



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: February 13, 2024

The following committee meetings will be held on **Tuesday, February 13, 2024** prior to the City Council Meeting:

05:35 p.m. - TRANSPORTATION COMMITTEE: (Surly*, Legere, Townzen)

Committee Room #1 OR <https://us02web.zoom.us/j/81180469030> OR (312)626-6799 ID: 811 8046 9030

To Discuss: (a) Street Closure Request - Family Fun Festival [Map Request](#)

05:45 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

Committee Room #1 OR <https://us02web.zoom.us/j/81180469030> OR (312)626-6799 ID: 811 8046 9030

To Discuss: (a) An Ordinance Authorizing The Construction Of Betterments And Improvements To The Sewer System Of The City Of Rogers, Arkansas; Authorizing The Issuance Of A Sewer Revenue Bond, Series 2024 For The Purpose Of Financing All Or A Portion Of The Cost Thereof-; Providing For The Payment Of The Principal And Interest On The Bond; Prescribing Other Matters Relating Thereto

(b) LRS Quarterly Report

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

Committee Room #2 OR <https://us02web.zoom.us/j/84613507850> OR (312)626-6799 ID: 846 1350 7850

- To Discuss:
- (a) A Resolution Amending The 2024 Budget To Recognize Grant Proceeds In The Amount Of \$2,653,299.00; Appropriating Said Grant Proceeds And Airport Fund Reserves In The Amount Of \$3,008,219.00 Into Various Accounts
 - (b) A Resolution Amending The 2024 Budget To Appropriate American Rescue Fund Reserves In The Amount Of \$1,446,711.00 Into Various Accounts
 - (c) A Resolution Amending The 2024 Budget To Recognize Grant Proceeds In The Amount Of \$364,693.00; Appropriating Said Grant Proceeds And CDBG (Community Development Block Grant) Fund Reserves In The Amount Of \$364,693.00 Into Various Accounts
 - (d) A Resolution Amending The 2024 Budget To Appropriate CMRS 911 Fund

Reserves In The Amount Of \$1,347,361.00 Into Various Accounts

- (e) A Resolution Amending The 2024 Budget To Appropriate Court Automation Fund Reserves In The Amount Of \$81,807.00 Into Account #338-38-70251 Court Automation Expense
- (f) A Resolution Amending The 2024 Budget To Recognize Grant Proceeds In The Amount Of \$58,564.00; Appropriating Said Grant Proceeds And General Fund Reserves In The Amount Of \$23,825,722.00 Into Various Accounts
- (g) A Resolution Amending The 2024 Budget To Appropriate Street Fund Reserves In The Amount Of \$3,325,861.00 Into Various Accounts
- (h) A Resolution Amending The City Of Rogers 2023 Budget To Appropriate General Fund Reserves, Street Fund Reserves, And Health Insurance Fund Reserves To Various Accounts

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

Committee Room #1 OR <https://us02web.zoom.us/j/81180469030> OR (312)626-6799 ID: 811 8046 9030

To Discuss:

- (a) An Ordinance Amending Chapter 14, Article V - Subdivisions, Section 14-554 - Lot, Tract Or Parcel Size Of The Rogers City Code
- (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-1 To IA (Johnson - 1203 S. 3rd St) [Staff Report](#)
- (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-6.5A To RMF-6.5A-CU; Accepting The Density Concept Plan (Bellview - 4030 W. West Drive) [Staff Report](#)
- (d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To N-R; Accepting The Density Concept Plan (Taylor - 2460 S. 26th Street) [Staff Report](#)



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ROGERS CITY COUNCIL
***AMENDED* AGENDA**

FEBRUARY 13, 2024
6:30 PM

In Person Rogers City Council Chambers

OR via [ZOOM LINK](#) OR By Phone (312) 626-6799 ID: 874 1104 8687

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PUBLIC HEARING:

1. Authorizing The Construction Of Betterments And Improvements To The Sewer System Of The City Of Rogers, Arkansas; Authorizing The Issuance Of A Sewer Revenue Bond, Series 2024 For The Purpose Of Financing All Or A Portion Of The Cost Thereof; Providing For The Payment Of The Principal And Interest On The Bond; Prescribing Other Matters Relating Thereto

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. January 23, 2024

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. ORD. Re: Authorizing The Construction Of Betterments And Improvements To The Sewer System Of The City Of PUBLIC WORKS COMMITTEE

Rogers, Arkansas; Authorizing The Issuance Of A Sewer Revenue Bond, Series 2024 For The Purpose Of Financing All Or A Portion Of The Cost Thereof; Providing For The Payment Of The Principal And Interest On The Bond; Prescribing Other Matters Relating Thereto

2. RES. Re: Amending The 2024 Budget To Recognize Grant Proceeds In The Amount Of \$2,653,299.00; Appropriating Said Grant Proceeds And Airport Fund Reserves In The Amount Of \$3,008,219.00 Into Various Accounts FINANCE COMMITTEE
3. RES. Re: Amending The 2024 Budget To Appropriate American Rescue Fund Reserves In The Amount Of \$1,446,711.00 Into Various Accounts FINANCE COMMITTEE
4. RES. Re: Amending The 2024 Budget To Recognize Grant Proceeds In The Amount Of \$364,693.00; Appropriating Said Grant Proceeds And CDBG (Community Development Block Grant) Fund Reserves In The Amount Of \$364,693.00 Into Various Accounts FINANCE COMMITTEE
5. RES. Re: Amending The 2024 Budget To Appropriate CMRS 911 Fund Reserves In The Amount Of \$1,347,361.00 Into Various Accounts FINANCE COMMITTEE
6. RES. Re: Amending The 2024 Budget To Appropriate Court Automation Fund Reserves In The Amount Of \$81,807.00 Into Account #338-38-70251 Court Automation Expense FINANCE COMMITTEE
7. RES. Re: Amending The 2024 Budget To Recognize Grant Proceeds In The Amount Of \$58,564.00; Appropriating Said Grant Proceeds And General Fund Reserves In The Amount Of \$23,825,722.00 Into Various Accounts FINANCE COMMITTEE
8. RES. Re: Amending The 2024 Budget To Appropriate Street Fund Reserves In The Amount Of \$3,325,861.00 Into Various Accounts FINANCE COMMITTEE
9. RES. Re: Amending The City Of Rogers 2023 Budget To Appropriate General Fund Reserves, Street Fund Reserves, And Health Insurance Fund Reserves To Various Accounts FINANCE COMMITTEE
10. ORD. Re: Amending Chapter 14, Article V - Subdivisions, Section 14-554 - Lot, Tract Or Parcel Size Of The Rogers City Code COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
11. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-1 To IA (Johnson - 1203 S. 3rd St) COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
12. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-6.5A To RMF-6.5A-CU; Accepting The Density Concept Plan (Bellview - 4030 W. West Drive) COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
13. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning COMMUNITY

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

1. Appointment of Brahm Driver to The Rogers Airport Commission with a Term to Expire on February 13, 2029.
2. Appointment of Christhian Saavedrav to the Parks and Recreation Commission with a Term to Expire on February 13, 2029.

ANNOUNCEMENTS:

ORDINANCE NO. 24- _____

**AN ORDINANCE AUTHORIZING THE CONSTRUCTION
OF BETTERMENTS AND IMPROVEMENTS TO THE
SEWER SYSTEM OF THE CITY OF ROGERS,
ARKANSAS; AUTHORIZING THE ISSUANCE OF A
SEWER REVENUE BOND, SERIES 2024 FOR THE
PURPOSE OF FINANCING ALL OR A PORTION OF THE
COST THEREOF; PROVIDING FOR THE PAYMENT OF
THE PRINCIPAL AND INTEREST ON THE BOND;
PRESCRIBING OTHER MATTERS RELATING
THERE TO; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Rogers, Arkansas (the "City") owns and operates, through the Rogers Waterworks and Sewer Commission (the "Commission"), as part of the Rogers Water Utilities ("RWU"), a sewer system (the "System"); and

WHEREAS, the Commission has determined that betterments and improvements to the System (the "Improvements") are necessary in order to make the sewer services adequate for the needs of the City; and

WHEREAS, the Improvements include particularly, without limitation, the project known as the "Rogers Pollution Control Facility Solids Handling Improvements, Phase II"; and

WHEREAS, the Commission has caused to be prepared by its consulting engineers a preliminary report containing a general description and estimates of cost for the Improvements that have been examined and approved by the Commission and a copy of which report is on file in the office of the City Clerk and the office of RWU where it may be inspected by any interested person; and

WHEREAS, the City does not have available funds to pay the estimated costs of the Improvements, including bond issuance costs and interest during construction, but can obtain all or a portion of the same by the issuance of a sewer revenue bond (the "bond"); and

WHEREAS, the City is making arrangements for the sale of a \$31,246,250 principal amount bond to the Arkansas Development Finance Authority, as purchaser (the "Bondholder"), at a price of par for a bond bearing interest at the rate of 0.50% per annum pursuant to a Bond Purchase Agreement (the "Agreement") among the City, the Bondholder and the Arkansas Natural Resources Commission ("ANRC"), which has been presented to and is before this meeting; and

WHEREAS, the City is authorized under Amendment No. 65 to the Arkansas Constitution and Title 14, Chapter 164, Subchapter 4, and Title 14, Chapter 235, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation"), to issue and sell the bond; and

WHEREAS, the City has outstanding its Sewer Revenue Refunding Bonds, Series 2016 (the "Prior Bonds"), authorized by Ordinance No. 16-92, adopted November 8, 2016 (the "Prior Bond Ordinance"); and

WHEREAS, the Bondholder proposes to pledge the bond as collateral for the payment of its revolving loan fund revenue bonds (the "ADFA Bonds") pursuant to its general bond resolution, as amended or supplemented from time to time, to the bank or trust company to be named as trustee thereunder (the "ADFA Trustee"); and

WHEREAS, the City is required to pay to the Arkansas Development Finance Authority, as servicer (the "Authority"), a servicing fee equal to 1% per annum of the outstanding principal amount of the bond (the "Servicing Fee");

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rogers, Arkansas:

Section 1. The Improvements shall be accomplished. The accomplishment of the Improvements shall be under the control and supervision of, and all details in connection therewith shall be handled by, the Commission, and the Commission shall make all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers.

Section 2. The sale to the Bondholder of up to \$31,246,250 in principal amount of a bond from the City at a price of par for a bond bearing interest at the rate of 0.50% per annum and otherwise subject to the terms and provisions hereafter in this Ordinance set forth in detail be, and is hereby approved and the bond is hereby sold to the Bondholder. The Mayor is hereby authorized and directed to execute and deliver the Agreement on behalf of the City and to take all action required on the part of the City to fulfill its obligations under the Agreement. The Agreement is hereby approved in substantially the form submitted to this meeting with such changes as may be approved by the Mayor, his execution to constitute complete evidence of such approval.

Section 3. The City Council hereby finds and declares that the period of usefulness of the Improvements will be more than 25 years, which is longer than the term of the bond.

Section 4. Under the authority of the Constitution and laws of the State of Arkansas (the "State"), including particularly the Authorizing Legislation, City of Rogers, Arkansas Sewer Revenue Bond, Series 2024 (the "bond") is hereby authorized and ordered issued in the principal amount of \$31,246,250, the proceeds of the sale of which, along with available funds of RWU, are necessary to provide sufficient funds for accomplishing the Improvements, paying interest during construction and paying expenses incidental thereto and expenses of issuing the bond.

The bond shall bear interest at the rate of 0.50% per annum based upon a 360-day year of twelve consecutive 30-day months. The bond shall be dated the date of delivery to the Bondholder. Interest shall be payable on the first day of each month after the bond is issued. Commencing on December 1, 2026, principal shall be paid in monthly installments as set forth in Exhibit A to the Agreement which is structured for the bond to be repaid in equal amortized monthly installments of principal and interest over a 20 year period with the final payment due November 1, 2046.

The bond will be registered as to both principal and interest, payable to the Bondholder, or registered assigns, as set forth hereinafter in the bond form, and shall be numbered R-1.

Payment of principal and interest shall be by check or draft mailed to the Bondholder at its address shown on the bond registration books of the City which shall be maintained by the City Clerk as Bond Registrar, without presentation or surrender of the bond (except upon final payment) and such payments shall discharge the obligation of the City to the extent thereof. The City Clerk shall keep a payment record and make proper notations thereon of all payments of principal and interest.

Payment of principal and interest shall be in any coin or currency of the United States of America which, as at the time of payment, shall be legal tender for the payment of debts due the United States of America. When the principal of and interest on the bond have been fully paid, it shall be canceled and delivered to the City Clerk.

Section 5. The bond shall be executed on behalf of the City by the Mayor and City Clerk and shall have impressed thereon the seal of the City. The bond is not a general obligation of the City but is a special obligation, the principal of and interest on which, and Servicing Fee in connection therewith, are secured by a pledge of and are payable from revenues derived from the System ("Revenues"). The pledge of Revenues is subordinate to the pledge in favor of the Prior Bonds. The bond and interest thereon shall not constitute an indebtedness of the City within any constitutional or statutory limitation.

Section 6. The bond shall be in substantially the following form and the Mayor and City Clerk are hereby authorized and directed to make all the recitals contained therein:

(form of bond)

UNITED STATES OF AMERICA
STATE OF ARKANSAS
COUNTY OF BENTON
CITY OF ROGERS
0.50% SEWER REVENUE BOND, SERIES 2024

No. R-1

\$31,246,250

KNOW ALL MEN BY THESE PRESENTS:

That the City of Rogers, Benton County, Arkansas (the "City"), for value received, hereby acknowledges itself to owe and promises to pay to the Arkansas Development Finance Authority, or registered assigns, solely from the special fund provided as hereinafter set forth, the principal sum of

THIRTY ONE MILLION TWO HUNDRED FORTY SIX THOUSAND TWO HUNDRED
FIFTY DOLLARS

(or the total principal amount outstanding as reflected
by the Record of Payment of Advances attached hereto)

with interest on the unpaid balance of the total principal amount at the rate of 0.50% per annum from the date of each advance. The principal and interest shall be payable in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of debts due the United States of America.

Interest on the unpaid balance of the total principal amount shall be payable on the first day of April, 2024 and on the first day of each month thereafter. Principal shall be payable in installments on December 1, 2026 and on the first day of each month thereafter until the unpaid principal is paid in full as shown on Exhibit A attached hereto.

Payments of the principal and interest installments due hereon shall be made, except for final payment, without presentation and surrender of this bond, directly to the registered owner at his address shown on the bond registration book of the City maintained by the City Clerk as Bond Registrar, and such payments shall fully discharge the obligation of the City to the extent of the payments so made.

This bond is issued for the purpose of providing financing of costs of acquiring, constructing and equipping betterments and improvements to the City's sewer system (the "System"), costs of authorizing and issuing this bond and funding interest during construction, and is issued pursuant to and in full compliance with the Constitution and laws of the State of Arkansas (the "State"), including particularly Title 14, Chapter 164, Subchapter 4 and Title 14, Chapter 235, Subchapter 2 of the Arkansas Code of 1987 Annotated, and pursuant to Ordinance No. _____ of the City, duly adopted and approved on the 13th day of February, 2024 (the "Authorizing Ordinance"). Reference is hereby made to the Authorizing Ordinance for the details of the nature and extent of the security and of the rights and obligations of the City and the registered owner of this bond.

This bond may be assigned with the written approval of the Arkansas Natural Resources Commission ("ANRC"), and in order to effect such assignment the assignor shall promptly notify the City Clerk by registered mail, and the assignee shall surrender this bond along with a written approval of ANRC to the City Clerk for transfer on the registration records. Every assignee shall take this bond subject to all payments and prepayments of principal and interest (as reflected by the Payment Record maintained by the City Clerk), prior to such surrender for transfer.

This bond may be prepaid at the option of the City from funds from any source, in whole but not in part, at any time on and after April 15, 2034, at a prepayment price equal to the principal amount outstanding, plus accrued interest to the prepayment date. Notice shall be given of such prepayment to the owner of this bond or registered assigns at least 90 days prior to the prepayment date. Such notice shall be in writing mailed to the address of the owner of this bond or registered assigns at the address as reflected on the bond registration books of the City Clerk.

This bond does not constitute an indebtedness of the City within any constitutional or statutory limitation or provision, and the taxing power of the City is not pledged to the payment of the principal of or interest on this bond. This bond is a special obligation payable solely from the net revenues derived from the operation of the System. In this regard, the pledge of net System revenues is subordinate to the pledge of System revenues to Sewer Revenue Refunding Bonds, Series 2016, so long as any of such bonds are outstanding. A sufficient amount of System revenues to pay principal and interest has been duly set aside and pledged as a special fund for that purpose, identified as the "2024 ADFA Bond Fund," in the Authorizing Ordinance. The City has fixed and

has covenanted and agreed to maintain rates for use of the System which shall be sufficient at all times to at least provide for the payment of the reasonable expenses of operation and maintenance of the System, provide for the payment of the principal of and interest on all the outstanding bonds to which System revenues are pledged as the same become due, to establish and maintain debt service reserves and to provide a depreciation fund, all as set forth in the Authorizing Ordinance. This bond is issued with the intent that the laws of the State shall govern its construction.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all acts, conditions and things required by the Constitution and statutes of the State to exist, happen and be performed precedent to and in the issuance of this bond do exist, have happened and have been performed in regular and due time, form and manner as required by law; that this bond does not exceed any constitutional or statutory limitation of indebtedness; and that provision has been made for the payment of the principal of and interest on this bond, as provided in the Authorizing Ordinance.

IN WITNESS WHEREOF, the City of Rogers, Arkansas has caused this bond to be executed in its name by its Mayor and City Clerk, thereunto duly authorized, and its corporate seal to be affixed, all as of the _____ day of _____, 2024.

CITY OF ROGERS, ARKANSAS

ATTEST:

By _____
Mayor

City Clerk

(SEAL)

[A Registration Certificate and Record of Payment of
Advances shall be attached to the bond along with an Exhibit
A setting forth the monthly principal amounts to be paid.]

Section 7. The City has heretofore fixed sewer rates by Ordinance No. 19-75, adopted on November 26, 2019. Reference is hereby made to such Ordinance for the details thereof and other provisions pertaining thereto, which sewer rates are hereby confirmed and continued as provided therein.

The City covenants and agrees that the rates established will produce gross Revenues at least sufficient to pay monthly operation, maintenance and funded depreciation expenses of the System, pay the principal of and interest on all outstanding bonds to which Revenues are pledged (collectively, "System Bonds"), as the same become due, pay the financing, servicing and administrative fees in connection therewith as the same become due, and create and maintain any required debt service reserves ("Required Payments"). The City covenants always to maintain rates (including increases as necessary) which will provide for the Required Payments. The rates in effect for sewer service at this time shall not be reduced without the prior written consent of ANRC and the Bondholder.

Section 8. Revenues shall be deposited in such depository or depositories for the City as may be lawfully designated from time to time by the Commission; subject, however, to the giving of security as now or as hereafter may be required by law, and provided that such depository shall hold membership in the Federal Deposit Insurance Corporation.

Section 9. The City covenants that it will continuously operate the System as a revenue-producing undertaking and will not sell or lease the same, or any substantial portion thereof, without the prior written approval of the Bondholder and ANRC; provided, however, that nothing herein shall be construed to prohibit the City from making such dispositions of properties of the System and such replacements and substitutions for properties of the System as shall be necessary or incidental to the efficient operation of the System as a revenue-producing undertaking.

Section 10. All Revenues shall be deposited upon receipt into a special account of the City created by Ordinance No. 1993-102, adopted December 14, 1993 (the "1993 Ordinance") and designated "Revenue Fund".

Section 11. (a) After making the required payments into the special fund created by the 1993 Ordinance and designated "Operation and Maintenance Fund" and into the bond fund and debt service reserve fund created by the Prior Bond Ordinance for the Prior Bonds, there shall be paid from the Revenue Fund into an account of the City in a special fund to be created by the Bondholder and designated "2024 ADFA Bond Fund" (the "2024 ADFA Bond Fund") for the purpose of paying the principal of and interest on the bond the amounts specified in (b) below.

(b) There shall be deposited from proceeds of the bond, or at the direction of the Commission, from moneys in the Revenue Fund into the 2024 ADFA Bond Fund on the first day of each month after the bond is issued until November 1, 2026, the interest due on the bond on such dates. Commencing on the first day of each month thereafter, there shall be deposited from moneys in the Revenue Fund into the 2024 ADFA Bond Fund an amount equal to the interest on and principal of the bond due on such date. Moneys in the 2024 ADFA Bond Fund shall be used to pay the principal of and interest on the bond when due.

(c) When the moneys held in the 2024 ADFA Bond Fund shall be and remain sufficient to pay in full the principal of and interest on the bond, the City shall not be obligated to make any further payments into the 2024 ADFA Bond Fund.

(d) The bond shall be specifically secured by a pledge of all Revenues required to be placed into the 2024 ADFA Bond Fund. This pledge in favor of the bond is hereby irrevocably made according to the terms of this Ordinance, and the City and its officers and employees shall execute, perform and carry out the terms thereof in strict conformity with the provisions of this Ordinance.

Section 12. After making the payment into the 2024 ADFA Bond Fund required by Section 11 hereof, there shall be paid from the Revenue Fund the Servicing Fee to the Authority. The Servicing Fee shall be payable on each date interest on the bond is due and shall be calculated on the same basis as interest on the bond. The payment of the Servicing Fee is expressly made subordinate to the payment of the principal of and interest on the bond.

Section 13. After making the required payments in accordance with Sections 11 and 12 hereof, there shall be paid from the Revenue Fund into a special fund created by the 1993 Ordinance and designated the "Depreciation Fund" on or before the first business day of each month while the bond is outstanding, five percent (5%) of the Revenues for the preceding month. Once the Depreciation Fund reaches an amount equal to the greater of (a) the amount required by the Prior Bond Ordinance or (b) \$3,124,625 (the "Required Level"), the City shall not be required to make further deposits into the Depreciation Fund; provided, however, that monthly deposits must resume, if the Depreciation Fund drops below the Required Level, until such time as the Required Level is again reached. The moneys in the Depreciation Fund shall be used solely for the purpose of paying the cost of replacements made necessary by the depreciation of the System. If in any fiscal year a surplus shall be accumulated in the Depreciation Fund over and above the Required Level and over and above the amount necessary to defray the cost of the probable replacements during the then current fiscal year and the next ensuing fiscal year, such surplus may be transferred and paid into the Revenue Fund.

Section 14. The City shall assure that (1) not in excess of 10% of the proceeds of the bond is used for Private Business Use if, in addition, the payment of more than 10% of the principal or 10% of the interest due on the bond during the term thereof is, under the terms of the bond or any underlying arrangement, directly or indirectly secured by any interest in property used or to be used for a Private Business Use or in payments in respect of property used or to be used for a Private Business Use or is to be derived from payments, whether or not to the City, in respect of property or borrowed moneys used or to be used for a Private Business Use; and (2) that, in the event that both (A) in excess of 5% of the proceeds of the bond are used for a Private Business Use, and (B) an amount in excess of 5% of the principal or 5% of the interest due on the bond during the term thereof is, under the terms of the bond or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for said Private Business Use or in payments in respect of property used or to be used for said Private Business Use or is to be derived from payments, whether or not to the City, in respect of property or borrowed money used or to be used for said Private Business Use, then said excess over said 5% of proceeds of the bond used for a Private Business Use shall be used for a Private Business Use related to the governmental use of the Improvements.

The City shall assure that not in excess of 5% of the proceeds of the bond are used, directly or indirectly, to make or finance a loan to persons other than state or local governmental units.

As used in this Section, "Private Business Use" means use directly or indirectly in a trade or business carried on by a natural person or in any activity carried on by a person other than a natural person, excluding, however, use by a state or local governmental unit and use as a member of the general public.

Section 15. The principal and interest installments shall be prepayable prior to maturity as provided in the bond form in Section 6 hereof.

Section 16. As long as the bond is outstanding, the City shall not issue or attempt to issue any bonds having or claimed to be entitled to a priority of lien on Revenues over the lien securing the bond.

The City may issue additional revenue bonds on a parity with the lien on Revenues in favor of the bond to finance or pay the cost of constructing extensions, betterments and improvements to the System or to refund outstanding System Bonds, if there shall have been procured and filed with the City Clerk and the Bondholder a statement by a certified public accountant not in the regular employ of the City ("Accountant") reciting the opinion that either (A) the Net Revenues (Net Revenues being gross Revenues less operation and maintenance expenses, but not including interest and depreciation) for the fiscal year preceding the year in which such additional bonds are to be issued were not less than 110% of Total Annual Debt Service Requirements (Total Annual Debt Service Requirements being the maximum annual debt service requirements (including principal, interest and financing, servicing and administrative fees) on all outstanding System Bonds and the bonds then proposed to be issued) or (B) the Net Revenues for the fiscal year succeeding the year in which such additional bonds are to be issued are projected to be sufficient in amount, taking in consideration any enacted increase in Revenues, to be not less than 110% of the Total Annual Debt Service Requirements.

The additional bonds, the issuance of which is restricted and conditioned by this Section, shall not be deemed to mean bonds the security and source of payment of which are subordinate and subject to the priority of the bond and such additional bonds may be issued without complying with the terms and conditions of this Section.

Section 17. It is covenanted and agreed by the City with the Bondholder, the Authority and ANRC that it will faithfully and punctually perform all duties with reference to the System required by the Constitution and laws of the State and by this Ordinance, including, without limitation, the making and collecting of reasonable and sufficient rates lawfully established for services rendered by the System, segregating Revenues and applying them to the respective funds maintained pursuant to the Prior Bond Ordinance and this Ordinance.

The City covenants and agrees that the Bondholder shall have the protection of all the provisions of the Authorizing Legislation, and that the City will diligently proceed to enforce those provisions to the end of the Bondholder realizing fully upon its security. And, if the City shall fail to proceed within 30 days after written request shall have been filed by the Bondholder, the Bondholder may proceed to enforce all such provisions.

If there be any default in the payment of the principal of or interest on the bond, or if the City defaults in any 2024 ADFA Bond Fund requirement or in the performance of any of the other covenants contained in this Ordinance, the Bondholder may, by proper suit, compel the performance of the duties of the officials of the City under the laws of the State. In the case of a default in the payment of the principal of and interest on the bond, the Bondholder may apply in a proper action to a court of competent jurisdiction for the appointment of a receiver to administer the System on behalf of the City and the Bondholder with power to charge and collect (or by mandatory injunction or otherwise to cause to be charged and collected) rates sufficient to provide for the payment of the expenses of operation, repair and maintenance and to pay the bond and interest outstanding and to apply Revenues in conformity with this Ordinance. When all defaults in principal and interest payments have been cured, the custody and operation of the System shall revert to the City. No remedy herein conferred upon or reserved to the Bondholder is intended to be exclusive of any other remedy or remedies herein provided or provided by law, and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or given by law. No delay or omission of the Bondholder to exercise any right or power accrued upon any default shall impair any such right or power or shall be construed to be a waiver of any

default or an acquiescence therein; and every power and remedy given by this Ordinance to the Bondholder may be exercised from time to time and as often as may be deemed expedient.

No waiver of any default shall extend to or affect any other existing or any subsequent default or defaults or impair any rights or remedies consequent thereon. Any costs of enforcement of the bond or of any provision of this Ordinance, including reasonable attorney's fees, shall be paid by the City. The Authority may enforce all rights and exercise all remedies available to the Bondholder in the event the Servicing Fee is not paid when due.

Section 18. When the bond has been executed and sealed as herein provided, it shall be delivered to the Bondholder upon payment of all or a portion of the purchase price in accordance with the Agreement. Sale proceeds in the amount necessary to make all or a portion of the interest and Servicing Fee payments during the construction period shall be applied, unless otherwise directed by the Commission, to monthly payments of interest and Servicing Fee to and including November 1, 2026. The balance of the sale proceeds shall be deposited, as and when received, in an account of the City hereby created and designated as the "2024 Sewer Construction Fund" (the "Construction Fund"). The proceeds of the bond in the Construction Fund shall be used for directly paying, or reimbursing the City for, the costs of accomplishing the Improvements, expenses incidental thereto and the expenses of issuing the bond approved in accordance with the Agreement. Payments from the Construction Fund shall be by check or voucher signed by either the Superintendent of RWU ("Superintendent") or such other person or persons designated by the Commission, and drawn on the depository. Each such check or voucher shall briefly specify the purpose of the expenditure.

Section 19. The terms of this Ordinance shall constitute a contract among the City, the Bondholder and ANRC and no variation or change in the undertaking herein set forth shall be made while the bond is outstanding unless consented to in writing by the Bondholder and ANRC.

Section 20. The Commission will keep proper records, books and accounts relating to the operation of the System, which shall be kept separate from all other records and accounts of the City, in which complete and correct entries shall be made of all transactions relating to the operation of the System in accordance with generally accepted government accounting standards. Such books shall be available for inspection by the Bondholder and ANRC, or the agent or the representative of either, at reasonable times and under reasonable circumstances. The City agrees to have these records audited by an Accountant selected by the Commission at least once each year.

In the event the Commission fails or refuses to furnish or cause such reports to be furnished, the Bondholder may have the reports made, and the cost thereof shall be charged against the Operation and Maintenance Fund.

Section 21. The City covenants and agrees that it will maintain the System in good condition and operate it in an efficient manner and at reasonable cost. While the bond is outstanding, the City agrees that it to the extent comparable protection is not otherwise provided to the satisfaction of ANRC, it will insure in a commercially reasonable manner, and with such coverages in such amounts as are commercially reasonable under the circumstances, and at all times keep insured, in the amount of the full insurable value thereof, in a responsible insurance company or companies selected by the Commission and authorized and qualified under the laws

of the State to assume the risk thereof, properties of the System, to the extent that such properties would be covered by insurance by private companies engaged in similar types of businesses, against loss or damage thereto from fire, lightning, tornados, winds, earthquakes and other hazards that may be reasonably anticipated. In the event of loss, the proceeds of such insurance shall be applied solely toward the reconstruction, replacement or repair of the System, and in such event the City will, with reasonable promptness, cause to be commenced and completed the reconstruction, replacement and repair work. If such proceeds are more than sufficient for such purposes, the balance remaining shall be deposited to the credit of the Revenue Fund, and if such proceeds shall be insufficient for such purposes, the deficiency shall be supplied, first, from moneys in the Depreciation Fund, second, from moneys in the Operation and Maintenance Fund, and third, from available moneys in the Revenue Fund. Nothing herein shall be construed as requiring the City to expend any funds for reconstruction, replacement or repair of the System or for operation and maintenance of the System or for premiums on its insurance which are derived from sources other than insurance proceeds or Revenues, but nothing herein shall be construed as preventing the City from doing so.

Section 22. The City agrees that the Bondholder may pledge the bond as security for the ADFA Bonds, and the ADFA Trustee and/or the municipal bond insurer for the ADFA Bonds may exercise any rights and remedies available to the Bondholder under this Ordinance or the Agreement while the bond is pledged and/or the ADFA Bonds are insured. In addition, the City agrees that while the bond is pledged and/or the ADFA Bonds are insured, copies of all financial information shall be furnished to the ADFA Trustee and/or the municipal bond insurer.

Section 23. In the event the offices of Mayor, City Clerk, Superintendent, City Council, or Commission shall be abolished, or any two or more of such offices shall be merged or consolidated, or in the event the duties of a particular office shall be transferred to another office or officer, or in the event of a vacancy in any such office by reason of death, resignation, removal from office, or otherwise, or in the event any such officer shall become incapable of performing the duties of his office by reason of sickness, absence from the City, or otherwise, all powers conferred and all obligations and duties imposed upon such office or officer shall be performed by the office or officer succeeding to the principal function thereof, or by the office or officer upon whom such powers, obligations, and duties shall be imposed by law.

Section 24. It is understood and agreed that the Commission, acting for and on behalf of the City, has custody of and control over the System, operates, maintains and repairs the System and collects and handles Revenues. Therefore, it is understood and agreed that even though there are some express references to the Commission, all references herein to the City shall, when appropriate in view of the authority and responsibility of the Commission, be construed to mean and include the Commission. So long as the Commission operates the System for the City, performance by the Commission of any right or obligation of the City hereunder shall be deemed performance by the City.

Section 25. Notice of the adoption of this Ordinance shall be posted at Rogers Public Library, Rogers City Hall, Rogers Activity Center, Rogers Adult Wellness Center and Rogers Police Department, being five of the most public places in the City.

Section 26. A copy of the Agreement shall be filed in the office of the City Clerk where it may be inspected by any interested person.

Section 27. The provisions of this Ordinance are hereby declared to be separable, and if any provision shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of this Ordinance.

Section 28. Reference in this Ordinance to "Bondholder" shall include the original Bondholder or any registered assign thereof.

Section 29. All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 30. It is hereby ascertained and declared that the Improvements are immediately needed for the preservation of the public peace, health and safety and to remove existing hazards thereto. The Improvements cannot be accomplished without the issuance of the bond, which cannot be sold at the interest rate specified herein unless this Ordinance is immediately effective. Therefore, it is declared that an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in force and take effect immediately upon and after its passage.

PASSED this _____ day of _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

CERTIFICATE

The undersigned, City Clerk of the City of Rogers, Arkansas (the "City"), hereby certifies that the foregoing pages are a true and correct copy of Ordinance No. _____, passed at a regular session of the City Council of the City, held at the regular meeting place of the City Council at 6:30 p.m. on the _____ day of _____, 2024, and that the Ordinance is of record in Ordinance Record Book No. _____ at Page _____, now in my possession.

GIVEN under my hand and seal this _____ day of February, 2024.

City Clerk

(SEAL)

RESOLUTION NO. R24-_____

A RESOLUTION AMENDING THE 2024 BUDGET TO RECOGNIZE GRANT PROCEEDS IN THE AMOUNT OF TWO MILLION SIX HUNDRED FIFTY-THREE THOUSAND TWO HUNDRED NINETY-NINE DOLLARS (\$2,653,299.00); APPROPRIATING SAID GRANT PROCEEDS AND AIRPORT FUND RESERVES IN THE AMOUNT OF THREE MILLION EIGHT THOUSAND TWO HUNDRED NINETEEN DOLLARS (\$3,008,219.00) INTO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the 2023 final budget for airport fund revenues and expenditures pending at year-end; and

WHEREAS, the Airport identified grant revenues and appropriations approved in 2023 where the receipt of the grant proceeds or payment of the expense will not occur until 2024.

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

Section 1: The 2024 Budget is amended to recognize grant proceeds in the amount of two million six hundred fifty-three thousand two hundred ninety-nine dollars (\$2,653,299.00) to the following accounts:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
315-15-48050	Federal Grant	<u>\$ 2,653,299.00</u>

Section 2: The 2024 Budget is amended to appropriate three million eight thousand two hundred nineteen dollars (\$3,008,219.00) from grant proceeds and airport fund reserves into the following accounts for carryover projects and unspent grants/donations:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
315-15-80100.006	T-Hanger Apron Expansion	\$ 80,000.00
315-15-81142	Rehab Taxiways & Aprons	467,428.00
315-15-81143	Reconstruct Taxiway Lighting & Airfield Electrical Vault	1,884,283.00
315-15-81144	West Side Acquisitions	33,392.00
315-15-81144.002	Acquire Snow Removal Equipment	29,620.00
315-15-81144.003	Replace ATC Equipment	513,496.00
Total		<u>\$ 3,008,219.00</u>

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 _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk/Treasurer

Requested/Drafted By: Casey Wilhelm, Director of Finance

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R24-_____

A RESOLUTION AMENDING THE 2024 BUDGET TO APPROPRIATE AMERICAN RESCUE FUND RESERVES IN THE AMOUNT OF ONE MILLION FOUR HUNDRED FORTY-SIX THOUSAND SEVEN HUNDRED ELEVEN DOLLARS (\$1,446,711.00) INTO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the 2023 final budget for American Rescue fund expenditures pending at year-end; and

WHEREAS, the Grants Administrator identified appropriations approved in 2023 where the payment of the expense will not occur until 2024.

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

Section 1: The 2024 Budget is amended to appropriate one million four hundred forty-six thousand seven hundred eleven dollars (\$1,446,711.00) from American Rescue fund reserves into the following accounts for carryover projects:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
348-48-73320	Education Assistance	\$ 290,890.00
348-48-73321	Sewer Infrastructure	1,155,821.00
	Total	<u>\$ 1,446,711.00</u>

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/Treasurer

Requested/Drafted By: Casey Wilhelm, Director of Finance
Reviewed By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R24-_____

A RESOLUTION AMENDING THE 2024 BUDGET TO RECOGNIZE GRANT PROCEEDS IN THE AMOUNT OF THREE HUNDRED SIXTY-FOUR THOUSAND SIX HUNDRED NINETY-THREE DOLLARS (\$364,693.00); APPROPRIATING SAID GRANT PROCEEDS AND CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT) FUND RESERVES IN THE AMOUNT OF THREE HUNDRED SIXTY-FOUR THOUSAND SIX HUNDRED NINETY-THREE DOLLARS (\$364,693.00) INTO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the 2023 final budget for CDBG Grant fund revenues and expenditures pending at year-end; and

WHEREAS, the CDBG Grant Administrator identified grant revenues and appropriations approved in 2023 where the receipt of the grant proceeds or payment of the expense will not occur until 2024.

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

Section 1: The 2024 Budget is amended to recognize grant proceeds in the amount of three hundred sixty-four thousand six hundred ninety-three dollars (\$364,693.00) to the following accounts:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
342-42-45110	Federal Revenue	\$ 364,693.00

Section 2: The 2024 Budget is amended to appropriate three hundred sixty-four thousand six hundred ninety-three dollars (\$364,693.00) from grant proceeds and CDBG fund reserves into the following accounts for carryover projects and unspent grants/donations:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
342-42-70296	Public Service Projects	\$ 20,342.00
342-42-70969	Administration	45,455.00
342-42-70970	Housing Projects	273,758.00
342-42-70971	Housing Administration	25,138.00
Total		\$ 364,693.00

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 _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk/Treasurer

Requested/Drafted By: Casey Wilhelm, Director of Finance

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R24-_____

A RESOLUTION AMENDING THE 2024 BUDGET TO APPROPRIATE CMRS 911 FUND RESERVES IN THE AMOUNT OF ONE MILLION THREE HUNDRED FORTY-SEVEN THOUSAND THREE HUNDRED SIXTY-ONE DOLLARS (\$1,347,361.00) INTO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the 2023 final budget for CMRS 911 fund expenditures pending at year-end; and

WHEREAS, the Police Chief identified appropriations approved in 2023 where the payment of the expense will not occur until 2024.

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

Section 1: The 2024 Budget is amended to appropriate one million three hundred forty-seven thousand three hundred sixty-one dollars (\$1,347,361.00) from CMRS 911 fund reserves into the following accounts for carryover projects:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
352-52-70252	Communications Equipment	\$ 47,361.00
352-52-80100	Capital Outlay	1,300,000.00
	Total	<u>\$ 1,347,361.00</u>

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/Treasurer

Requested/Drafted By: Casey Wilhelm, Director of Finance
Reviewed By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R24-_____

A RESOLUTION AMENDING THE 2024 BUDGET TO APPROPRIATE COURT AUTOMATION FUND RESERVES IN THE AMOUNT OF EIGHTY-ONE THOUSAND EIGHT HUNDRED SEVEN DOLLARS (\$81,807.00) INTO ACCOUNT #338-38-70251 COURT AUTOMATION EXPENSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the 2023 final budget for Court Automation fund expenditures pending at year-end; and

WHEREAS, the District Court identified appropriations approved in 2023 where the payment of the expense will not occur until 2024.

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

Section 1: The 2024 Budget is amended to appropriate eighty-one thousand eight hundred seven dollars (\$81,807.00) from court automation fund reserves into Account #338-38-70251 court automation expense for carryover projects.

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/Treasurer

Requested/Drafted By: Casey Wilhelm, Director of Finance
Reviewed By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R24-_____

A RESOLUTION AMENDING THE 2024 BUDGET TO RECOGNIZE GRANT PROCEEDS IN THE AMOUNT OF FIFTY-EIGHT THOUSAND FIVE HUNDRED SIXTY-FOUR DOLLARS (\$58,564.00); APPROPRIATING SAID GRANT PROCEEDS AND GENERAL FUND RESERVES IN THE AMOUNT OF TWENTY-THREE MILLION EIGHT HUNDRED TWENTY-FIVE THOUSAND SEVEN HUNDRED TWENTY-TWO DOLLARS (\$23,825,722.00) INTO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the 2023 final budget for general fund revenues and expenditures pending at year-end; and

WHEREAS, various departments identified grant revenues and appropriations approved in 2023 where the receipt of the grant proceeds or payment of the expense will not occur until 2024.

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

Section 1: The 2024 Budget is amended to recognize grant proceeds in the amount of fifty-eight thousand five hundred sixty-four dollars (\$58,564.00) to the following accounts:

<u>Department</u>	<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
Police	100-03-45630	Edward Byrne Grant Federal Rev. 2021	287.00
Police	100-03-45631	Edward Byrne Grant Federal Rev. 2022	5,235.00
Police	100-03-45632	Edward Byrne Grant Federal Rev. 2023	38,354.00
Fire	100-04-45110	Federal Revenue	11,698.00
District Court	100-12-49240	County Payroll Match	2,990.00
Total			<u>\$ 58,564.00</u>

Section 2: The 2024 Budget is amended to appropriate twenty-three million eight hundred twenty-five thousand seven hundred twenty-two dollars (\$23,825,722.00) from grant proceeds and general fund reserves into the following accounts for carryover projects and unspent grants/donations:

<u>Department</u>	<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
Risk Reduction	100-02-70310	Condemnation Expense	27,850.00
Police	100-03-71204	Edward Byrne Grant Federal Exp. 2021	287.00
Police	100-03-71205	Edward Byrne Grant Federal Exp. 2022	5,235.00
Police	100-03-71206	Edward Byrne Grant Federal Exp. 2023	38,354.00
Police	100-03-80100	Capital Expenditures	78,432.00
Police	100-03-84002	Capital Expenditures - Fleet	124,955.00
Fire	100-04-70165	Vehicle Maintenance	16,513.00

Fire	100-04-80201	Capital Grant Expense	174,026.00
Facilities	100-05-70155.005	Buildings & Grounds Maint. CAT B	162,945.00
Facilities	100-05-70157	RLT Maintenance	52,150.00
Facilities	100-05-70158	Energy Savings Project	11,779,816.00
Facilities	100-05-70210	Furnishings	112,173.00
Facilities	100-05-80120.005	City Hall Renovation CAT B	161,093.00
Facilities	100-05-80121	Victory Theater Renovation	2,786,790.00
Library	100-06-70862	Grant Expense	1,929.00
Parks and Recreation	100-08-70154	Trails Maintenance	33,570.00
Parks and Recreation	100-08-70155	Buildings and Grounds Maintenance	5,900.00
Parks and Recreation	100-08-70430.005	Swimming Pool Maint. CAT B	141,258.00
Parks and Recreation	100-08-70460	Horticulture Maintenance	10,900.00
Parks and Recreation	100-08-70491	Arts and Culture - Programming	21,234.00
Parks and Recreation	100-08-70492	Arts and Culture- Alleyway Activation	70,808.00
Parks and Recreation	100-08-70495	Arts and Culture- Victory Theater	30,755.00
Parks and Recreation	100-08-70496	Arts and Culture – Operations	4,987.00
Parks and Recreation	100-08-70995	Donation/Grant Expense	267,805.00
Parks and Recreation	100-08-80100.005	Capital Expenditures CAT B	98,000.00
Parks and Recreation	100-08-80105.005	Capital- Trail System CAT B	72,048.00
Parks and Recreation	100-08-80107.005	Pinnacle Hills Open Space CAT B	120,000.00
Parks and Recreation	100-08-80115.005	Lake Atalanta Imp. CAT B	144,145.00
Parks and Recreation	100-08-84513	Northwest Park	6,132,138.00
Information Systems	100-09-70252.005	Communications Equipment CAT B	11,718.00
Information Systems	100-09-70256.005	Software Licensing CAT B	6,000.00
Information Systems	100-09-70258	Support & Subscription Agreements	101,701.00
Information Systems	100-09-80100.005	Capital Expenditures CAT B	25,000.00
Museum	100-10-70991.005	Collection Maint. CAT B	7,706.00
Museum	100-10-80100.005	Capital Expenditures CAT B	208,338.00
Adult Wellness	100-11-70155	Buildings and Grounds Maintenance	82,705.00
Adult Wellness	100-11-70185	Janitorial Expense	14,413.00
Adult Wellness	100-11-70993	Scholarship Expense	10,210.00
Adult Wellness	100-11-70995	Donation/Grant Expense	84,925.00
District Court	100-12-61110	Salaries and Wages -overtime	3,389.00
District Court	100-12-70268	Professional Services	13,080.00
District Court	100-12-70830	Contract Services	4,183.00
Community Dev.	100-18-70006	Continuing Ed. Engineering	6,400.00
Community Dev.	100-18-70268.005	Professional Services CAT B	5,185.00

Community Dev.	100-18-70330	Stormwater Expense	345,217.00
Community Dev.	100-18-70335	Planning Expense	215,656.00
Recycling	100-68-70160	Equipment Maintenance	2,500.00
Recycling	100-68-70165	Vehicle Maintenance	1,300.00
Total			<u>\$ 23,825,722.00</u>

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 that are 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/Treasurer

Requested/Drafted By: Casey Wilhelm, Director of Finance

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R24-_____

A RESOLUTION AMENDING THE 2024 BUDGET TO APPROPRIATE STREET FUND RESERVES IN THE AMOUNT OF THREE MILLION THREE HUNDRED TWENTY-FIVE THOUSAND EIGHT HUNDRED SIXTY-ONE DOLLARS (\$3,325,861.00) INTO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the 2023 final budget for street fund expenditures pending at year-end; and

WHEREAS, the street department identified appropriations approved in 2023 where the payment of the expense will not occur until 2024.

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

Section 1: The 2024 Budget is amended to appropriate three million three hundred twenty-five thousand eight hundred sixty-one dollars (\$3,325,861.00) from street fund reserves into the following accounts for carryover projects and unspent grants/donations:

<u>Department</u>	<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
Street Maintenance	200-16-70155	Buildings and Ground Maint.	\$ 88,023.00
Street Maintenance	200-16-70935	Drainage Construction	113,149.00
Street Maintenance	200-16-70950	Street Projects	397,916.00
Street Maintenance	200-16-85023	Laurel Road- West	1,976,067.00
Street Development	200-25-70940	Painting and Striping	96,170.00
Street Development	200-25-70950	Street Projects	250,000.00
Street Development	200-25-85089	Will Rogers Drive	404,536.00
Total			<u>\$ 3,325,861.00</u>

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

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

RESOLVED this _____ day of _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk/Treasurer
Requested/Drafted By: Casey Wilhelm, Director of Finance
Reviewed By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R24-_____

**A RESOLUTION AMENDING THE CITY OF ROGERS 2023 BUDGET TO
APPROPRIATE GENERAL FUND RESERVES, STREET FUND RESERVES, AND
HEALTH INSURANCE FUND RESERVES TO VARIOUS ACCOUNTS; AND FOR
OTHER PURPOSES.**

WHEREAS, the City of Rogers reviewed the final 2023 budget for areas of expenses over budget during that year; and

WHEREAS, various departments within the General fund and Airport fund identified expenses that were incurred and resulted in the need for additional appropriations;

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

Section 1: The City of Rogers' 2023 Budget is amended as follows:

<u>Fund</u>	<u>Department</u>	<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
Revenues:				
Airport Fund	Airport	315-15-48010	Airport Customs Revenue	<u>\$ 59,425.00</u>
Expenses:				
General Fund	Fire	100-04-70165	Vehicle Maintenance	\$ 64,075.00
General Fund	Fire	100-04-70205	Small Tools & Equipment	36,937.00
General Fund	Criminal Justice	100-19-70155	Building & Grounds Maint.	7,189.00
			General Fund Total	<u>\$ 115,222.00</u>
Airport Fund	Airport	315-15-70745	Customs Expense	<u>\$ 59,425.00</u>

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.

Section 3: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are

repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Prepared By: Casey Wilhelm, Director of Finance
Reviewed By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 24- _____

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE V - SUBDIVISIONS, SECTION 14-554 - LOT, TRACT OR PARCEL SIZE OF THE ROGERS CITY CODE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers, under the authority granted by Ark. Code Ann. § 14-56-417, has the power to regulate land within its territorial jurisdiction;

WHEREAS, Ark. Code Ann. § 14-56-413 permits cities with a population between sixty thousand (60,000) and one hundred fifty thousand (150,000) to exercise extraterritorial jurisdiction so as to administer and enforce their city's planning ordinances on land up to two (2) miles beyond its corporate limits;

WHEREAS, the City of Rogers has previously exercised this authority under Rogers City Code § 14-551, which requires all subdivisions within its territorial jurisdiction to adhere to minimum lot size standards to ensure orderly and sustainable development;

WHEREAS, Section 14-721(e) – Application of district regulations of the Rogers' City Code states that A-1 district standards, which set minimum lots sizes at 1 ½ acres, are the default zoning for rural land areas that are not specifically addressed by Chapter 14; and

WHEREAS, it has become necessary to clarify the zoning standards that explicitly apply to land that has not been annexed into the City's boundaries, but is included within its territorial jurisdiction, to prevent confusion and ensure consistency in its application.

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

Section 1: Chapter 14, Article V, Section 14-554 - Lot, tract, or parcel size of the Rogers City Code, is hereby amended to read as follows:

Sec. 14-554. - Lot, tract or parcel size.

Individual lots, tracts, or parcels that require both a septic system and water well shall be of sufficient size to satisfy state health department requirements. A minimum frontage shall be 120 feet with a minimum lot, tract, or parcel size of 1½ acres. Within the Territorial Jurisdiction of the City of Rogers, the minimum lot size shall be 1 ½ acres. This shall apply to all lands within the city's territorial jurisdiction as allowed by Arkansas law and Section 14-551, and nothing within this chapter shall be read and interpreted to reduce the minimum lot size requirements of this section.

Section 2: Emergency Clause: The need to amend the Rogers City Code as described in Section 1 of this Ordinance 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 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 _____, 2024.

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

ORDINANCE NO. 24 - ____

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

PROPERTY DESCRIPTION:

PARCELS 02-05822-000 & 02-05823-000

LOTS 5, 6 AND 7 IN BLOCK 14 IN MCGAUGHY'S REVISED ORCHARD ADDITION TO
THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS

LAYMAN'S DESCRIPTION:

1203 S. 3rd St Rogers, AR 72756

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

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 _____, 2024.

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. 24 - _____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM RMF-6.5A TO RMF-6.5A-CU; ACCEPTING THE DENSITY CONCEPT PLAN; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code § 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on February 6, 2024, the City Council has found that certain lands hereinafter described are better suited for RMF-6.5A-CU (Residential Multi-Family, 6.5 units per acre, to own, Condominium Unit District) zoning.

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

Section 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

Section 2: That the land hereinafter described should be and the same is hereby zoned as RMF-6.5A-CU and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A PART OF THE NE1/4 OF THE NE1/4 AND A PART OF THE SE1/4 OF THE NE1/4 OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIN FOUND FOR THE SE CORNER OF THE NE1/4 OF THE NE1/4 OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING AND ALSO BEING IN THE RIGHT OF WAY OF BELLVIEW ROAD; THENCE S00°09'24"W 330.00 FEET TO A POINT IN SAID RIGHT OF WAY; THENCE N89°34'41"W 627.00 FEET TO A SET IRON PIN, THENCE N00°09'24"E 381.27 FEET TO AN IRON PIN SET ON THE SOUTH RIGHT OF WAY OF BENTON COUNTY ROAD 237; THENCE ALONG THE SOUTH RIGHT OF WAY OF BENTON COUNTY ROAD 237 N87°28'53"E 94.71 FEET TO A SET IRON PIN; THENCE ALONG SAID RIGHT OF WAY N89°42'29"E 532.45 FEET TO A POINT ON THE EAST BOUNDARY OF THE SAID NE1/4 OF THE NE1/4; THENCE S00°12'25"W 62.77 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 5.59 ACRES, MORE OR LESS, AND BEING SUBJECT TO THE RIGHT OF WAY OF BELLVIEW ROAD ALONG THE EAST SIDE AND BENTON COUNTY ROAD 237 ALONG THE NORTH SIDE AND TO ALL OTHER EASEMENTS OR RIGHT OF WAYS BY PRESCRIPTION OR OF RECORD. LESS & EXCEPT A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST DESCRIBED AS FOLLOWS: COMMENCE AT THE FOUND REBAR PIN AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 33 AND RUN THENCE NORTH 2° 40' 55" EAST ALONG THE EAST LINE OF SAID 40 ACRE TRACT A DISTANCE OF 62.76 FEET TO GRANTOR'S NORTHEAST PROPERTY CORNER; THENCE LEAVING SAID EAST LINE NORTH 87° 49' 04" WEST ALONG GRANTOR'S NORTH PROPERTY LINE A DISTANCE OF 32.31 FEET TO THE EXISTING RIGHT OF WAY LINE AND THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION; THENCE LEAVING SAID NORTH LINE S 1°04' 10" WEST ALONG SAID EXISTING RIGHT OF WAY LINE A DISTANCE OF 12.28 FEET TO THE PROPOSED RIGHT OF WAY LINE; THENCE LEAVING SAID EXISTING RIGHT OF WAY LINE ALONG SAID

PROPOSED RIGHT OF WAY AND CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 30.00 FEET; A CHORD BEARING NORTH 60° 55' 29" WEST, A CHORD LENGTH OF 27.13 FEET, THENCE ALONG THE ARC OF THE CURVE A DISTANCE OF 28.16 FEET TO GRANTOR'S NORTH PROPERTY LINE; THENCE LEAVING SAID CURVE AND PROPOSED RIGHT OF WAY SOUTH 87° 49' 04" EAST ALONG SAID NORTH LINE A DISTANCE OF 23.96 FEET TO THE POINT OF BEGINNING, CONTAINING 87.71 SQUARE FEET, MORE OR LESS. SURVEY 2/29/2012 2012-84

LAYMAN'S DESCRIPTION:

4030 W. West Drive

Parcel 02-14175-015

Section 3: Zoning. That the above described lands are better suited for RMF-6.5A-CU than RMF-6.5A zoning and same should be and are hereby zoned RMF-6.5A-CU.

Section 4: Density Concept Plan. That the Density Concept Plan entered into by and between Bespoke Homes, and the City of Rogers, as approved by the Rogers Planning Commission on May 3, 2022, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

Section 5: Emergency Clause. That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

Section 6: 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 7: 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.

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

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. 24 - _____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM A-1 TO N-R; ACCEPTING THE DENSITY CONCEPT PLAN; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on February 6, 2024, the City Council has found that certain lands hereinafter described are better suited for N-R (Neighborhood Residential) zoning.

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

Section 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

Section 2: That the land hereinafter described should be and the same is hereby zoned as N-R and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A PART OF THE SOUTHERN HALF (S1

2) OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1
4 SE1

4) OF SECTION 22

TOWNSHIP 19 NORTH RANGE 30 WEST, IN BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SOUTHEAST QUARTER OF SECTION 22; THENCE NORTH 87°07'23" WEST 52.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87°07'23" WEST 608.17 FEET TO A POINT; THENCE NORTH 02°57'14" EAST 330.06 FEET TO A POINT; THENCE SOUTH 87°06'14" EAST 604.34 FEET TO A POINT; THENCE SOUTH 02°17'20" WEST 329.88 FEET TO THE POINT OF BEGINNING, CONTAINING SOME 4.59 ACRES AND SUBJECT TO ALL RIGHT OF WAY AND ANY EASEMENT(S) OF RECORD

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1
4 NE1

4) OF SECTION 27 TOWNSHIP 19 NORTH RANGE 30 WEST, IN BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF NORTHEAST QUARTER OF SECTION 27; THENCE NORTH 87°07'23" WEST 52.16 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02°17'20" WEST 33.04 FEET TO A POINT; THENCE NORTH 87°05'50" WEST 608.55 FEET TO A POINT; THENCE NORTH

02°57'14" EAST 32.76 FEET TO A POINT; THENCE SOUTH 87°07'23" EAST 608.17 FEET TO THE POINT OF BEGINNING, CONTAINING SOME 0.46 ACRES AND SUBJECT TO ALL RIGHT OF WAY AND ANY EASEMENT(S) OF RECORD

LAYMAN'S DESCRIPTION:

2460 S. 26th Street

Parcels 02-01712-050, 02-02087-264

Section 3: Zoning. That the above described lands are better suited for RMF-6.5A-CU than RMF-6.5A zoning and same should be and are hereby zoned RMF-6.5A-CU.

Section 4: Density Concept Plan. That the Density Concept Plan entered into by and between TWO51 Group, LLC, and the City of Rogers, as approved by the Rogers Planning Commission on February 6, 2024, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

Section 5: Emergency Clause. That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

Section 6: 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 7: 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.

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

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