



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: October 24, 2023

The following committee meetings will be held on **Tuesday, October 24, 2023** prior to the City Council Meeting:

05:40 p.m. - TRANSPORTATION COMMITTEE: (Surly*, Legere, Townzen)

Community Room #1 OR <https://us02web.zoom.us/j/88539150879> OR (312)626-6799 ID: 885 3915 0879

- To Discuss:
- (a) Street Closure Request - Dia de Muertos Bike Ride And Culture Celebration
 - (b) Street Closure Request - Winter Market

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

Community Room #2 OR <https://us02web.zoom.us/j/86817511300> OR (312)626-6799 ID: 868 1751 1300

- To Discuss:
- (a) An Ordinance Vacating A Certain Portion Of East Chestnut Street
 - (b) An Ordinance Vacating Of A Certain Portion Of East Chestnut Street –

05:50 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

Community Room #1 OR <https://us02web.zoom.us/j/88539150879> OR (312)626-6799 ID: 885 3915 0879

- To Discuss:
- (a) RWU Monthly Report

05:50 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Reithemeyer, Legere)

Community Room #2 OR <https://us02web.zoom.us/j/86817511300> OR (312)626-6799 ID: 868 1751 1300

- To Discuss:
- (a) A Resolution Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, Arkansas (1211 N. 2nd St.)
 - (b) A Resolution Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, Arkansas (1230 N. D St.)
 - (c) An Ordinance 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 (803 N. 12th St.)

06:00 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

Community Room #2 OR <https://us02web.zoom.us/j/86817511300> OR (312)626-6799 ID: 868 1751 1300

- To Discuss:
- (a) A Resolution Amending The 2023 Budget To Appropriate \$1,155,821.00 From American Rescue Fund Reserves Into Account #348-48-73321 Sewer Infrastructure For The Purchase Of A Portion Of Sludge Drying Equipment
 - (b) A Resolution Certifying Local Government Endorsement Of Business To Participate In The Equity Investment Incentive (As Authorized By Ark. Code Ann. § 15-4-3303(A)(2)(B)(Iii) Of The Equity Investment Incentive Act Of 2007)
-

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

Community Room #1 OR <https://us02web.zoom.us/j/88539150879> OR (312)626-6799 ID: 885 3915 0879

- To Discuss:
- (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To C-2 (1101 & 1103 W. Hudson - Longman) [Staff Report](#)
 - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 And C-2 To C-2 (E. Old Prairie Creek Rd – Williams) [Staff Report](#)
-



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ROGERS CITY COUNCIL **AGENDA**

OCTOBER 24, 2023

6:30 PM

In Person Rogers City Council Chambers

OR via [ZOOM LINK](#) OR By Phone (312) 626-6799 ID: 852 6930 4208

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.

PUBLIC HEARING:

1. A Public Hearing 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 (803 N. 12th St.)
2. A Public Hearing Vacating A Certain Portion Of East Chestnut Street- PARCEL #02-00220-001.
3. A Public Hearing Vacating A Certain Portion Of East Chestnut Street- PARCEL #02-02171-000.

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. October 10, 2023

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | |
|-------------|--|-------------------------|
| 1. RES. Re: | Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, | PUBLIC SAFETY COMMITTEE |
|-------------|--|-------------------------|

- | | | |
|----|---|---|
| | Arkansas (1211 N. 2 nd St.) | |
| 2. | RES. Re: Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, Arkansas (1230 N. D St.) | PUBLIC SAFETY COMMITTEE |
| 3. | ORD. 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 (803 N. 12 th St.) | PUBLIC SAFETY COMMITTEE |
| 4. | ORD. Re: Vacating A Certain Portion Of East Chestnut Street | RESOURCES & POLICY COMMITTEE |
| 5. | ORD. Re: Vacating Of A Certain Portion Of East Chestnut Street | RESOURCES & POLICY COMMITTEE |
| 6. | RES. Re: Amending The 2023 Budget To Appropriate \$1,155,821.00 From American Rescue Fund Reserves Into Account #348-48-73321 Sewer Infrastructure For The Purchase Of A Portion Of Sludge Drying Equipment | FINANCE COMMITTEE |
| 7. | RES. Re: Certifying Local Government Endorsement Of Business To Participate In The Equity Investment Incentive (As Authorized By Ark. Code Ann. § 15-4-3303(A)(2)(B)(Iii) Of The Equity Investment Incentive Act Of 2007) | FINANCE COMMITTEE |
| 8. | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To C-2 (1101 & 1103 W. Hudson - Longman) | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 9. | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 And C-2 To C-2 (E. Old Prairie Creek Rd – Williams) | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

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, Camilo Cedillo Sosa is the owner of certain real property situated in Rogers, Benton County, Arkansas, more particularly described as follows:

LEGAL DESCRIPTION: Lot B, Block 2, Loveland Subdivision, being a part of NO/4 of Section 6, Township 19 North, Range 29 West, as shown on Plat Record “A” at Page 16, in the office of the Circuit Clerk and Ex- Officio Recorder of Benton County, Arkansas

LAYMAN’S DESCRIPTION: 1211 N 2nd Street, Rogers, AR 72756

PARCEL NO.: 02-05711-000

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, November 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: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety 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, Southwind Properties Revocable Trust, is the owner of certain real property situated in Rogers, Benton County, Arkansas, more particularly described as follows:

LEGAL DESCRIPTION: Part of the SE/4 of Section 06, Township 19 North, Range 29 West, Benton County, Arkansas, more particularly described as follows: Beginning at the Northeast Corner of said 40 acres and run thence West 520 feet; Thence South 84 feet; Thence East 520 Feet; Thence North 84 feet to the place of Beginning, containing 1 acre, more or less.

LAYMAN’S DESCRIPTION: 1230 N. D. Street, Rogers, AR 72756

PARCEL NO.: 02-00127-000

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, November 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: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety Committee

ORDINANCE NO. 23-_____

AN ORDINANCE 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; PROVIDING FOR THE EMERGENCY CLAUSE; 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 12th 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:

\$	318.40 clean-up costs
\$	7.90 certified mail fee
\$	<u>22.00 filing fee costs</u>
TOTAL \$	348.30

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:

\$ **348.30**, plus 10% for collection - 803 N 12th Street, Rogers, Benton County, Arkansas, 72758, Parcel 02-25275-000

Section 2: Emergency Clause: That the need to place a lien on the aforementioned property is immediate; therefore, in order to protect the public peace, health, safety and welfare, an emergency is deemed to exist, and this Ordinance shall become effective upon its 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: Quinton Harris, Director, Parks and Recreation Department

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety Committee

ORDINANCE NO. 23- _____

AN ORDINANCE VACATING A CERTAIN PORTION OF EAST CHESTNUT STREET; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to City of Rogers' Code of Ordinances §14-522(a), a request was made by the adjoining property owner to the City of Rogers to vacate a portion of an existing street having the legal description as follows:

PORTION ADJACENT AND PARALLEL TO PARCEL #02-00220-001

A PORTION OF THE 80 FOOT PLATTED RIGHT OF WAY TO EAST CHESTNUT STREET AS SHOWN ON THE FINAL PLAT OF THE ORIGINAL TOWN OF ROGERS TO BE VACATED, SAID PORTION LYING ADJACENT AND PARALLEL TO THE NORTH LINE OF LOT 2, AS SHOWN PER SURVEY L201836858, RECORDS OF BENTON COUNTY, ARKANSAS, SAID PORTION OF RIGHT OF WAY TO BE VACATED BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY OF EAST CHESTNUT STREET AND THE EAST RIGHT OF WAY OF NORTH FIRST STREET MARKING THE NORTHWEST CORNER OF SAID LOT 2 AND RUNNING THENCE N07°13'05"E 7.27', THENCE S82°07'06"E 105.00', THENCE S07°13'05"W 7.88' TO THE SOUTH RIGHT OF WAY OF EAST CHESTNUT STREET, THENCE ALONG SAID RIGHT OF WAY N82°46'55"W 105.00' TO THE POINT OF BEGINNING, CONTAINING 0.02 ACRES, MORE OR LESS.

WHEREAS, notice was placed on the above described land as required by law and the Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question; and

WHEREAS, the City Council has ascertained that the above described land has not been used as a public street for the previous five (5) years to the petition and all adjoining property owners agree with this street vacation.

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

Section 1: The City Council finds, after proper notice and hearing, that the above described street has been unused for a period of five (5) years prior to this request and all adjoining property owners have consented to this vacation;

Section 2: The City Council orders that the portion of East Chestnut Street described above is vacated;

Section 3: The City Council directs the Department of Community Development to post notice of this vacation for at least a period of thirty (30) days on the property described above. A copy of the Ordinance, duly certified by the City Clerk, shall be filed in the office of the recorder of Benton County and recorded in the deed records of Benton County, thirty-one (31) days after the passing and posting of this Ordinance;

Section 4: Emergency Clause: That the need to vacate a portion of Chestnut street as described above is immediate; therefore, in order to protect the public peace, health, safety and welfare, an emergency is deemed to exist, and this Ordinance shall become effective upon its passage and approval;

Section 5: Severability Provision: If any part of this Ordinance is held to be 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 Department

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Resources & Policy Committee

ORDINANCE NO. 23- _____

AN ORDINANCE VACATING OF A CERTAIN PORTION OF EAST CHESTNUT STREET; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to City of Rogers' Code of Ordinances §14-522(a), a request was made by adjoining property owners to the City of Rogers to vacate a portion of an existing street having the legal description as follows:

PORTION ADJACENT AND PARALLEL TO PARCEL #02-02171-000

A PORTION OF THE 80 FOOT PLATTED RIGHT OF WAY TO EAST CHESTNUT STREET AS SHOWN ON THE FINAL PLAT OF THE ORIGINAL TOWN OF ROGERS TO BE VACATED, SAID PORTION LYING ADJACENT AND PARALLEL TO THE NORTH LINE OF LOT 1, BLOCK 5 OF SAID ORIGINAL TOWN OF ROGERS, BENTON COUNTY, ARKANSAS, SAID PORTION OF RIGHT OF WAY TO BE VACATED BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT ON THE SOUTH RIGHT OF WAY OF EAST CHESTNUT STREET MARKING THE NORTHWEST CORNER OF SAID LOT 1 AND RUNNING THENCE N07°13'05"E 3.96, THENCE S82°16'10"E 140.01', THENCE S07°13'05"W 2.71 TO THE SOUTH RIGHT OF WAY OF EAST CHESTNUT STREET, THENCE ALONG SAID RIGHT OF WAY N82°46'55"W 140.00' TO THE POINT OF BEGINNING, CONTAINING 466.91 SQUARE FEET.

WHEREAS, notice was placed on the above described land as required by law and the Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question; and

WHEREAS, the City Council has ascertained that the above described land has not been used as a public street for the previous five (5) years to the petition and all adjoining property owners agree with this street vacation.

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

Section 1: The City Council finds, after proper notice and hearing, that the above described street has been unused for a period of five (5) years prior to this request and all adjoining property owners have consented to this vacation;

Section 2: The City Council orders that the portion of East Chestnut Street described above is vacated;

Section 3: The City Council directs the Department of Community Development to post notice of this vacation for at least a period of thirty (30) days on the property described above. A copy of the Ordinance, duly certified by the City Clerk, shall be filed in the office of the recorder

of Benton County and recorded in the deed records of Benton County, thirty-one (31) days after the passing and posting of this Ordinance;

Section 4: Emergency Clause: That the need to vacate a portion of Chestnut street as described above is immediate; therefore, in order to protect the public peace, health, safety and welfare, an emergency is deemed to exist, and this Ordinance shall become effective upon its passage and approval;

Section 5: Severability Provision: If any part of this Ordinance is held to be 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 Department

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Resources & Policy Committee

RESOLUTION NO. R23-_____

A RESOLUTION AMENDING THE 2023 BUDGET TO APPROPRIATE ONE MILLION ONE HUNDRED FIFTY-FIVE THOUSAND EIGHT HUNDRED TWENTY-ONE DOLLARS (\$1,155,821.00) FROM AMERICAN RESCUE FUND RESERVES INTO ACCOUNT #348-48-73321 SEWER INFRASTRUCTURE FOR THE PURCHASE OF A PORTION OF SLUDGE DRYING EQUIPMNENT; ALLOCATING CERTAIN STATE AND LOCAL FISCAL RECOVERY ACT FUNDS FOR PURCHASE OF SLUDGE DRYING EQUIPMENT FOR THE ROGERS POLLUTION CONTROL FACILITY SOLIDS HANDLING PHASE II PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers, Arkansas (the “City”) owns and operates, through the Rogers Waterworks and Sewer Commission and the Rogers Water Utilities, a municipal sewer system in order to provide sewer service to meet the need of the City, its inhabitants, and certain nearby areas;

WHEREAS, the City of Rogers received certain State and Local Fiscal Recovery Funds (“SLFRF”) pursuant to the American Rescue Plan Act of 2021 (“ARPA”);

WHEREAS, SLFRF may be used to make necessary investments in, *inter-alia*, water and sewer infrastructure;

WHEREAS, City staff recommends an appropriation of one million one hundred fifty-five thousand eight hundred twenty-one dollars (\$1,155,821.00) of the City’s SLFRF monies for the purchase of a portion of sludge drying equipment to be used at the Rogers Pollution Control Facility (RPCF) in connection with the Rogers Pollution Control Facility Solids Handling Phase II Project; and

WHEREAS, bids were requested and reviewed and Huber Technology Inc. out of Denver, NC, submitted the lowest qualified bid, the City will make payment directly to the vendor Huber Technology, Inc. for a portion of the cost of the equipment.

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

Section 1: The amount of one million one hundred fifty-five thousand eight hundred twenty-one dollars (\$1,155,821.00) of the City’s State and Local Fiscal Recovery Funds (SLRF) is hereby allocated for purchase of a portion of sludge drying equipment to be used at the Rogers Pollution Control Facility (RPCF) in connection with the Rogers Pollution Control Facility Solids Handling Phase II Project (“the Project”). The Mayor or his duly authorized representative is authorized to coordinate with Rogers Water Utilities for the application of these funds for the purchases contemplated herein;

Section 2: The City of Rogers’ 2023 Budget is hereby amended to appropriate one million one hundred fifty-five thousand eight hundred twenty-one dollars (\$1,155,821.00) from American

Rescue Fund Reserves into Account #348-48-73321 Sewer Infrastructure for the purchase of a portion of sludge drying equipment;

Section 3: Nothing herein shall authorize, and nothing herein shall be construed as authorizing, the Rogers Water Utilities, the Rogers Waterworks and Sewer Commission, or the City to enter into any agreements that would violate existing bond agreements, bond ordinances, or other existing obligations of the Rogers Water Utilities, the Commission, or the City;

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 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. Notwithstanding the foregoing, no conflict is perceived with City Council Resolution No. R23-81, “A Resolution of Intent Regarding the Rogers Pollution Control Facility Solids Handling Improvements, Phase II Project, and For Other Purposes” passed by the City Council on September 12, 2023, and no repeal of Resolution No. R23-81 is intended.

RESOLVED this _____ day of _____, 2023.

C. GREG HINES, Mayor

ATTEST:

JESSICA RUSH, City Clerk

Requested by: Rogers Water Utilities and Casey Wilhelm, Director of Finance
Prepared by: Robert A. Frazier, Legal Counsel, Rogers Water Utilities and Rogers Waterworks and Sewer Commission and John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R23-_____

A RESOLUTION OF THE CITY COUNCIL OF ROGERS, ARKANSAS CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE EQUITY INVESTMENT INCENTIVE (AS AUTHORIZED BY ARK. CODE ANN. § 15-4-3303(a)(2)(B)(iii) OF THE EQUITY INVESTMENT INCENTIVE ACT OF 2007); AND FOR OTHER PURPOSES.

WHEREAS, the Arkansas Economic Development Commission provides income tax credits to investors in eligible early-stage businesses through the Equity Investment Incentive Act of 2007 (henceforth known as the “EITC Program”);

WHEREAS, Loloft, Inc. approached the Arkansas Economic Development Commission to apply for admission into the EITC program;

WHEREAS, Loloft, Inc. does not meet the definition of a targeted business under Ark. Code Ann. § 15-4-2703(39);

WHEREAS, Loloft, Inc. is located at 600 South 1st Street in Rogers, Arkansas; and

WHEREAS, in order for a non-targeted business to be considered eligible for participation in the EITC Program, the city of Rogers, Arkansas may endorse a business to participate in the EITC Program.

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

Section 1: Loloft, Inc. be endorsed by the city of Rogers, Arkansas for admission into the EITC Program as provided by Section 15-4-3303(a)(2)(B)(iii) of the Equity Investment Act of 2007;

Section 2: The city of Rogers, Arkansas identifies Loloft, Inc. as a type of business targeted for recruitment and growth in the community;

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: Rogers-Lowell Area Chamber of Commerce

For Consideration By: Finance Committee

ORDINANCE NO. 23-__

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO C-2; 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 C-2 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 C-2 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 36, Township 20 North, Range 30 West, more particularly described as follows: Beginning at the Southwest corner of said Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), running thence East 501 feet, thence North 880 feet, thence West 501 feet, thence South 880 feet to the place of beginning, containing 10 acres, more or less.

Less and except: Part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 36, Township 20 North, Range 30 West, more particularly described as follows: Beginning at a point which is 880 feet North of the Southwest corner of the Southeast Quarter of the Southwest Quarter of Section 36; thence East 501 feet, thence South 75 feet, thence West 261 feet, thence S $86^{\circ}23'10''$ W, 95.19 feet, thence S $38^{\circ}10'23''$ W, 202.25 feet, thence West 20 feet to a point 240 feet South of the point of beginning, thence North 240 feet to the point of beginning.

PARCEL NO. 02-02122-000, 02-02121-000

LAYMAN'S DESCRIPTION:

1101 & 1103 W. Hudson Road

Section 3: Zoning: That the above described lands are better suited for C-2 (Highway Commercial) than A-1 (Agricultural) zoning and same should be and are hereby zoned C-2;

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: Nicholas Little, Planner II

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 and C-2 TO C-2; 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 C-2 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 C-2 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF THE NE1/4 OF THE SW1/4 OF SECTION 5, TOWNSHIP 19 NORTH, RANGE 29 WEST IN BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT 80.04 FEET NORTH (N00°26'37"E) OF THE SE CORNER OF SAID NE1/4 OF THE SW1/4, SAID POINT BEING ON THE NORTH RIGHT OF WAY OF ARKANSAS STATE HIGHWAY NO. 12 AS IT NOW EXISTS; THENCE WITH SAID RIGHT OF WAY N87°37'48"W 480.71 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 612.96 FEET AND A DELTA OF 29°11'21"; THENCE ALONG SAID CURVE A DISTANCE OF 312.27 FEET; THENCE LEAVING SAID RIGHT OF WAY N87°12'30"W 49.52 FEET TO THE CENTERLINE OF OLD HIGHWAY NO. 12; THENCE WITH SAID CENTERLINE N39°34'54"E 183.56 FEET; THENCE N46°54'23"E 246.38 FEET; THENCE N58°51'14"E 175.93 FEET; THENCE N66°23'04"E 176.08 FEET; THENCE N68°46'06"E 243.46 FEET; THENCE LEAVING SAID CENTERLINE S00°26'37"W 516.60 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHT OF WAY OF ARKANSAS STATE HIGHWAY NO. 12 AND UTILITY EASEMENTS AS THEY EXIST.

LESS AND EXCEPT: PART OF THE NE1/4 OF THE SW1/4 OF SECTION 5, TOWNSHIP 19 NORTH, RANGE 29 WEST IN BENTON COUNTY ARKANSAS. MORE PARTICULARLY DESCRIBED AS STARTING AT THE SE CORNER OF SAID NE1/4 OF THE SW1/4, RUN THENCE N00°26'37"E 80.04 FEET TO THE TRUE POINT OF BEGINNING; THENCE N87°36'50"W 135.00 FEET; THENCE N00°26'37"E 240.00 FEET; THENCE S87°36'50"E 135.00 FEET; THENCE S00°26'37"W 240.00 FEET TO THE TRUE POINT OF

BEGINNING. SUBJECT TO THE RIGHT OF WAY OF ARKANSAS STATE HIGHWAY 12 ALONG THE SOUTH AND UTILITY EASEMENTS AS THEY MAY EXIST.

PARCEL NO. 02-00017-001

LAYMAN'S DESCRIPTION:

4.99 acres at the corner of E. Old Prairie Creek Rd. & E. Old Prairie Creek Dr.

Section 3: Zoning: That the above described lands are better suited for C-2 (Highway Commercial) than A-1 (Agricultural) and C-2 (Highway Commercial) zoning and same should be and are hereby zoned C-2;

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: Zachery Birdsong, Planner I

For Consideration By: Community Environment & Welfare Committee