



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: January 23, 2024

The following committee meetings will be held on **Tuesday, January 23, 2024** prior to the City Council Meeting:

05:45 p.m. - TRANSPORTATION COMMITTEE: (Surly*, Legere, Townzen)

Committee Room #2 OR <https://us02web.zoom.us/j/82698622689> OR (312)626-6799 ID: 826 9862 2689

- To Discuss:
- (a) Street Closure Request - In Fortune's Shadow [Map](#)
 - (b) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Permanent Encroachment And Usage Agreement Within The Public Right Of Way With H And C Property Holdings, LLC For 102-106 W Walnut Street

05:45 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear)

Committee Room #1 OR <https://us02web.zoom.us/j/87363396630> OR (312)626-6799 ID: 873 6339 6630

- To Discuss:
- (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Real Estate Agreement With The Northwest Arkansas Council Foundation For The Sale Of Certain Real Property Owned By The City Of Rogers
 - (b) A Resolution Authorizing The Sale Of The Persimmon Street Elevated Storage Tank Site

06:00 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

Committee Room #2 OR <https://us02web.zoom.us/j/82698622689> OR (312)626-6799 ID: 826 9862 2689

- To Discuss:
- (a) RWU Monthly Report

06:00 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Reithemeyer, Legere)

Committee Room #1 OR <https://us02web.zoom.us/j/87363396630> OR (312)626-6799 ID: 873 6339 6630

- To Discuss:
- (a) A Resolution Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, Arkansas
 - (b) A Resolution Waiving Competitive Bidding For The Purchase Of Ten Chevrolet Tahoes And Three Chevrolet Traverses For Use By The Rogers Police Department
 - (c) A Resolution Waiving Competitive Bidding For The Purchase Of A Kenworth T380 Truck, Chassis, Box, Installation And Delivery For Use By The Rogers Fire Department



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ROGERS CITY COUNCIL **AGENDA**

JANUARY 23, 2024
6:30 PM

In Person Rogers City Council Chambers

OR via [ZOOM LINK](#) OR By Phone (312) 626-6799 ID: 861 8235 4084

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 FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. January 09, 2024

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | | |
|----|----------|--|------------------------------|
| 1. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Real Estate Agreement With The Northwest Arkansas Council Foundation For The Sale Of Certain Real Property Owned By The City Of Rogers | RESOURCES & POLICY COMMITTEE |
| 2. | RES. Re: | Authorizing The Sale Of The Persimmon Street Elevated Storage Tank Site | RESOURCES & POLICY COMMITTEE |
| 3. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Permanent Encroachment And Usage Agreement Within The Public Right Of Way With H And C Property Holdings, LLC For 102-106 W Walnut Street | TRANSPORTATION COMMITTEE |

- | | | | |
|----|----------|--|-------------------------|
| 4. | RES. Re: | Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, Arkansas | PUBLIC SAFETY COMMITTEE |
| 5. | RES. Re: | Waiving Competitive Bidding For The Purchase Of Ten Chevrolet Tahoes And Three Chevrolet Traverses For Use By The Rogers Police Department | PUBLIC SAFETY COMMITTEE |
| 6. | RES. Re: | Waiving Competitive Bidding For The Purchase Of A Kenworth T380 Truck, Chassis, Box, Installation And Delivery For Use By The Rogers Fire Department | PUBLIC SAFETY COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R24-_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
A REAL ESTATE AGREEMENT WITH THE NORTHWEST ARKANSAS COUNCIL
FOUNDATION FOR THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE
CITY OF ROGERS; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers desires to sell Parcel No. 02-01423-000 on South 1st street and 920 S 1st Street, Rogers, Arkansas to the Northwest Arkansas Council Foundation;

WHEREAS, the Northwest Arkansas Council Foundation intends to facilitate the construction of cost-effective 3D printed concrete housing to be sold to buyers whose annual income does not exceed eighty percent (80%) of the Area Median Income and who intend to occupy the structure as homeowners;

WHEREAS, through its “Groundwork” workstream, the Northwest Arkansas Council Foundation is actively managing this project and through the design as a duplex aims to bring some gentle density with this demonstration. Additionally, it is a goal of this project to demonstrate that well designed housing can be affordably produced through 3D printing technologies; and

WHEREAS, based on the purchase price by the City of the subject property and the intended benefit to facilitate the purchase of affordable housing for lower income residents based on the parameters indicated herein, the City has agreed to a sale price for the property of fifty thousand dollars (\$50,000.00).

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into a real estate sales contract, and sign all necessary documents, with the Northwest Arkansas Council Foundation for the sale of the land described below at a minimum purchase price of fifty thousand dollars (\$50,000.00). The legal description for the property being sold is:

Parcel No. 02-01423-000:

A PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 13, TOWNSHIP 19 N, RANGE 30 W, IN BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 722.72 FEET NORTH OF THE SOUTHEAST CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID DESCRIBED SECTION 13, WITH SAID POINT BEING IN THE CENTER LINE OF SOUTH FIRST STREET; THENCE NORTH 88 DEGREES 43 MINUTES 26 SECONDS WEST 215.83 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD; THENCE FOLLOWING SAID RAILROAD RIGHT OF WAY LINE NORTH 12 DEGREES 20 MINUTES 03 SECONDS EAST 262.48 FEET; THENCE LEAVING SAID RAILROAD RIGHT OF WAY LINE

NORTH 86 DEGREES 51 MINUTES 39 SECONDS EAST 159.97 FEET TO A POINT IN THE CENTER LINE OF SOUTH FIRST STREET; THENCE FOLLOWING SAID CENTER LINE OF SAID STREET AND EAST LINE OF THE NE 1/4 OF THE NE 1/4 OF SAID DESCRIBED SECTION 13 SOUTH 270.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 49,364.56 SQUARE FEET, MORE OR LESS, SUBJECT TO A 50.00 FOOT RIGHT OF WAY SOUTH FIRST STREET CENTERED ALONG THE EAST LINE OF DESCRIBED BOUNDARY, AND ALSO SUBJECT TO A TELEPHONE LINE EASEMENT ALONG THE EAST SIDE OF THE WEST LINE OF DESCRIBED BOUNDARY, WHICH BOUNDARY LINE EXTENDS ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID DESCRIBED RAILROAD. SURVEY 28-148

920 S 1st Street:

A PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 13, TOWNSHIP 19 N, RANGE 30 W, IN BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 722.72 FEET NORTH OF THE SOUTHEAST CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID DESCRIBED SECTION 13, WITH SAID POINT BEING IN THE CENTER LINE OF SOUTH FIRST STREET; THENCE NORTH 88 DEGREES 43 MINUTES 26 SECONDS WEST 215.83 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD; THENCE FOLLOWING SAID RAILROAD RIGHT OF WAY LINE NORTH 12 DEGREES 20 MINUTES 03 SECONDS EAST 262.48 FEET; THENCE LEAVING SAID RAILROAD RIGHT OF WAY LINE NORTH 86 DEGREES 51 MINUTES 39 SECONDS EAST 159.97 FEET TO A POINT IN THE CENTER LINE OF SOUTH FIRST STREET; THENCE FOLLOWING SAID CENTER LINE OF SAID STREET AND EAST LINE OF THE NE 1/4 OF THE NE 1/4 OF SAID DESCRIBED SECTION 13 SOUTH 270.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 49,364.56 SQUARE FEET, MORE OR LESS, SUBJECT TO A 50.00 FOOT RIGHT OF WAY SOUTH FIRST STREET CENTERED ALONG THE EAST LINE OF DESCRIBED BOUNDARY, AND ALSO SUBJECT TO A TELEPHONE LINE EASEMENT ALONG THE EAST SIDE OF THE WEST LINE OF DESCRIBED BOUNDARY, WHICH BOUNDARY LINE EXTENDS ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID DESCRIBED RAILROAD. SURVEY 28-148

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

RESOLVED this _____ day of _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: C. Greg Hines, Mayor
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Resources & Policy Committee

RESOLUTION NO. R24-_____

**A RESOLUTION AUTHORIZING THE SALE OF THE PERSIMMON STREET
ELEVATED STORAGE TANK SITE; AND FOR OTHER PURPOSES.**

WHEREAS, the elevated storage tank located at the corner of Persimmon Street and Eighth Street in the City of Rogers, Arkansas is no longer used for the storage of water and Rogers Water Utilities (“RWU”) has no plans to use the elevated storage tank for the storage of water in the future;

WHEREAS, on March 20, 2023, the Rogers Waterworks and Sewer Commission (“the Commission”) passed its Resolution No. 23-07 which, *inter-alia*, authorized the decommissioning of the Persimmon Street Elevated Storage Tank;

WHEREAS, on December 18, 2023, the Commission passed its Resolution No. 23-34 which, *inter-alia*, authorized the sale of the Persimmon Street Elevated Storage Tank Site and recommended that the Rogers City Council approve selling the site;

WHEREAS, the site of the Persimmon Street Elevated Storage Tank (“Persimmon Street Site”) is no longer needed for operation of the public water system;

WHEREAS, the Persimmon Street Site is potentially useful as a site for one or more cellular telephone towers; and

WHEREAS, sale of the Persimmon Street Site will be of benefit to RWU, the Commission and the City.

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

Section 1: The City Council hereby authorizes the management of the Rogers Water Utilities (“RWU”) to take such actions as are necessary to conduct a sale of the Persimmon Street Site. In connection with and in preparation for the sale, the management of RWU may cause to be prepared an invitation for bid and other documents necessary for conducting a sale in accordance with applicable law and may include in the documents such terms and conditions for the sale as are advisable and in the best interest of RWU, the Commission, and the City.

Section 2: The management of RWU may take other necessary actions to prepare for sale of the Persimmon Street Site, consistent with the authority given under this Resolution, including, without limitation, making any required notices and applications, to any regulatory agencies or other governmental authorities with jurisdiction.

Section 3: Nothing herein shall authorize, and nothing herein shall be construed as authorizing, RWU, the Commission, or the City of Rogers to enter into any agreements that would violate existing bond agreements, bond ordinances, or other existing obligations of RWU, the Commission, or the City of Rogers. The management of RWU is authorized to make such

coordination and obtain such approvals as are necessary to avoid violation of existing bond agreements, bond ordinances, or other existing obligations.

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 _____, 2024.

APPROVED:

C. GREG HINES, Mayor

ATTEST:

JESSICA RUSH, City Clerk

Requested by: Rogers Water Utilities and Rogers Waterworks and Sewer Commission
Prepared by: Robert A. Frazier, Legal Counsel, Rogers Water Utilities and Rogers Waterworks and Sewer Commission
Review by: John Pesek, Senior Staff Attorney
For Consideration By: Resources & Policy Committee

RESOLUTION NO. R24-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A PERMANENT ENCROACHMENT AND USAGE AGREEMENT WITHIN THE PUBLIC RIGHT OF WAY WITH H AND C PROPERTY HOLDINGS, LLC FOR 102-106 W WALNUT STREET; AND FOR OTHER PURPOSES.

WHEREAS, H&C Property Holdings, LLC is constructing stairs, a handrail, and canopy for property in downtown Rogers at the corner of Walnut Street and 1st Street commonly known as the Rogers Opera House that will be positioned within the City's public right-of-way;

WHEREAS, H&C Property Holdings, LLC requests use of the City's public right-of-way to construct, maintain, and house stairs, a handrail, and a canopy for the Rogers Opera House; and

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

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

Section 1: H&C Property Holdings, LLC has agreed to the City's terms in the Agreement Permitting Permanent Encroachment and Usage within the Public Right-Of-Way for placement of the stairs, handrail, and canopy;

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

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

Section 4: Repeal of Conflicting Provisions: All 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 _____, 2024.

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. R24-_____

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

WHEREAS, Rashaan & Anita Pierre are the owners of certain real property situated in Rogers, Benton County, Arkansas, more particularly described as follows:

LEGAL DESCRIPTION: Lot 15 and 16, Block, 5 S.H. Cole Addition, City of Rogers, Benton County, Arkansas

LAYMAN’S DESCRIPTION: 1300 N. D Street, Rogers, AR 72756

PARCEL NO.: 02-07594-000

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, February 27th, 2024 at 6:30 p.m.;

Section 2: The City’s Legal Department will send a copy of this Resolution 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 _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: William Hyde, Interim Chief of Rogers Fire Department

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety Committee

RESOLUTION NO. R24-_____

A RESOLUTION WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF TEN CHEVROLET TAHOES AND THREE CHEVROLET TRAVERSES FOR USE BY THE ROGERS POLICE DEPARTMENT; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Police Department desires to purchase ten (10) Chevrolet Tahoes and three (3) Chevrolet Traverses for use by that department;

WHEREAS, Superior Automotive Group of Siloam Springs, Arkansas can provide the vehicles with the specifications necessary to the Rogers Police Department, and there is currently a limited bid selection through state procurement contracts; and

WHEREAS, this purchase is included in the 2024 budget.

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

Section 1: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of ten (10) Chevrolet Tahoes and three (3) Chevrolet Traverses for use by the Rogers Police Department;

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 part of resolutions of the City Council in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

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

RESOLUTION NO. R24-_____

A RESOLUTION WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF A KENWORTH T380 TRUCK, CHASSIS, BOX, INSTALLATION AND DELIVERY FOR USE BY THE ROGERS FIRE DEPARTMENT; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Fire Department desires to purchase a Kenworth T380 Truck with a chassis and box and for use by that department;

WHEREAS, Ozark Kenworth, LLC of Springdale, Arkansas can provide the vehicle with the specifications necessary to the Rogers Fire Department, and there is currently a limited bid selection through state procurement contracts; and

WHEREAS, this purchase is included in the 2024 budget.

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

Section 1: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of the Kenworth T380 Truck, chassis and box for use by the Rogers Fire Department;

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 part of resolutions of the City Council in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: William Hyde, Interim Chief, Rogers Fire Department
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee