



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: November 28, 2023

The following committee meetings will be held on **Tuesday, November 28, 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/89551693263> OR (312)626-6799 ID: 895 5169 3263

To Discuss: (a) RWU Monthly Report

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

Committee Room #2 OR <https://us02web.zoom.us/j/85412745019> OR (312)626-6799 ID: 854 1274 5019

To Discuss: (a) An Ordinance Ordering The Razing And Removal Of A Certain Structure Within The City Of Rogers, Arkansas, Located At 1211 N. 2nd Street

(b) An Ordinance Ordering The Razing And Removal Of A Certain Structure Within The City Of Rogers, Arkansas, Located At 1230 N. D Street

(c) A Resolution Amending The 2023 Budget To Recognize Funds From The Edward Byrne Grant In The Amount Of \$38,354.00 Into Account #100-03-45632 Edward Byrne Federal Grant Revenue 2023; Appropriating That Same Amount Into Account #100-03-71206 Edward Byrne Grant Federal Expense 2023

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

Committee Room #2 OR <https://us02web.zoom.us/j/85412745019> OR (312)626-6799 ID: 854 1274 5019

To Discuss: (a) A Resolution Adopting The City Of Rogers' 2024 Budget; Appropriating Funds And Authorizing Expenditures For Items Included Within The City Of Rogers' 2024 Budget

(b) An Ordinance Authorizing The Adoption Of Certain Provisions Of The City Of Rogers' 2024 Budget

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

Committee Room #1 OR <https://us02web.zoom.us/j/89551693263> OR (312)626-6799 ID: 895 5169 3263

- To Discuss:
- (a) An Ordinance Accepting The Final Plat Of Evening Star Phase 1, Rogers, Benton County, Arkansas, The Dedication Of Utility Easements And Other Public Ways Therein
 - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Abbott - 509 E. Electric St)
 - (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 CU To U-COR (Chris - 3529 S. Pinnacle Hills Parkway)

06:10 p.m. - TRANSPORTATION COMMITTEE: (Surly*, Legere, Townzen)

Committee Room #1 OR <https://us02web.zoom.us/j/89551693263> OR (312)626-6799 ID: 895 5169 3263

- To Discuss:
- (a) A Resolution Expressing The Willingness Of The City Of Rogers To Utilize Federal-Aid Funds For Highway 94 Improvements Phase II/ Highway 12 Sidewalk Improvements/Hudson Road Sidewalk Improvements Phase II
 - (b) A Resolution Amending The 2023 Budget By Establishing Capital Project Account #315-15-80100.006 T-Hangar Apron Expansion; Appropriating \$80,000.00 Into Account #315-15-80100.006 T-Hangar Apron Expansion; Authorizing The Mayor And City Clerk To Enter Into A Contract Amendment With Garver, LLC, Of North Little Rock, Arkansas, For Design, Bid, And Construction Phase Services Associated With The Expansion Of The T-Hangar Apron At The Rogers Executive Airport In An Amount Not To Exceed \$75,000.00



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

ROGERS CITY COUNCIL

AGENDA

NOVEMBER 28, 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. Re: Ordering The Razing And Removal Of A Certain Structure Within The City Of Rogers, Arkansas, Located At 1211 N. 2nd Street
2. Re: Ordering The Razing And Removal Of A Certain Structure Within The City Of Rogers, Arkansas, Located At 1230 N. D Street

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. November 14, 2023

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. ORD. Re: Ordering The Razing And Removal Of A Certain PUBLIC SAFETY

- | | | |
|----|--|---|
| | Structure Within The City Of Rogers, Arkansas, Located At 1211 N. 2nd Street | COMMITTEE |
| 2. | ORD. Re: Ordering The Razing And Removal Of A Certain Structure Within The City Of Rogers, Arkansas, Located At 1230 N. D Street | PUBLIC SAFETY COMMITTEE |
| 3. | RES. Re: Amending The 2023 Budget To Recognize Funds From The Edward Byrne Grant In The Amount Of \$38,354.00 Into Account #100-03-45632 Edward Byrne Federal Grant Revenue 2023; Appropriating That Same Amount Into Account #100-03-71206 Edward Byrne Grant Federal Expense 2023 | PUBLIC SAFETY COMMITTEE |
| 4. | RES. Re: Expressing The Willingness Of The City Of Rogers To Utilize Federal-Aid Funds For Highway 94 Improvements Phase II/ Highway 12 Sidewalk Improvements/Hudson Road Sidewalk Improvements Phase II | TRANSPORATION COMMITTEE |
| 5. | RES. Re: Amending The 2023 Budget By Establishing Capital Project Account #315-15-80100.006 T-Hangar Apron Expansion; Appropriating \$80,000.00 Into Account #315-15-80100.006 T-Hangar Apron Expansion; Authorizing The Mayor And City Clerk To Enter Into A Contract Amendment With Garver, LLC, Of North Little Rock, Arkansas, For Design, Bid, And Construction Phase Services Associated With The Expansion Of The T-Hangar Apron At The Rogers Executive Airport In An Amount Not To Exceed \$75,000.00 | TRANSPORTATION COMMITTEE |
| 6. | RES. Re: Adopting The City Of Rogers' 2024 Budget; Appropriating Funds And Authorizing Expenditures For Items Included Within The City Of Rogers' 2024 Budget | FINANCE COMMITTEE |
| 7. | ORD. Re: Authorizing The Adoption Of Certain Provisions Of The City Of Rogers' 2024 Budget | FINANCE COMMITTEE |
| 8. | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Abbott - 509 E. Electric St) | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 9. | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 CU To U-COR (Chris - 3529 S. Pinnacle Hills Parkway) | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

- | | | |
|----|---|---|
| 1. | ORD. Re: Accepting The Final Plat Of Evening Star Phase 1, Rogers, Benton County, Arkansas, The Dedication Of Utility Easements And Other Public Ways Therein | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
|----|---|---|

APPOINTMENTS:

ANNOUNCEMENTS:

ORDINANCE NO. 23-_____

AN ORDINANCE ORDERING THE RAZING AND REMOVAL OF A CERTAIN STRUCTURE WITHIN THE CITY OF ROGERS, ARKANSAS, LOCATED AT 1211 N. 2ND STREET; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

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

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, Benton County, Arkansas.

Tax Parcel No. 02-05711-000

WHEREAS, the structure on the property is unfit for human habitation, constitutes a fire hazard, and is otherwise a dangerous to human life, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly, and is considered an unsafe and unsightly structure in violation of City of Rogers’ Code of Ordinance, §§ 18-55 through 18-68; more specifically, the following violations have been found to exist in violation of the International Property Maintenance Code, which is adopted by reference in the Rogers’ Code of Ordinances §§ 10-32 and 10-33:

1. 2021 IPMC – 301.3 Vacant structures and land.

All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. Inspection findings: The building can be considered unsightly (blighting)

2. 2021 IPMC – 302.7 Accessory structures. Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. The accessory structures are in disrepair.

3. 2021 IPMC – 302.9 Defacement of property. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair. This building has been tagged in multiple locations with WBS “Wicked Brown Suspects”

4. 2021 IPMC – Section 304.2 Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good

condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. **Inspection findings:** The exterior of this structure is not being maintained in good repair as there are places where windows, doors, paint and other protective coverings are peeling and flaking.

5. **2021 IPMC – 304.6 – Exterior walls:** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. **Inspection findings:** The exterior of this structure is not being maintained in good repair as there are places where the structures siding is has detached broken or missing.
6. **2021 IPMC – 304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. **Inspection findings:** Roof is in disrepair with soffit and fascia rotted.
7. **2021 IPMC – 304.13 - Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. **Inspection findings:** Windows broken and door frames are not weather tight.
8. **2021 IPMC – 309.1 - Infestation.** Structures shall be kept free from insect and rodent infestation. Structures in which insects and rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation. **Inspection findings:** Holes found in the perimeter and the potential of infestation is likely.

WHEREAS, the owner has been notified by the City of Rogers prior to the consideration of this Ordinance, that the structure on the property is in violation of various ordinances of the City of Rogers;

WHEREAS, pursuant to City of Rogers' Code of Ordinances § 18-57, the owner was given fourteen (14) calendar days from September 21st, 2023 to abate or correct documented violations;

WHEREAS, pursuant to City of Rogers' Code of Ordinances § 18-57, a follow up inspection was conducted on October 3rd, 2023;

WHEREAS, the owner has failed, neglected, or refused to comply with the Notice to correct the documented violations, and as such, the matter of condemning, razing and removing the building may be referred to the City Council pursuant to City of Rogers' Code of Ordinances § 18-58;

WHEREAS, pursuant to City of Rogers' Code of Ordinances § 18-59(d); a Compliance Inspection was conducted by the Office of Building Inspections on November 28, 2023, which concluded that violations do currently exist; and

WHEREAS, pursuant to Ark. Code Ann. § 14-56-203 and City of Rogers' Code of Ordinances Chapter 18, Article III, if repair or removal is not done within the required time frame, the City shall have the power to order the removal or razing of, or to remove or raze any buildings that in the opinion of the Council have become dilapidated, unsightly, unsafe, unsanitary, obnoxious, or detrimental to the public welfare.

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

Section 1: The structure located at 1211 N. 2nd Street, Rogers, Arkansas, is dilapidated, unsightly, and unsafe; and is in the best interest of the City of Rogers to proceed with the removal of this dilapidated, unsightly, and unsafe structure;

Section 2: The owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly, and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be completed within thirty (30) days from the passage of this Ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantled by hand or bulldoze and then disposed of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with City of Rogers' Code of Ordinances Chapters 10, 18, and 20, and all other state laws and regulations pertaining to the demolition or removal of residential structures;

Section 3: If the aforesaid work is not completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed; and the unsafe, unsanitary and unsightly conditions abated; and the City of Rogers shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council;

Section 4: Emergency Clause: The need to raze and remove a certain structure is immediate and 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 and after its 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 Ordinances and Resolutions: 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: Deputy Chief William Hyde, Risk Reduction Division

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety Committee

ORDINANCE NO. 23-_____

**AN ORDINANCE ORDERING THE RAZING AND REMOVAL OF A CERTAIN
STRUCTURE WITHIN THE CITY OF ROGERS, ARKANSAS, LOCATED AT 1230 N.
D STREET; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER
PURPOSES.**

WHEREAS, the Estate of Southwind Properties Revocable Trust, are the owners of certain real property situated in Rogers, Benton County, Arkansas, more particularly described as follows:

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, Benton County, Arkansas.

Tax Parcel No. 02-00127-000

WHEREAS, the structure on the property is unfit for human habitation, constitutes a fire hazard, and is otherwise a dangerous to human life, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly, and is considered an unsafe and unsightly structure in violation of City of Rogers' Code of Ordinance, §§ 18-55 through 18-68; more specifically, the following violations have been found to exist in violation of the International Property Maintenance Code, which is adopted by reference in the Rogers' Code of Ordinances §§ 10-32 and 10-33:

1. 2021 IPMC – Section 301.3 Vacant structures and land.

All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. Inspection findings: The building could be considered unsightly (blighting)

2. 2021 IPMC – Section 304.2 Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion

shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. **Inspection findings:** The exterior of this structure is not being maintained in good repair as there are places where windows and doors are peeling and flaking.

3. **2021 IPMC – Section 304.6 – Exterior walls:** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. **Inspection findings:** The exterior of this structure is not being maintained in good repair as there are places where the structures siding is has detached or missing.
4. **2021 IPMC – Section 304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof shall not be discharged in a matter of creates a public nuisance. **Inspection findings:** Roof is in disrepair with soffit and fascia rotted.
5. **2021 IPMC – Section 304.13 - Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. **Inspection findings:** Windows and door frames are not weather tight.
6. **2021 IPMC – 309.1 - Infestation.** Structures shall be kept free from insect and rodent infestation. Structures in which insects and rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken prevent re-infestation. **Inspection findings:** With holes in the perimeter the potential of infestation is likely.

WHEREAS, the owner has been notified by the City of Rogers prior to the consideration of this Ordinance, that the structure on the property is in violation of various ordinances of the City of Rogers;

WHEREAS, pursuant to City of Rogers’ Code of Ordinances § 18-57, the owner was given fourteen (14) calendar days from August 21, 2023 to abate or correct documented violations;

WHEREAS, pursuant to City of Rogers’ Code of Ordinances § 18-57, a follow up inspection was conducted on September 5, 2023;

WHEREAS, the owner has failed, neglected, or refused to comply with the Notice to correct the documented violations, and as such, the matter of condemning, razing and removing the building may be referred to the City Council pursuant to City of Rogers’ Code of Ordinances § 18-58;

WHEREAS, pursuant to City of Rogers' Code of Ordinances § 18-59(d); a Compliance Inspection was conducted by the Office of Building Inspections on November 28, 2023, which concluded that violations do currently exist; and

WHEREAS, pursuant to Ark. Code Ann. § 14-56-203 and City of Rogers' Code of Ordinances Chapter 18, Article III, if repair or removal is not done within the required time frame, the City shall have the power to order the removal or razing of, or to remove or raze any buildings that in the opinion of the Council have become dilapidated, unsightly, unsafe, unsanitary, obnoxious, or detrimental to the public welfare.

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

Section 1: The structure located at 1230 N. D Street, Rogers, Arkansas, is dilapidated, unsightly, and unsafe; and is in the best interest of the City of Rogers to proceed with the removal of this dilapidated, unsightly, and unsafe structure;

Section 2: The owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly, and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be completed within thirty (30) days from the passage of this Ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantled by hand or bulldoze and then disposed of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with City of Rogers' Code of Ordinances Chapters 10, 18, and 20, and all other state laws and regulations pertaining to the demolition or removal of residential structures;

Section 3: If the aforesaid work is not completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed; and the unsafe, unsanitary and unsightly conditions abated; and the City of Rogers shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council;

Section 4: Emergency Clause: The need to raze and remove a certain structure is immediate and 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 and after its 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 Ordinances and Resolutions: 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: Deputy Chief William Hyde, Risk Reduction Division

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety Committee

RESOLUTION NO. R23_____

A RESOLUTION AMENDING THE 2023 BUDGET TO RECOGNIZE FUNDS FROM THE EDWARD BYRNE GRANT IN THE AMOUNT OF THIRTY EIGHT THOUSAND THREE HUNDRED FIFTY-FOUR DOLLARS (\$38,354.00) INTO ACCOUNT #100-03-45632 EDWARD BYRNE FEDERAL GRANT REVENUE 2023; APPROPRIATING THAT SAME AMOUNT INTO ACCOUNT #100-03-71206 EDWARD BYRNE GRANT FEDERAL EXPENSE 2023; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers' Police Department has received a thirty eight thousand three hundred fifty-four dollars (\$38,354.00) from the Edward Byrne Memorial Justice Assistance Grant for 2023;

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

WHEREAS, approximately thirteen thousand four hundred twenty-four dollars (\$13,424.00) 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 2023 Budget is amended to recognize funds in the amount of thirty eight thousand three hundred fifty-four dollars (\$38,354.00) into Account #100-03-45632 Edward Byrne Grant Federal Revenue 2023;

Section 2: That the 2023 Budget is amended to appropriate the amount of thirty eight thousand three hundred fifty-four dollars (\$38,354.00) into Account #100-03-71206 Edward Byrne Grant Federal Expense 2023;

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

RESOLUTION NO. R23-_____

**A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF ROGERS TO
UTILIZE FEDERAL-AID FUNDS FOR HIGHWAY 94 IMPROVEMENTS PHASE II/
HIGHWAY 12 SIDEWALK IMPROVEMENTS/HUDSON ROAD SIDEWALK
IMPROVEMENTS PHASE II; AND FOR OTHER PURPOSES.**

WHEREAS, the Northwest Arkansas Regional Planning Commission has approved Federal-aid funds for the project at the following Federal and City participating ratios, up to the maximum federal aid available:

	Work Phase	Federal %	City %
Projects that reach construction	Preliminary Engineering	80	20
	Right-of-Way	80	20
	Utilities	80	20
	Construction	80	20
	Construction Engineering	80	20
Projects that never progress to construction	All Phases	-0-	100

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

Section 1: The City will participate in accordance with its designated responsibilities in this project and will allocate funding for the twenty percent (20%) commitment requirement to Highway 94, West Highway 12, and Hudson Road sidewalk improvements;

Section 2: The Mayor or his designated representative is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this City project;

Section 3: The City pledges its full support and hereby authorizes the Arkansas Department of Transportation to initiate action to implement this project;

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 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, Community Development Director

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

RESOLUTION NO. R23-_____

A RESOLUTION AMENDING THE 2023 BUDGET BY ESTABLISHING CAPITAL PROJECT ACCOUNT #315-15-80100.006 T-HANGAR APRON EXPANSION; APPROPRIATING EIGHTY THOUSAND DOLLARS (\$80,000.00) INTO ACCOUNT #315-15-80100.006 T-HANGAR APRON EXPANSION; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT AMENDMENT WITH GARVER, LLC, OF NORTH LITTLE ROCK, ARKANSAS, FOR DESIGN, BID, AND CONSTRUCTION PHASE SERVICES ASSOCIATED WITH THE EXPANSION OF THE T-HANGAR APRON AT THE ROGERS EXECUTIVE AIRPORT IN AN AMOUNT NOT TO EXCEED SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00); AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers anticipates receipt of three hundred thousand dollars (\$300,000.00) in grant funds from the Arkansas Department of Aeronautics for the T-Hangar Apron Expansion project at the Rogers Executive Airport.

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract amendment with Garver, LLC, for design, bid, and construction phase services associated with the expansion of the T-Hangar apron at the Rogers Executive Airport in an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00), plus applicable taxes, if any;

Section 2: The 2023 City of Rogers budget is amended to appropriate Eighty Thousand Dollars (\$80,000.00) from Airport Fund Reserves into Account #315-15-8011.006 T-Hangar Apron Expansion;

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

RESOLUTION NO. R23-_____

**A RESOLUTION ADOPTING THE CITY OF ROGERS' 2024 BUDGET;
APPROPRIATING FUNDS AND AUTHORIZING EXPENDITURES FOR ITEMS
INCLUDED WITHIN THE CITY OF ROGERS' 2024 BUDGET; AND FOR OTHER
PURPOSES.**

WHEREAS, the efficient operation of the city government of the City of Rogers, Arkansas requires that a budget be planned and adopted by the Mayor and City Council;

WHEREAS, the Mayor, in consultation with the staff, the department head of each city department, and the public has proposed a comprehensive budget for calendar and budget year 2024 for the City of Rogers;

WHEREAS, the City Council of the City of Rogers has made a comprehensive review and analysis of the proposed City of Rogers' 2024 Budget;

WHEREAS, the City Council finds that the City of Rogers' 2024 Budget accurately reflects the estimated revenues and expenditures for the 2024 budget year; and

WHEREAS, the Mayor and City Council continue to comply with Ark. Code Ann. § 14-58-201, et seq., concerning the process for adoption and amendment of the City of Rogers' 2024 Budget.

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

Section 1: The City of Rogers' 2024 Budget is hereby adopted;

Section 2: The respective funds and assigned account numbers for each category of revenue and expenditure proposed in the City of Rogers' 2024 Budget are adopted and appropriated;

Section 3: The Mayor or his duly authorized representative may execute any contract, conveyance, or lease contract for any purchase approved within the City of Rogers' 2024 Budget and valued equal to or less than thirty-five thousand dollars (\$35,000.00);

Section 4: The Mayor or his duly authorized representative may approve, disapprove, or adjust any payment of funds appropriated by this Resolution;

Section 5: 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 6: 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: C. Greg Hines, Mayor; Casey Wilhelm, Director of Finance

Prepared By: John Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

ORDINANCE NO. 23-_____

**AN ORDINANCE AUTHORIZING THE ADOPTION OF CERTAIN PROVISIONS OF
THE CITY OF ROGERS' 2024 BUDGET; PROVIDING FOR THE EMERGENCY
CLAUSE; AND FOR OTHER PURPOSES.**

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

Section 1: The portions of the City of Rogers' 2024 Budget, as adopted by Resolution No. R23-_____, which are required by state law to be adopted by ordinance are hereby adopted;

Section 2: Emergency Clause: That the need to adopt the City of Rogers' 2024 Budget is immediate and 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 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;

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; and

PASSED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: C. Greg Hines, Mayor; Casey Wilhelm, Director of Finance

Prepared By: John Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

ORDINANCE NO. 23- ____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM R-DP TO NBT; 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 NBT 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 NBT and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PARCELS 02-07050-000 & 02-07051-000

RECORD DESCRIPTION

WARRANTY DEED L202330212: LOTS 1 AND 2, IN BLOCK 1, REARICK ADDITION, TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD J AT PAGE 436.

SURVEY DESCRIPTION

LOTS 1 AND 2, IN BLOCK 1, REARICK ADDITION, TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD J AT PAGE 436, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2" REBAR MARKING THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1, OF REARICK ADDITION, LOCATED AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF EAST WALNUT STREET AND THE NORTH RIGHT-OF-WAY LINE OF EAST ELECTRIC STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF EAST WALNUT STREET THE FOLLOWING COURSES AND DISTANCES: NORTH 61°05'51" EAST 110.23 FEET TO A SET 5/8" REBAR CAPPED "AR 1659"; THENCE NORTH 78°00'00" EAST 27.14 FEET TO A FOUND 1/2" REBAR MARKING THE NORTHEAST CORNER OF SAID LOT 1;

THENCE NORTH 78°09'11" EAST 51.21 FEET TO A FOUND 1/2" REBAR MARKING THE NORTHEAST CORNER OF LOT 2, BLOCK 1, REARICK ADDITION; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE SOUTH 01°13'49" WEST 80.77 FEET TO A FOUND 1/2" REBAR MARKING

THE SOUTHEAST CORNER OF SAID LOT 2, BEING LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF EAST ELECTRIC STREET; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES: NORTH 85°40'44" WEST 49.89 FEET TO A FOUND 1/2" REBAR MARKING THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 86°26'43" WEST 121.92 FEET TO THE POINT OF BEGINNING. CONTAINING 0.187 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

LAYMAN'S DESCRIPTION:

509 E. Electric St & the parcel to the west 02-07050-000

Section 3: Zoning: That the above described lands are better suited for NBT than R-DP zoning and same should be and are hereby zoned NBT;

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

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM C-2 CU TO U-COR; 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 interest of the City that certain lands hereinafter described are better suited for U-COR 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-COR (Uptown Core Mixed Use District), and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

TRACT J-6 OF THE OF PINNACLE HILLS, PHASE I IN THE CITY OF ROGERS, AS SHOWN ON A TRACT SPLIT RECORDED IN PLAT BOOK 2005 AT PAGE 957, BEING A PART OF THE NW1/4 OF THE SW1/4 OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, ALSO DESCRIBED AS FOLLOWS:

COMMENCING AT A PK NAIL FOUND AT THE SOUTHWEST CORNER OF SAID TRACT J-6, BEING ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PINNACLE HILLS PARKWAY (90'R/W); THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 30°12'49", A RADIUS OF 275.00 FEET, A LONG CHORD THAT BEARS N30°25'32"E, 143.34 FEET, AN ARC DISTANCE OF 145.01 FEET, AN IRON PIN FOUND BEARS S26°18'54"E, 0.47 FEET; THENCE N45°31'44"E 235.97 FEET TO A FOUND CHISELED "X" IN CONCRETE; THENCE DEPARTING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE S44°05'06"E 242.63 FEET TO A FOUND PK NAIL; THENCE S45°54'54"W 186.73 FEET TO A FOUND PK NAIL; THENCE N86°49'30"W 276.08 FEET TO THE POINT OF BEGINNING, CONTAINING 1.60 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

3529 S. Pinnacle Hills Parkway (Parcel 02-15427-005)

Section 3: Zoning: The above described lands are better suited for U-COR than C-2 CU zoning and same should be and are hereby zoned U-COR;

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: Nicholas Little, Planner

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 23- _____

AN ORDINANCE ACCEPTING THE FINAL PLAT OF EVENING STAR PHASE 1, ROGERS, BENTON COUNTY, ARKANSAS, THE DEDICATION OF UTILITY EASEMENTS AND OTHER PUBLIC WAYS THEREIN; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Final Plat has been submitted for the subdivision of Evening Star Phase 1, Rogers, Benton County Arkansas which is more particularly described as follows, to-wit:

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 23 AND PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 26, ALL IN TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 26, AS SHOWN IN PLAT RECORD L202139698;
THENCE ALONG THE EAST LINE THEREOF S02°27'14"W 1136.50 FEET;
THENCE LEAVING SAID EAST LINE N87°31'17"W 185.85 FEET;
THENCE N02°28'43"E 49.50 FEET; THENCE N87°31'17"W 108.05 FEET;
THENCE 150.37 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 530.00 FEET AND WHOSE LONG CHORD BEARS N79°23'37"W 149.86 FEET;
THENCE N71°15'58"W 443.06 FEET;
THENCE 226.97 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 800.00 FEET AND WHOSE LONG CHORD BEARS N79°23'37"W 226.21 FEET;
THENCE N87°31'17"W 24.01 FEET; THENCE S02°28'43"W 103.05 FEET;
THENCE 49.90 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 32.00 FEET AND WHOSE LONG CHORD BEARS S42°11'35"E 44.99 FEET;
THENCE S01°33'20"W 50.02 FEET;
THENCE 50.70 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 32.00 FEET AND WHOSE LONG CHORD BEARS S47°52'18"W 45.56 FEET.
THENCE S02°28'43"W 67.45 FEET;
THENCE N87°31'17"W 210.00 FEET TO THE WEST LINE OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 26;
THENCE ALONG SAID WEST LINE N02°28'43"E 1092.98 FEET;
THENCE LEAVING SAID WEST LINE S87°31'17"E 160.00 FEET;
THENCE N02°28'43"E 36.50 FEET; THENCE S87°31'17"E 74.01 FEET;
THENCE 317.75 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 1120.00 FEET AND WHOSE LONG CHORD BEARS N84°21'03"E 316.69 FEET;
THENCE N76°13'24"E 443.06 FEET; THENCE 59.58 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 210.00 FEET AND WHOSE LONG CHORD BEARS N84°21'03"E 59.38 FEET;
THENCE S87°31'17"E 108.05 FEET;
THENCE N02°28'43"E 7.82 FEET; THENCE S87°31'17"E 185.47 FEET TO THE EAST LINE OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 23;
THENCE ALONG SAID EAST LINE S02°31'59"W 120.18 FEET TO THE POINT OF BEGINNING, CONTAINING 32.56 ACRES, MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR FACT.

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

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

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

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

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

Section 3: Emergency Clause: As the facilities to be constructed within this subdivision will promote the economy of the City and will promote the public health and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

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

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

PASSED this _____ day of _____, 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