	270,000.00
Total			<u>\$ 416,294.00</u>

Section 2: The 2023 Budget is amended to appropriate twenty-eight million one hundred sixty-two thousand three hundred fifty-four dollars (\$28,162,354.00) from grant proceeds and general fund reserves into the following accounts for carryover projects and unspent grants/donations:

<u>Department</u>	<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
Administration	100-01-70155	Building and Grounds Maint.	\$ 9,699.00
Administration	100-01-70155.005	Buildings and Grounds Maint. CAT B	17,919.00
Administration	100-01-70157	RLT Maintenance	50,864.00
Administration	100-01-70158	Energy Savings Project	11,793,513.00
Administration	100-01-70210	Furnishings	106,137.00
Administration	100-01-70983	Storm Damage Hail	11,054.00
Administration	100-01-80120.005	City Hall Renovation CAT B	83,478.00
Administration	100-01-80121	Victory Theater Renovation	860,000.00
Police	100-03-60105	Salaries and Wages	900,000.00

Police	100-03-61150	FICA Expense	68,850.00
Police	100-03-61155	Retirement Expense -APERS	22,980.00
Police	100-03-61165	Retirement Expense – LOPFI	180,000.00
Police	100-03-70015	Uniform Expense	20,489.00

<u>Department</u>	<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
Police	100-03-71204	Edward Byrne Grant Federal Exp. 2021	\$ 287.00
Police	100-03-71205	Edward Byrne Grant Federal Exp. 2022	23,996.00
Police	100-03-80100	Capital Expenditures	173,598.00
Police	100-03-84002	Capital Expenditures - Fleet	46,353.00
Fire	100-04-80127	Fire SCBA Equipment	695,920.00
Fire	100-04-80201	Capital Grant Expense	125,400.00
Fire	100-04-84002	Fleet	133,165.00
Library	100-06-70862	Grant Expense	2,388.00
Library	100-06-70155	Buildings and Grounds Maintenance	41,890.00
Parks and Recreation	100-08-70155	Buildings and Grounds Maintenance	19,094.00
Parks and Recreation	100-08-70995	Donation/Grant Expense	289,782.00
Parks and Recreation	100-08-80100.005	Capital Expenditures CAT B	80,000.00
Parks and Recreation	100-08-80105.005	Capital- Trail System CAT B	71,500.00
Parks and Recreation	100-08-80107.005	Pinnacle Hills Open Space CAT B	120,000.00
Parks and Recreation	100-08-80115.005	Lake Atalanta Imp. CAT B	50,000.00
Parks and Recreation	100-08-84002.005	Fleet CAT B	62,000.00
Parks and Recreation	100-08-84513	Northwest Park	10,000,000.00
Information Systems	100-09-70250	Computer Expense	34,000.00
Information Systems	100-09-70268	Professional Services	206,465.00
Information Systems	100-09-80100	Capital Expenditures	55,000.00
Museum	100-10-70155	Buildings and Grounds Maintenance	2,650.00
Museum	100-10-70260	Public Relations	7,000.00
Adult Wellness	100-11-70155	Buildings and Grounds Maintenance	40,000.00
Adult Wellness	100-11-70993	Scholarship Expense	10,210.00
Adult Wellness	100-11-70995	Donation/Grant Expense	63,545.00
District Court	100-12-61110	Salaries and Wages -overtime	4,130.00
District Court	100-12-70268	Professional Services	13,080.00
District Court	100-12-70830	Contract Services	68,320.00
Community Dev.	100-18-70165	Vehicle Maintenance	1,311.00
Community Dev.	100-18-70268	Professional Services	70,000.00
Community Dev.	100-18-70330	Stormwater Expense	636,097.00

Community Dev.	100-18-70335	Planning Expense	372,096.00
Community Dev.	100-18-70492	Arts and Culture – Alleyway Activation	77,231.00
Community Dev.	100-18-70495	Arts and Culture – Victory Theater	270,000.00

<u>Department</u>	<u>Account</u>	<u>Account Title</u>	<u>Amount</u>
Community Dev.	100-18-80100	Capital Expenditures	\$ 15,000.00
Community Dev.	100-18-80115.005	Lake Atalanta Improvemenrts CAT B	151,510.00
Community Dev.	100-18-84533	Lake Atalanta Trail Improvements	4,353.00
Total			<u>\$ 28,162,354.00</u>

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

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

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk/Treasurer

Requested/Drafted By: Casey Wilhelm, Director of Finance

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R23-_____

A RESOLUTION AMENDING THE 2023 BUDGET TO APPROPRIATE AMERICAN RESCUE FUND RESERVES IN THE AMOUNT OF THREE HUNDRED EIGHTY-SEVEN THOUSAND NINE HUNDRED FORTY-FIVE DOLLARS (\$387,945.00) INTO ACCOUNT #348-48-73320 EDUCATION ASSISTANCE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the 2022 final budget for American Rescue fund expenditures pending at year-end; and

WHEREAS, the Grants Administrator identified appropriations approved in 2022 where the payment of the expense will not occur until 2023.

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

Section 1: The 2023 Budget is amended to appropriate three hundred eighty-seven thousand nine hundred forty-five dollars (\$387,945.00) from American Rescue fund reserves to Account #348-48-73320 Education Assistance for carryover projects;

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 that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk/Treasurer

Requested/Drafted By: Casey Wilhelm, Director of Finance

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R23-_____

A RESOLUTION AMENDING THE 2023 BUDGET TO APPROPRIATE COURT AUTOMATION FUND RESERVES IN THE AMOUNT OF ONE HUNDRED TWENTY THOUSAND SEVENTY-EIGHT DOLLARS (\$120,078.00) INTO ACCOUNT #338-38-70251 COURT AUTOMATION EXPENSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the 2022 final budget for Court Automation fund expenditures pending at year-end; and

WHEREAS, the District Court identified appropriations approved in 2022 where the payment of the expense will not occur until 2023.

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

Section 1: The 2023 Budget is amended to appropriate one hundred twenty thousand seventy-eight dollars (\$120,078.00) from court automation fund reserves to Account #338-38-70251 court automation expense for carryover projects.

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 that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk/Treasurer

Requested/Drafted By: Casey Wilhelm, Director of Finance
Reviewed By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R23-_____

A RESOLUTION AMENDING THE 2023 BUDGET TO APPROPRIATE GRANT PROCEEDS AND STREET FUND RESERVES IN THE AMOUNT OF NINE MILLION TWO HUNDRED SEVENTY-TWO THOUSAND ONE HUNDRED NINETY-THREE DOLLARS (\$9,272,193.00) INTO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the 2022 final budget for street fund expenditures pending at year-end; and

WHEREAS, the street department identified appropriations approved in 2022 where the payment of the expense will not occur until 2023.

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

Section 1: The 2023 Budget is amended to appropriate nine million two hundred seventy-two thousand one hundred ninety-three dollars (\$9,272,193.00) from grant proceeds and street fund reserves into the following accounts for carryover projects and unspent grants/donations:

<u>Department</u>	<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
Street Maintenance	200-16-70015	Uniform Expense	\$ 3,940.00
Street Maintenance	200-16-80100	Capital Expenditures	129,042.00
Street Development	200-25-70268.005	Professional Services CAT B	20,000.00
Street Development	200-25-70930	Traffic Control Maintenance	212,500.00
Street Development	200-25-70940	Painting and Striping	178,536.00
Street Development	200-25-70947.005	Transportation Lighting and Signage CAT B	13,500.00
Street Development	200-25-70950	Street Projects	250,000.00
Street Development	200-25-84529	Razorback Greenway Trail	78,675.00
Street Development	200-25-84530	Railyard Loop Trail	733,000.00
Street Development	200-25-85051	Poplar St/13 th St Improvement	497,000.00
Street Development	200-25-85051	Poplar St/13 th St Improvement	4,850,000.00
Street Development	200-25-85057	RAC to Railyard Park Trail	966,000.00
Street Development	200-25-85089	Will Rogers Drive	1,000,000.00
Street Development	200-25-85802	Sidewalk Improvements TAP Grant	340,000.00
Total			<u>\$ 9,272,193.00</u>

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 that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk/Treasurer

Requested/Drafted By: Casey Wilhelm, Director of Finance

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R23-_____

A RESOLUTION AMENDING THE 2023 BUDGET TO RECOGNIZE GRANT PROCEEDS IN THE AMOUNT OF ONE MILLION TWO HUNDRED FORTY-SIX THOUSAND THREE HUNDRED EIGHTY DOLLARS (\$1,246,380.00); APPROPRIATING SAID GRANT PROCEEDS AND AIRPORT FUND RESERVES IN THE AMOUNT OF SIX HUNDRED EIGHTY-SIX THOUSAND TWO HUNDRED NINETEEN DOLLARS (\$686,219.00) INTO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the 2022 final budget for airport fund revenues and expenditures pending at year-end; and

WHEREAS, the Airport identified grant revenues and appropriations approved in 2022 where the receipt of the grant proceeds or payment of the expense will not occur until 2023.

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

Section 1: The 2023 Budget is amended to recognize grant proceeds in the amount of one million two hundred forty-six thousand three hundred eighty dollars (\$1,246,380.00) to the following accounts:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
315-15-48050	Federal Grant	\$ 996,380.00
315-15-48060	State Grant	250,000.00
	Total	<u>\$ 1,246,380.00</u>

Section 2: The 2023 Budget is amended to appropriate six hundred eighty-six thousand two hundred nineteen dollars (\$686,219.00) from grant proceeds and airport fund reserves into the following accounts for carryover projects and unspent grants/donations:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
315-15-70155	Buildings and Grounds Maintenance	\$ 12,500.00
315-15-81142	Rehab Taxiways & Aprons	673,719.00
	Total	<u>\$ 686,219.00</u>

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

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

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk/Treasurer

Requested/Drafted By: Casey Wilhelm, Director of Finance

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R23-_____

**A RESOLUTION AMENDING THE 2023 BUDGET TO APPROPRIATE CMRS 911
FUND RESERVES IN THE AMOUNT OF SIX HUNDRED THIRTY THOUSAND
THREE HUNDRED FOURTEEN DOLLARS (\$630,314.00) INTO VARIOUS
ACCOUNTS; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers reviewed the 2022 final budget for CMRS 911 fund expenditures pending at year-end; and

WHEREAS, the Police Chief identified appropriations approved in 2022 where the payment of the expense will not occur until 2023.

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

Section 1: The 2023 Budget is amended to appropriate six hundred thirty thousand three hundred fourteen dollars (\$630,314.00) from CMRS 911 fund reserves into the following accounts for carryover projects:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
352-52-70252	Communications Equipment	\$ 424,300.00
352-52-80100	Capital Outlay	168,323.00
352-52-84007	Police Facility Expansion(Dispatch)	37,691.00
Total		<u>\$ 630,314.00</u>

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 that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk/Treasurer

Requested/Drafted By: Casey Wilhelm, Director of Finance
Reviewed By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R23-_____

A RESOLUTION AMENDING THE 2023 BUDGET TO RECOGNIZE GRANT PROCEEDS IN THE AMOUNT OF SIX HUNDRED THIRTY-EIGHT THOUSAND FOUR HUNDRED TWENTY-NINE DOLLARS (\$638,429.00); APPROPRIATING SAID GRANT PROCEEDS AND CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT) FUND RESERVES IN THE AMOUNT OF SIX HUNDRED THIRTY-EIGHT THOUSAND FOUR HUNDRED TWENTY-NINE DOLLARS (\$638,429.00) INTO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the 2022 final budget for CDBG Grant fund revenues and expenditures pending at year-end; and

WHEREAS, the CDBG Grant Administrator identified grant revenues and appropriations approved in 2022 where the receipt of the grant proceeds or payment of the expense will not occur until 2023.

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

Section 1: The 2023 Budget is amended to recognize grant proceeds in the amount of six hundred thirty-eight thousand four hundred twenty-nine dollars (\$638,429.00) to the following accounts:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
342-42-45110	Federal Revenue	<u>\$ 638,429.00</u>

Section 2: The 2023 Budget is amended to appropriate six hundred thirty-eight thousand four hundred twenty-nine dollars (\$638,429.00) from grant proceeds and CDBG fund reserves into the following accounts for carryover projects and unspent grants/donations:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
342-42-70296	Public Service Projects	\$ 28,681.00
342-42-70969	Administration	34,475.00
342-42-70970	Housing Projects	59,578.00
342-42-70971	Housing Administration	9,795.00
342-42-79010	Public Facility Projects	505,900.00
Total		<u>\$ 638,429.00</u>

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

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

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk/Treasurer

Requested/Drafted By: Casey Wilhelm, Director of Finance

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee