



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

COMMITTEE SCHEDULE

DISCLAIMER: The City of Rogers makes no claims, promises, or guarantees regarding the participants ability to attend any public meeting virtually. Technology resources, virtual meeting platforms, and the Internet may occasionally be interrupted or made unavailable by causes beyond the City's reasonable control. The City cannot guarantee that participants will have the opportunity to participate virtually at all times. Public Forums, Public Hearings, and scheduled items of business will not be tabled or postponed due to technological issues. If you are representing a published item of business or wish to speak at a public hearing, in person attendance is required.

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: April 25, 2023

The following committee meetings will be held on **Tuesday, April 25, 2023** prior to the City Council Meeting:

05:50 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall) **Committee Room #1 OR**
<https://us02web.zoom.us/j/83661290882> OR (312)626-6799 ID: 836 6129 0882

To Discuss: (a) RWU Monthly Report
(b) LRS Quarterly Report

06:05p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Legere, Townzen) **Committee Room #1 OR**
<https://us02web.zoom.us/j/83661290882> OR (312)626-6799 ID: 836 6129 0882

To Discuss: (a) Splash, Pedal, Sprint Youth Triathlon [Map Request](#)
(b) Kendrick Fincher Race to Hydrate [Map Request](#)

06:15 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall) **Committee Room #2 OR**
<https://us02web.zoom.us/j/82760609426> OR (312)626-6799 ID: 827 6060 9426

To Discuss: (a) A Resolution Amending The 2023 Budget To Appropriate General Fund
Reserves In The Amount Of \$3,185.00 Into Account #100-04-70861 State
Grant Expense

06:15 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes)
Committee Room #1 OR <https://us02web.zoom.us/j/83661290882> OR (312)626-6799 ID: 836 6129 0882

To Discuss: (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into An
Utility Easement Agreement With Black Hills Energy Arkansas, Inc
(b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain
Lands From R-O To COM (706 W Pine Street & 702 S 7th Street) [Staff Report](#)



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ROGERS CITY COUNCIL **AGENDA**

APRIL 25, 2023
6:30 PM

In Person Rogers City Council Chambers

OR via ZOOM <https://us02web.zoom.us/j/85269304208> OR By Phone (312) 626-6799 ID: 852 6930 4208

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PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. April 11, 2023

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. RES. Re: Amending The 2023 Budget To Appropriate General Fund FINANCE
Reserves In The Amount Of \$3,185.00 Into Account COMMITTEE
#100-04-70861 State Grant Expense
2. RES. Re: Authorizing The Mayor And City Clerk To Enter Into An COMMUNITY
Utility Easement Agreement With Black Hills Energy ENVIRONMENT &
Arkansas, Inc. WELFARE
COMMITTEE
3. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning COMMUNITY
Certain Lands From R-O To COM (706 W Pine Street & ENVIRONMENT &
702 S 7th Street) WELFARE
COMMITTEE

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

1. The reappointment of Bob Crafton to the Airport Commission; term to expire April 25, 2028.

ANNOUNCEMENTS:

A RESOLUTION AMENDING THE 2023 BUDGET TO APPROPRIATE GENERAL FUND RESERVES IN THE AMOUNT OF THREE THOUSAND ONE HUNDRED EIGHTY-FIVE DOLLARS (\$3,185.00) INTO ACCOUNT #100-04-70861 STATE GRANT EXPENSE; AND FOR OTHER PURPOSES.

WHEREAS, RES 23-18 was approved on Feb. 14, 2023 to appropriate funds for grants and/or projects started in 2022 or previous years to be completed in 2023; and

WHEREAS, the appropriated amounts carried over per RES 23-18 from 2022 budget to the 2023 budget did not include the appropriation related to the State Trauma Grant.

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 thousand one hundred eighty-five dollars (\$3,185.00) from General fund reserves into Account #100-04-70861 State Grant expense for spending of the remaining grant proceeds.

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 By: Chief Tom Jenkins, Fire Chief
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 AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
AN UTILITY EASEMENT AGREEMENT WITH BLACK HILLS ENERGY
ARKANSAS, INC.; AND FOR OTHER PURPOSES.**

WHEREAS, Black Hills Energy Arkansas, Inc. of Fayetteville, Arkansas desires an easement to place underground facilities at the Rogers Public Library; and

WHEREAS, the City believes it appropriate to allow Black Hills Energy a utility easement to place a gas line on property next to Dixieland Road in front of the Rogers Public Library as depicted in Exhibit "A."

**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 easement agreement with Black Hills Energy Inc.

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 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 _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director Community Development

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

AREA TABLE		
EASEMENT TYPE	ACRES	SQ. FT.
NEW EASEMENT	0.137±	5,976±
EXISTING EASEMENT	0.001±	37±
TEMP. CONSTRUCTION	0.136±	5,944±
OVERALL EASEMENT	0.138±	6,015±

EXHIBIT A

THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.



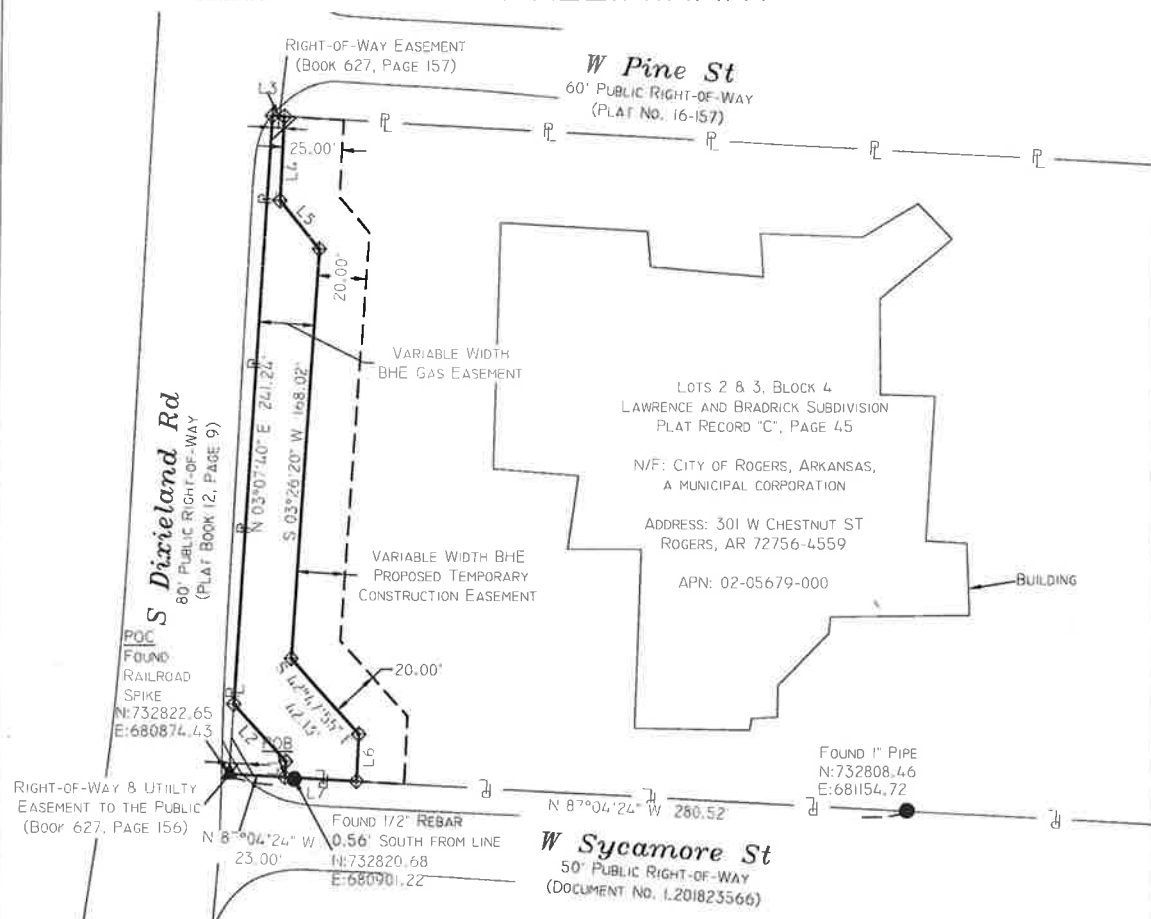
SCALE 1" = 60'

CERTIFICATION

I, **PAXTON R. SINGLETON** CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN QUIT CLAIM DEED - BOOK 2007, PAGE 28958; THIS EXHIBIT IS A PROPOSED EASEMENT FOR A PUBLIC UTILITY. THE PURPOSE OF THIS EXHIBIT IS FOR RIGHT OF WAY OR EASEMENT ACQUISITION ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.

THIS ____ DAY OF SEPTEMBER 2022

PRELIMINARY



LINE	BEARING	DISTANCE
L1	N 02°15'05" E	6.50'
L2	N 42°47'55" W	31.88'
L3	S 87°00'27" E	4.88'
L4	S 02°17'03" W	34.48'
L5	S 40°39'42" E	25.95'
L6	S 02°15'05" W	19.30'
L7	N 87°04'24" W	30.00'

● FOUND MONUMENT	— OVERALL B.H.E. EASEMENT RIGHT-OF-WAY
⬢ COMPUTED POINT	— NEW B.H.E. EASEMENT RIGHT-OF-WAY
POB POINT OF BEGINNING	— TEMP. CONSTRUCTION EASEMENT
POC POINT OF COMMENCEMENT	— EXISTING EASEMENT
□ TEMP. CONSTRUCTION HATCH	— DEED LINE
□ NEW B.H.E. EASEMENT HATCH	— STREET RIGHT-OF-WAY
□ EXISTING EASEMENT HATCH	— B.H.E. EASEMENT WITHIN RIGHT-OF-WAY

NOTES:

- SUBJECT PROPERTY SURVEYED AND MAPPED FOR: BLACK HILLS ENERGY
- AREA BY COORDINATE COMPUTATION METHOD.
- ALL DISTANCES ARE IN HORIZONTAL GRID DISTANCES IN U.S. SURVEY FEET.
- PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS, & RIGHT-OF-WAY.
- SURVEY BASED ON PHYSICAL EVIDENCE AND EXISTING MONUMENTATION FOUND DURING THIS SURVEY.
- THIS EXHIBIT IS BEING PREPARED AS COUNTERPART TO AN ONGOING LIMITED BOUNDARY & TOPOGRAPHIC SURVEY CONDUCTED BY BLEW & ASSOCIATES P.A. FOR BLACK HILLS ENERGY UNDER THE SUPERVISION OF PAXTON SINGLETON IN THE MONTHS OF OCTOBER & NOVEMBER OF 2021.

	BLACK HILLS ENERGY EASEMENT EXHIBIT	
	EASEMENT ACROSS THE LANDS OF: CITY OF ROGERS, ARKANSAS, A MUNICIPAL CORPORATION 301 W CHESTNUT ST ROGERS, AR 72756-4559	
EXHIBIT #: 3 OF 28 REVISION:	DATE: 9/15/2022 DRAWN BY: DMS CHECK BY: PRS	SCALE: 1" = 60' QUIT CLAIM DEED - BOOK 2007, PAGE 28958
		BLEW & ASSOCIATES, P.A. CIVIL ENGINEERS & LAND SURVEYORS 3825 N. SHILOH DRIVE FAYETTEVILLE, ARKANSAS 72703 OFFICE: 479.443.4506 FAX: 479.582.1883 www.BLEWINC.com Certificate of Authorization No 1534

Exhibit 3

BHE 30' Gas Easement:

All that part or portion of Lots 2 and 3, in Block 4 of the Lawrence and Bradrick Subdivision of Block 7 of Felker's Subdivision of the SE1/4 of Section 11, Township 19 North, Range 30 West, Benton County, Arkansas as shown in Plat Record "C", Page 45 in the plat records of Benton County, Arkansas; Same owned now or formerly by the City of Rogers, a municipal corporation, as recorded in Quit Claim Deed Book 2007, Page 28958 in the real property records of Benton County, Arkansas; Being more particularly described as follows:

COMMENCING at a Found Railroad Spike at the Southwest corner of Lot 3, Block 4 of the Lawrence and Bradrick Subdivision as in Plat Record "C", Page 45; THENCE departing said Found Railroad Spike, S87°04'24"E a distance of 23.00' to a point along the Northerly right-of-way line of West Sycamore Street (A 50' public right-of-way) and also being the TRUE POINT OF BEGINNING;

THENCE, departing said right-of-way and traversing through the City of Rogers property, N02°15'05"E a distance of 6.50'; THENCE N42°47'55"W a distance of 31.88'; THENCE N03°07'40"E a distance of 241.24'; THENCE S87°00'27"E a distance of 4.88'; THENCE S02°17'03"W a distance of 34.48'; THENCE S40°39'42"E a distance of 25.95'; THENCE S03°26'20"W a distance of 168.02'; THENCE S42°47'55"E a distance of 42.13'; THENCE S02°15'05"W a distance of 19.30' to a point on the Northerly right-of-way line of West Sycamore Street (A 50' public right-of-way); THENCE along said right-of-way N87°04'24"W a distance of 30.00' back to the TRUE POINT OF BEGINNING.

Containing an area of 6,015 square feet, 0.138 acres more or less.

ORDINANCE NO. 23 ____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM R-O TO 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 COM zoning.

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

Section 1: Chapter 14, Article VI, Section 14-67—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

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

PROPERTY DESCRIPTION:

PARCEL 02-04031-000

LOTS 1 AND 4, BLOCK 4, DUCKWORTHS REVISED ADDITION TO ROGERS,
BENTON COUNTY, ARKANSAS.

LAYMAN'S DESCRIPTION:

706 W Pine Street & 702 S 7th Street

Section 3: Zoning: That the above described lands are better suited for COM than R-O zoning and same should be and are hereby zoned 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 of Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Christina Moore, Planner I

For Consideration By: Community Environment & Welfare Committee