



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: March 14, 2023

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

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

Committee Room #1 OR <https://us02web.zoom.us/j/82210212854> OR (312)626-6799 ID: 822 1021 2854

To Discuss: (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement With Local Food Strategies, LLC Of Fayetteville, Arkansas For Planning And Promotional Services For The Rogers Local Food Market

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

Committee Room #1 OR <https://us02web.zoom.us/j/82210212854> OR (312)626-6799 ID: 822 1021 2854

To Discuss: (a) A Resolution Authorizing The City Of Rogers It Department To Dispose Of Certain Property

(b) A Resolution Authorizing The Destruction Of Certain Records Of The City Of Rogers' Legal Department

(c) A Resolution Authorizing The Destruction Of Certain Records Of The City Of Rogers' Finance Department

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

Committee Room #1 OR <https://us02web.zoom.us/j/82210212854> OR (312)626-6799 ID: 822 1021 2854

To Discuss: (a) A Resolution Amending The 2023 Budget To Appropriate \$250,000.00 From Street Fund Reserves Into Account #200-16-70935 Drainage Construction To Purchase Box Culverts

(b) Street Closure Request - Children's Advocacy Center Family Fun Festival
[Information Packet](#)

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

Hayes) **Committee Room #1** OR <https://us02web.zoom.us/j/82210212854> OR (312)626-6799 ID: 822 1021 2854

To Discuss: (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-1 To I-A – 600 S. 1st Street [Staff Report](#)



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ROGERS CITY COUNCIL **AGENDA**

MARCH 14, 2023
6:30 PM

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

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. February 28, 2023

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | | |
|----|----------|--|------------------------------|
| 1. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into An Agreement With Local Food Strategies, LLC Of Fayetteville, Arkansas For Planning And Promotional Services For The Rogers Local Food Market | COMMUNITY SERVICES COMMITTEE |
| 2. | RES. Re: | Authorizing The City Of Rogers It Department To Dispose Of Certain Property | RESOURCES & POLICY COMMITTEE |
| 3. | RES. Re: | Authorizing The Destruction Of Certain Records Of The City Of Rogers' Legal Department | RESOURCES & POLICY COMMITTEE |
| 4. | RES. Re: | Authorizing The Destruction Of Certain Records Of The City Of Rogers' Finance Department | RESOURCES & POLICY COMMITTEE |
| 5. | RES. Re: | Amending The 2023 Budget To Appropriate \$250,000.00 From Street Fund Reserves Into Account #200-16-70935 Drainage Construction To Purchase Box Culverts | TRANSPORTATION COMMITTEE |
| 6. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-1 To I-A – 600 S. 1 st Street | COMMUNITY ENVIRONMENT & |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

1. Appointment of Kraig Pomrenke to the A & P Commission; term to expire November 01, 2026.

ANNOUNCEMENTS:

RESOLUTION NO. R23-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH LOCAL FOOD STRATEGIES, LLC OF FAYETTEVILLE, ARKANSAS FOR PLANNING AND PROMOTIONAL SERVICES FOR THE ROGERS LOCAL FOOD MARKET; WAIVING COMPETITIVE BIDDING; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Community Development Department desires to contract with Local Food Strategies, LLC of Fayetteville, Arkansas to coordinate and promote the 2023 Rogers Local Food Market;

WHEREAS, the City has used Local Food Strategies, LLC in the past for this service and has seen success with the event and its management; and

WHEREAS, Community Development Department is requesting that City Council waive the requirements of competitive bidding for this purchase as operation and management of the Rogers Local Food Market is a service requiring specific and personal knowledge, experience and familiarity with local agriculture, farming, and growers.

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Local Food Strategies, LLC of Fayetteville, Arkansas in an amount not to exceed forty-five thousand dollars (\$45,000.00) for the purchase of planning and promotional services for the 2023 Rogers Local Food Market;

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 planning and promotional services for the 2023 Rogers Local Food Market;

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 of the City Council, or part of resolutions 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

For Consideration By: Community Services Committee

RESOLUTION NO. R23_____

**A RESOLUTION AUTHORIZING THE CITY OF ROGERS IT DEPARTMENT TO
DISPOSE OF CERTAIN PROPERTY; RECOGNIZING THAT THE PROPERTY IS
RENDERED WORTHLESS; ACKNOWLEDGING THE OVERSIGHT FOR DISPOSAL;
AND FOR OTHER PURPOSES.**

WHEREAS, the Director of the City of Rogers IT Department has certified that the items listed in the attached Exhibit “A” have been rendered worthless by damage or prolonged use;

WHEREAS, the Director of the City of Rogers IT Department additionally certifies that disposal of said property by eSCO Processing and Recycling, LLC, located at 2111 S. 8th Street in Rogers, Arkansas, is proper and will be overseen to ensure compliance with Ark. Code Ann. §14-54-302(e)(2)(A); and

WHEREAS, the City Council of the City of Rogers approves the Director’s affidavit of certification attached as Exhibit “A” and deems that disposal by eSCO Processing and Recycling, LLC is appropriate.

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

Section 1: The Director of the City of Rogers IT Department may dispose of the items identified in the attached Exhibit “A” by using eSCO Processing and Recycling, LLC pursuant to Ark. Code Ann. §14-54-302 (e)(2)(A);

Section 2: The IT Department shall maintain a record of all items that are sent to eSCO Processing and Recycling, LLC per this Resolution;

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

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

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Ryan Breese, Director, IT Department

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Resources & Policy Committee

RESOLUTION NO. R23- _____

**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;

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

Section 3: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John M. Pesek, Senior Staff Attorney
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 on or about April 21, 2023 by burning/shredding said records.

TYPE OF RECORDS

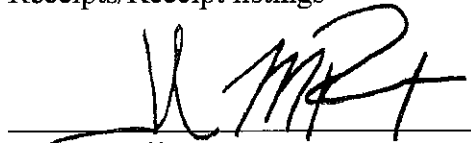
TIME PERIOD

Staff attorney/city attorney closed case files

2016

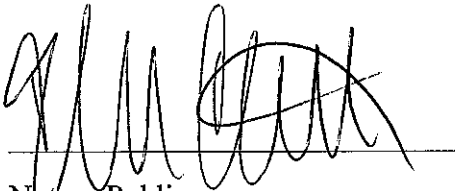
Receipts/Receipt listings

2016

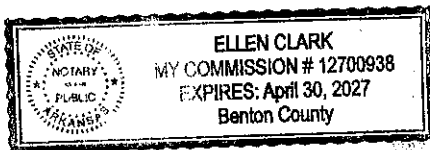


Senior Staff Attorney
John M. Pesek

Subscribed and Sworn to me this 9 day of March 2023.



Notary Public



RESOLUTION NO. R23- _____

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

WHEREAS, the City of Rogers Finance Department desires to destroy certain archived financial records to create space for current 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' Director of Finance, may destroy the records identified in the attached affidavit, pursuant to Ark. Code Ann. §14-59-114 and § 2-1 of the Code of Ordinances, City of Rogers, Arkansas;

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

Section 3: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

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: Resources & Policy Committee

AFFIDAVIT OF DESTRUCTION OF FINANCE DEPARTMENT RECORDS

I, Casey Wilhelm do hereby certify that the following records of the City of Rogers Finance Department have been retained for at least four (4) to seven (7) years as specified under Ark. Code Ann. §14-59-114 and Sec. 2-1 of the City of Rogers Code of Ordinances and have been audited as required by law. The records listed below, covering the time period stated, are to be destroyed in April 2023, by shredding said records.

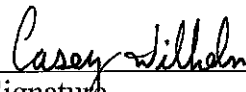
TYPE OF RECORD

TIME PERIOD

Accounts Receivables including cash receipts from credit cards	2017
Journal Entries and support documents for Journal Entries	2017
Payment Batch Registers/Ledgers	2017
Accounts Payable Invoices all funds (except bond funds)	2017
Purchasing Card Invoices/receipts	2017
Bank Statements all funds (except bond funds and pension funds)	2017
Deposit Slips all funds	2017
Credit Card Receipts	2017
City View Import Records	2017

Signature
Council Member

Date



Signature
Director of Finance
Performing Destruction

3-10-23

Date

Approval by City Council noted in council minutes dated: _____

To be filled out on date of Destruction:

On this _____ day of _____, 2023, records as noted were destroyed.

Witness: _____ Date: _____
City Clerk-Treasurer

RESOLUTION NO. R23-_____

A RESOLUTION AMENDING THE 2023 BUDGET TO APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) FROM STREET FUND RESERVES INTO ACCOUNT #200-16-70935 DRAINAGE CONSTRUCTION TO PURCHASE BOX CULVERTS; AND FOR OTHER PURPOSES.

WHEREAS, the City Council, through Resolution 21-68, previously accepted the lowest qualified bid to purchase additional box culverts from Scurlock Industries of Fayetteville, Arkansas; and

WHEREAS, the Street Department needs an appropriation of two hundred fifty thousand dollars (\$250,000.00) to pay the invoice for those additional box culverts.

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

Section 1: The 2023 budget is amended to appropriate two hundred fifty thousand dollars (\$250,000.00) from Street Fund Reserves into Account #200-16-70935 Drainage Construction;

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

Section 3: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Frankie Guyll, Street Department Superintendent

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM I-1 TO I-A; 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 I-A zoning.

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

Section 1: Chapter 14, Article VI, Section 14-67—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 IA and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

ADJUSTED PARCEL 02-00294-000 (TRACTS 4, 5, & 6)

A PART OF THE SW1/4 OF THE SW1/4 OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 29 WEST AND A PART OF THE SE1/4 OF THE SE1/4 OF SECTION 12, TOWNSHIP 19 NORTH, RANGE 30 WEST AND A PORTION OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S (FORMERLY ST. LOUIS SAN FRANCISCO RAILWAY COMPANY) STATION GROUND PROPERTY AT ROGERS, ARKANSAS, OVER AND ACROSS THE SE1/4 SE1/4 OF SECTION 12, TOWNSHIP 19 NORTH, RANGE 30 WEST, AND IN THE SW1/4 SW1/4 OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 29 WEST, ALL IN THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, AND IS DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1" PIPE MARKING THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 29 WEST; THENCE, ALONG SAID SECTION LINE, N 01°57'02" E A DISTANCE OF 203.25'; TO THE POINT OF BEGINNING; THENCE, LEAVING SAID SECTION LINE, N 83°01'51" W A DISTANCE OF 9.72'; THENCE S 14°58'33" W A DISTANCE OF 27.35'; THENCE N 75°01'27" W A DISTANCE OF 25.00' TO A POINT ON THE EASTERLY RIGHT OF WAY OF FRISCO RAILROAD; THENCE, ALONG SAID RIGHT OF WAY, N 14°58'33" E A DISTANCE OF 319.77' TO A POINT ON THE SOUTHERLY RIGHT OF WAY W PINE STREET (40' RIGHT OF WAY); THENCE, ALONG SAID RIGHT OF WAY, S 86°50'21" E A DISTANCE OF 107.08; THENCE S 06°48'06" W A DISTANCE OF 293.49'; THENCE N 83°52'12" W A DISTANCE OF 114.39'; THENCE S 02°06'59" W A DISTANCE OF 5.02' TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

CONTAINING 37,835.51 S.F., 0.87 ACRES MORE OR LESS.

PARCEL 02-00294-002

A PART OF SOUTHWEST QUARTER OF SECTION 07, TOWNSHIP 19 NORTH, RANGE 29 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A FOUND IRON PIPE BEING THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER AND RUNNING THENCE N02°02'54"E 208.25', THENCE S83°52'12"E 111.55' TO A FOUND IRON PIPE ON THE WEST RIGHT OF WAY LINE OF SOUTH 1ST STREET, SAID POINT BEING THE TRUE POINT OF BEGINNING AND RUNNING THENCE ALONG SAID RIGHT OF WAY N06°48'06"E 293.36' TO THE SOUTH RIGHT OF WAY LINE OF WEST PINE STREET, THENCE S86°50'21"E 2.50' TO A SET IRON PIN, THENCE S06°48'06" W 293.49' TO A SET IRON PIN, THENCE N 83°52'12" W 2.50' TO THE POINT OF BEGINNING. CONTAINING 0.02 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

CONTAINING 733.57 S.F., 0.02 ACRES MORE OR LESS.

LAYMAN'S DESCRIPTION:

600 S. 1st Street

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

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: Kyle Belt, Planner I
For Consideration By: Community Environment & Welfare Committee