



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

COMMITTEE SCHEDULE

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

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: April 9, 2024

The following committee meetings will be held on **Tuesday, April 9, 2024** prior to the City Council Meeting:

05:55 p.m. - TRANSPORTATION COMMITTEE: (Surly*, Townzen) Committee Room #1 OR
<https://us02web.zoom.us/j/85753546264> OR (312)626-6799 ID: 857 5354 6264

- To Discuss:
- (a) Street Closure Request - Pig Gig [Map & Request Information](#)
 - (b) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement With Pinkley Sales Company Of Oklahoma City, Oklahoma; Accepting The Lowest Qualified Bid; Amending The 2024 Budget To Appropriate \$150,000.00 From Street Fund Reserves Into Account #200-16-80100 Capital Expenditures For The Purchase Of A Video Detection System

05:55 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear) Committee Room #2 OR
<https://us02web.zoom.us/j/83163583283> OR (312)626-6799 ID: 831 6358 3283

- To Discuss:
- (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Encroachment And Usage Agreement With Christy Lamers At Parcel Number 02-14723-000 In Rogers, Arkansas
 - (b) An Ordinance Approving A Private Club Application For Music Moves, Ltd.

06:10 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall) Committee Room #2 OR
<https://us02web.zoom.us/j/83163583283> OR (312)626-6799 ID: 831 6358 3283

- To Discuss:
- (a) A Resolution Amending The 2024 Budget To Recognize Insurance Reimbursement In The Amount Of \$17,900.00 Into Account #200-16-49195 Insurance Reimbursement; Appropriating That Same Amount Into Account #200-16-70931 Traffic Light Installation
 - (b) A Resolution Amending The 2024 Budget To Appropriate \$26,400.00 From General Fund Reserves Into Account #100-18-70335 Planning Expense For The Execution Of A Change Order To The City's Implementation Agreement With Timmons Group

06:10 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Townzen, Hayes)
Committee Room #1 OR <https://us02web.zoom.us/j/85753546264> OR (312)626-6799 ID: 857 5354 6264

To Discuss:

- (a) An Ordinance Calling For The Simultaneous Detachment And Annexation Of Land Currently Located In Cave Springs, Benton County, Arkansas
- (b) An Ordinance Amending Chapter 14, Article Vi Of The City Of Rogers Code Of Ordinances
- (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From N-R To NBT (Elkhead – 921 S. 4th Street) [Staff Report](#)



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ROGERS CITY COUNCIL **AGENDA**

APRIL 9, 2024
6:30 PM

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.

In Person Rogers City Council Chambers

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

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. March 24, 2024

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | | |
|----|----------|--|------------------------------------|
| 1. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into An Agreement With Pinkley Sales Company Of Oklahoma City, Oklahoma; Accepting The Lowest Qualified Bid; Amending The 2024 Budget To Appropriate \$150,000.00 From Street Fund Reserves Into Account #200-16-80100 Capital Expenditures For The Purchase Of A Video Detection System | TRANSPORTATION
COMMITTEE |
| 2. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into An Encroachment And Usage Agreement With Christy Lamers At Parcel Number 02-14723-000 In Rogers, Arkansas | RESOURCES &
POLICY
COMMITTEE |
| 3. | ORD. Re: | Approving A Private Club Application For Music Moves, Ltd. | RESOURCES &
POLICY |

		COMMITTEE
4.	RES. Re: Amending The 2024 Budget To Recognize Insurance Reimbursement In The Amount Of \$17,900.00 Into Account #200-16-49195 Insurance Reimbursement; Appropriating That Same Amount Into Account #200-16-70931 Traffic Light Installation	FINANCE COMMITTEE
5.	RES. Re: Amending The 2024 Budget To Appropriate \$26,400.00 From General Fund Reserves Into Account #100-18-70335 Planning Expense For The Execution Of A Change Order To The City's Implementation Agreement With Timmons Group	FINANCE COMMITTEE
6.	ORD. Re: Calling For The Simultaneous Detachment And Annexation Of Land Currently Located In Cave Springs, Benton County, Arkansas	COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
7.	ORD. Re: Amending Chapter 14, Article Vi Of The City Of Rogers Code Of Ordinances	COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
8.	ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From N-R To NBT (Elkhead – 921 S. 4 th Street) Staff Report	COMMUNITY ENVIRONMENT & WELFARE COMMITTEE

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

1. Appointment of Bethany Marshall to the Rogers Library Board of Trustees with a Term to Expire on December 31, 2026.
2. Reappointment of John Carney to the Rogers Historic District Commission with a Term to Expire on April 09, 2027.
3. Appointment of Hunter Fry to the Rogers Historic District Commission with a Term to Expire on April 09, 2027.
4. Appointment of Matthew Loos to the Rogers Historic District Commission with a Term to Expire on April 09, 2027.
5. Appointment of Kristyn Lawson to the Rogers Historic District Commission with a Term to Expire on April 09, 2027.
6. Appointment of Issac Stevens to the Rogers Historic District Commission with a Term to Expire on April 09, 2027.
7. Appointment of Josh Allen to the Rogers Historic District Commission with a Term to Expire on April 09, 2027.
8. Appointment of Elizabeth Cisneros to the Rogers Historic District Commission with a Term to Expire on April 09, 2027.

ANNOUNCEMENTS:

RESOLUTION NO. R24-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH PINKLEY SALES COMPANY OF OKLAHOMA CITY, OKLAHOMA; ACCEPTING THE LOWEST QUALIFIED BID; AMENDING THE 2024 BUDGET TO APPROPRIATE ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FROM STREET FUND RESERVES INTO ACCOUNT #200-16-80100 CAPITAL EXPENDITURES FOR THE PURCHASE OF A VIDEO DETECTION SYSTEM; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Street Department desires to enter into an agreement with Pinkley Sales Company of Oklahoma City, Oklahoma to purchase a Miovision Single Camera Detection System;

WHEREAS, bids were requested and submitted for a video detection system and Pinkley Sales Company of Oklahoma City, Oklahoma was the lowest qualified bidder; and

WHEREAS, the contract price will not exceed one hundred fifty thousand dollars (\$150,000.00).

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

Section 1: Pinkley Sales Company of Oklahoma City, Oklahoma is accepted as the lowest qualified bid for the Miovision Single Camera Detection System;

Section 2: The Mayor and City Clerk are hereby authorized to enter into an agreement with Pinkley Sales Company of Oklahoma City, Oklahoma to purchase a Miovision Single Camera Detection System for an amount not to exceed one hundred fifty thousand dollars (\$150,000.00);

Section 3: The City of Rogers' 2024 budget is amended to appropriate one hundred fifty thousand dollars (\$150,000.00) from Street Fund Reserves into Account #200-16-80100 Capital Expenditures;

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

Section 5: Repeal of Conflicting Provisions: All 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: Frankie Guyll, Street Department Superintendent

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

RESOLUTION NO. R24-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN ENCROACHMENT AND USAGE AGREEMENT WITH CHRISTY LAMERS AT PARCEL NUMBER 02-14723-000 IN ROGERS, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, Christy Lamers, a resident of the City of Rogers, requests use of the City's public right-of-way to provide underground irrigation to a memorial site located along the Razorback Greenway;

WHEREAS, this Agreement does not interfere with the Razorback Greenway Operations and Management Plan; and

WHEREAS, the City is willing to permit use of the City's public right-of-way located at off South Bellview Road, specifically parcel number 02-087-353, on the terms and conditions contained within the Agreement.

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

Section 1: Christy Lamers has agreed to the City's terms in the Agreement Permitting Encroachment and Usage within the Public Right-Of-Way for an underground irrigation system leading to a memorial site along the Razorback Greenway;

Section 2: The Mayor and City Clerk are hereby authorized to enter into said Agreement authorizing 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 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: Brent Dobler, Rogers Water Utilities Superintendent
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Resources & Policy

ORDINANCE NO. 24-_____

AN ORDINANCE APPROVING A PRIVATE CLUB APPLICATION FOR MUSIC MOVES, LTD.; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Ark. Code Ann. § 3-9-222, all private club applications submitted to Alcohol Beverage Control Division of the State of Arkansas (“ABC”) must be submitted with an Ordinance from the governing body of the county or city in which the private club wishes to operate;

WHEREAS, Music Moves, Ltd. is requesting an ordinance from the Rogers City Council to accompany its private club application; and

WHEREAS, after passage, this Ordinance shall be submitted to ABC by Music Moves, Ltd. in order to comply with Ark. Code Ann. § 3-9-222(a) & (b).

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

Section 1: The City Council of the City of Rogers recognizes and approves the submission of the application of Music Moves, Ltd. to the ABC for a permit to operate as a private club under Ark. Code Ann. § 3-9-222(a)(1);

Section 2: Emergency Clause: That the need to approve the private club application is immediate. Therefore, in order to protect the public peace, health, safety and welfare, an emergency is deemed to exist, and this Ordinance shall become effective upon its passage and approval;

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

Section 4: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Legal Department
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration by: Resources & Policy Committee

RESOLUTION NO. R24-_____

A RESOLUTION AMENDING THE 2024 BUDGET TO RECOGNIZE INSURANCE REIMBURSEMENT IN THE AMOUNT OF SEVENTEEN THOUSAND NINE HUNDRED DOLLARS (\$17,900.00) INTO ACCOUNT #200-16-49195 INSURANCE REIMBURSEMENT; APPROPRIATING THAT SAME AMOUNT INTO ACCOUNT #200-16-70931 TRAFFIC LIGHT INSTALLATION; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers' Street Department received seventeen thousand nine hundred dollars (\$17,900.00) in insurance proceeds for damage to a traffic light signal occurring on February 27, 2024 at the intersection of Cherry Street and Arkansas Street.

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

Section 1: The City of Rogers' 2024 Budget is amended to recognize seventeen thousand nine hundred dollars (\$17,900.00) in insurance proceeds into Account #200-16-49195 Insurance Reimbursement for repairs to traffic light signal damage;

Section 2: The City of Rogers' 2024 Budget is amended to appropriate seventeen thousand nine hundred dollars (\$17,900.00) from Account #200-16-49195 Insurance Reimbursement into Account #200-16-70931 Traffic Light Installation;

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

Requested By: Frankie Guyll, Street Department Superintendent

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R24-_____

A RESOLUTION AMENDING THE 2024 BUDGET TO APPROPRIATE TWENTY-SIX THOUSAND FOUR HUNDRED DOLLARS (\$26,400.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-18-70335 PLANNING EXPENSE FOR THE EXECUTION OF A CHANGE ORDER TO THE CITY'S IMPLEMENTATION AGREEMENT WITH TIMMONS GROUP; AND FOR OTHER PURPOSES.

WHEREAS, The City desires to execute a change order to the City's Implementation Agreement with Timmons Group to modify the City's current CityWorks software to implement the City's Unified Development Code once adopted;

WHEREAS, the execution of the change order to the City's Implementation Agreement with Timmons Group will cost twenty-six thousand four hundred dollars (\$26,400.00) for the modification of the CityWorks software to implement the Unified Development Code.

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

Section 1: The City of Rogers' 2024 Budget is hereby amended to appropriate twenty-six thousand four hundred dollars (\$26,400.00) from General Fund Reserves into Account #100-18-70335 Planning Expense;

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: John McCurdy, Community Development Director
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 24- _____

AN ORDINANCE CALLING FOR THE SIMULTANEOUS DETACHMENT AND ANNEXATION OF LAND CURRENTLY LOCATED IN CAVE SPRINGS, BENTON COUNTY, ARKANSAS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Rogers, Arkansas voted to pass Ordinance No. 24-15, titled AN ORDINANCE CALLING FOR THE SIMULTANEOUS DETACHMENT AND ANNEXATION OF LAND CURRENTLY LOCATED IN CAVE SPRINGS, BENTON COUNTY, ARKANSAS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES on March 26, 2024;

WHEREAS, in further coordination with both cities, their respective engineers, and the State of Arkansas GIS Office, it has been determined that revisions to the legal descriptions and accompanying maps provided for in Ordinance No. 24-15 are needed to more accurately describe the land which is to be included in the call for the detachment and annexation of certain land into the City of Rogers;

WHEREAS, the City of Rogers, Arkansas desires this Ordinance to replace Ordinance No. 24-15; and

WHEREAS, the City of Rogers, Arkansas desires to detach and annex the following described five (5) areas of property ("the Property") currently located in the City of Cave Springs, Benton County, Arkansas:

AREA 1

(Benton County Parcels 05-10073-001, 05-10073-002, 05-10073-003, 05-10073-004, & 05-10073-005)

The W 1/2 of the SE 1/4 of Section 29, T-19-N, R-30-W, Benton County, Arkansas; more particularly described as follows: Beginning at the SW corner of said W 1/2 of the SE 1/4, Section 29; thence N 00°15'20" W 2640.00 feet to the NW corner of said W 1/2 of the SE 1/4; thence S 89°41'55" E 1332.70 feet to the NE corner of said W 1/2 of the SE 1/4; thence S 00°14'15" E 2640.00 feet to the SE corner of said W 1/2 of the SE 1/4; thence N 89°41'55" W 1331.88 feet to the Point of Beginning, containing 80.74 acres, more or less, subject to the right of way of the County Road along the south, west, and north.

AREA 2

(Benton County Parcel 05-10121-000)

The SW1/4 of the NW1/4 of Section 32, Township 19 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows, to-wit:

Beginning at a set mag nail with washer "PLS 1759" marking the Southwest Corner of said SW 1/4 of the NW 1/4; thence along the west line of said SW 1/4 of the NW 1/4, N02°26'23"E 1320.80 feet to a set mag nail with washer "PLS 1759" at the Northwest Corner of said SW 1/4 of the NW 1/4; thence along the north line of said SW 1/4 of the NW 1/4, S87°07'45"E 1332.54 feet to a set mag nail with washer "PLS 1759", being the Northeast Corner of said SW 1/4 of the NW 1/4; thence along the east line of said SW 1/4 of the NW 1/4, S02°30'48"W 1323.83 feet to a found 5/8-inch rebar with cap stamped "Ridout", being the Southeast Corner of said SW 1/4 of the NW 1/4; thence along the south line of said SW 1/4 of the NW 1/4, N86°59'53"W 1330.87 feet to the Point of Beginning, containing 40.42 acres, more or less. Subject to the right of way of S. Rainbow Rd. along the west line, W. Wallis Rd. along the north line, and S. Stratsman Ln. along the east line. Subject to any easements, covenants, or restrictions of record or fact.

AND

(Benton County Parcels 05-10118-000, 05-10118-005, 05-10118-004, 05-10119-000, & 05-10120-000)

The S 1/2 of the SE 1/4 of the NW 1/4 of Section 32, Township 19 North, Range 30 West in Benton County, Arkansas, and described as follows, to-wit; Beginning at the Southeast Corner of said S 1/2 of the SE 1/4 of the NW 1/4 of Section 32; thence North 89°35'18" West 1330.14 feet to the Southwest Corner of said S 1/2 of the SE 1/4 of the NW 1/4; thence North 00°01'27" East 662.84 feet to the Northwest Corner of said S 1/2 of the SE 1/4 of the NW 1/4; thence South 89°37'09" East 1333.71 feet to the Northeast Corner of said S 1/2 of the SE 1/4 of the NW 1/4; thence South 00°19'58" West 663.54 feet to the Point of Beginning, containing 20.82 acres, more or less, and subject to the right-of-way of Stratsman Lane along the north.

AND

(Benton County Parcels 05-10115-000 & 05-10116-000)

Part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE1/4), and the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE1/4), of Section 32, Township 19 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows: Beginning at the Southwest Corner of the SW 1/4 of the SW 1/4 of the NE 1/4 of said Section 32; thence North 00°22'14" East 663.21 feet to the Northwest Corner of said SW 1/4 of the SW 1/4 of the NE 1/4; thence South 89°37'09" East 665.84 feet to the Northwest Corner of the SE 1/4 of the SW 1/4 of the NE 1/4; thence South 89°37'09" East 665.83 feet to the Northeast Corner of said SE 1/4 of the SW 1/4 of the NE 1/4; thence South 00°07'17" West 664.10 feet to the Southeast Corner of said SE 1/4 of the SW 1/4 of the NE 1/4; thence North 89°34'53" West 667.28 feet to the Southeast Corner of said SW 1/4 of the SW 1/4

of the NE 1/4; thence North 89°34'53" West 667.27 feet to the Point of Beginning; LESS and EXCEPT the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4); in all containing 17.77 acres more or less, and subject to the Right-of-Way of a county road along the North boundary thereof.

AND

(Benton County Parcels 05-10108-000, 05-10109-000, 05-10110-000 & 05-10108-001)

The E1/2 of the NE1/4 of Section 32, Township 19 North, Range 30 West, Benton County, Arkansas, more particularly described as follows:

Beginning at the NE Corner of said E1/2 of NE1/4 of Section 32; thence S 0°21'25" W 2662.79 feet to the SE Corner of said E1/2 of the NE1/4; thence N 89°32'31" W 1325.52 feet to a point in the County Road; thence N 0°15'18" E 2657.91 feet along and in said Road to the centerline of the County Road; thence South 89°45'10" E 1330.26 feet along said centerline to the Point of Beginning, containing 81.09 acres, more or less, subject to the Right-of-way of said Road.

AND

(Benton County Parcel 05-10124-000)

Part of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 33, Township 19 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows: Beginning at the Northwest Corner of said 40 acres; run thence East 190 feet; thence South 420 feet; thence West 190 feet to the west line of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4); thence North 420 feet to the Place of Beginning. Subject to Right of Way/Easements and Restrictions if Any.

AREA 3

(Benton County Parcel 05-10077-000)

Part of the NW1/4 of the NE1/4 of Section 31, Township 19 North, Range 30 West, in Benton County, Arkansas, and being more particularly described as follows:

Commencing North 89 degrees 19' 30" West 430.0 feet from the SE corner of said NW 1/4 of the NE 1/4; thence North 20.0 feet to the Point of Beginning; thence North 310 feet; thence South 89 degrees 19' 30" East 265.0 feet; thence South 310.0 feet; thence North 89 degrees 19' 30" West 265.0 feet to the point of beginning, containing 1.89 acres, more or less, and being subject to a county road along the South side.

AREA 4

(Benton County Parcels 05-12316-000, 05-12317-000, & 05-12111-001, and the west portion of numerous platted lots Shadow Valley, PH 8)

Part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 25, Township 19 North, Range 31 West, Benton County, Arkansas, more particularly described as follows:

Beginning at the Southeast Corner of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 25; thence along the south line thereof, North 87°32'22" West 617.14 feet; thence leaving said south line, North 31°34'06" East 449.71 feet; thence North 02°12'38" West 603.45 feet; thence South 87°37'08" East 439.87 feet to the east line of said Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4); thence along said east line, South 02°01'13" West 995.00 feet to the Point of Beginning, containing 10.34 acres, more or less and subject to easements of record or fact.

AND

Part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 36, Township 19 North, Range 31 West, Benton County, Arkansas, more particularly described as follows:

Commencing at the Northeast Corner of the NE1/4 of the NE1/4 of said Section 36; thence along the north line thereof, North 87°32'22" West 338.58 feet to the Point of Beginning; thence leaving said north line, South 46°51'45" West 279.94 feet; thence North 87°32'22" West 180.00 feet; thence North 16°43'50" East 206.37 feet to the north line of the NE1/4 of the NE1/4 of said Section 36; thence along said north line, South 87°32'22" East 325.00 feet to the Point of Beginning, containing 1.16 acres, more or less and subject to all easements and rights of way of record or fact.

AREA 5

(Benton County Parcel 05-10268-000)

Part of the South three-fourths of the SE1/4 of the SE1/4 of Section 25, Township 19 North, Range 31 West, in Benton County, Arkansas, and being more particularly described as follows:

Commencing at the southeast corner of the SE1/4 of the SE1/4 of said Section 25; thence South 89°53'12" West 1312.80 feet to the southwest corner of said SE1/4 of the SE1/4; thence North 00°32'33" West 995.01 feet; thence North 89°53'12" East 24.47 feet to the Point of Beginning on the east right of way line of Arkansas Highway No. 112; thence North 89°53'12" East 162.00 feet; thence South 01°34'17" East 306.57 feet; thence South 88°07'32" West 162.00 feet to the east right of way line of said Highway; thence North 01°33'46" West 311.55 feet along said right of way line to the Point of Beginning, and containing 1.15 acres ±, subject

to Highway 112 right of way line, also subject to electrical and telephone line right of way.

WHEREAS, a map showing the location of the property is attached hereto as Exhibit “A”;

WHEREAS, the City of Rogers proposes this action to remove various islands within its boundaries, and the City of Rogers stands ready to provide all municipal services to the above described Property; and

WHEREAS, the City of Rogers, Arkansas wishes to comply with the provisions of Ark. Code Ann. § 14-40-2101.

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

Section 1: The Property described herein and shown in the maps attached as Exhibit “A” shall be simultaneously de-annexed from the City of Cave Springs, Arkansas, and annexed into the City of Rogers, Arkansas, pursuant to Ark. Code Ann. § 14-40-2101;

Section 2: The City Clerk is hereby directed to send a copy of this Ordinance to the governing body of the City of Cave Springs, Arkansas, pursuant to Ark. Code Ann. § 14-40-2101(a);

Section 3: Pursuant to Ark. Code Ann. § 14-40-2101(b)(2), the City of Cave Springs, Arkansas shall conduct a public hearing within sixty (60) days of the date of the passage of this Ordinance;

Section 4: Pursuant to Ark. Code Ann. § 14-40-2101(b)(3), the City Clerk of the City of Rogers, Arkansas is directed to publish a legal notice of the public hearing at least fifteen (15) days prior to the public hearing, and such notice shall set out the legal description of the property proposed to be detached and annexed;

Section 5: If the City Council for the City of Cave Springs, Arkansas approves of the proposed detachment and annexation ordinance, the City of Rogers shall proceed to render services to the newly annexed area, pursuant to Ark. Code Ann. § 14-40-2101(c)(2);

Section 6: If the City Council for the City of Cave Springs, Arkansas approves the proposed detachment and annexation ordinance, and if no suit is brought within thirty (30) days to review the mutual actions of the City of Rogers and the City of Cave Springs, then the detachment and annexation of the land shall be final, pursuant to Ark. Code Ann. § 14-40-2101(d), and the City Clerk of the City of Rogers, Arkansas shall at that time certify a copy of the plat of the annexed property and a copy of the ordinances passed to the County Clerk of Benton County, Arkansas, pursuant to Ark. Code Ann. § 14-40-2101(e)(2), who shall forward a copy of each document to the Secretary of State for the State of Arkansas, who shall file and preserve them.

Section 7: Emergency Clause: The need to detach and annex the Property 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 8: 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 9: 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

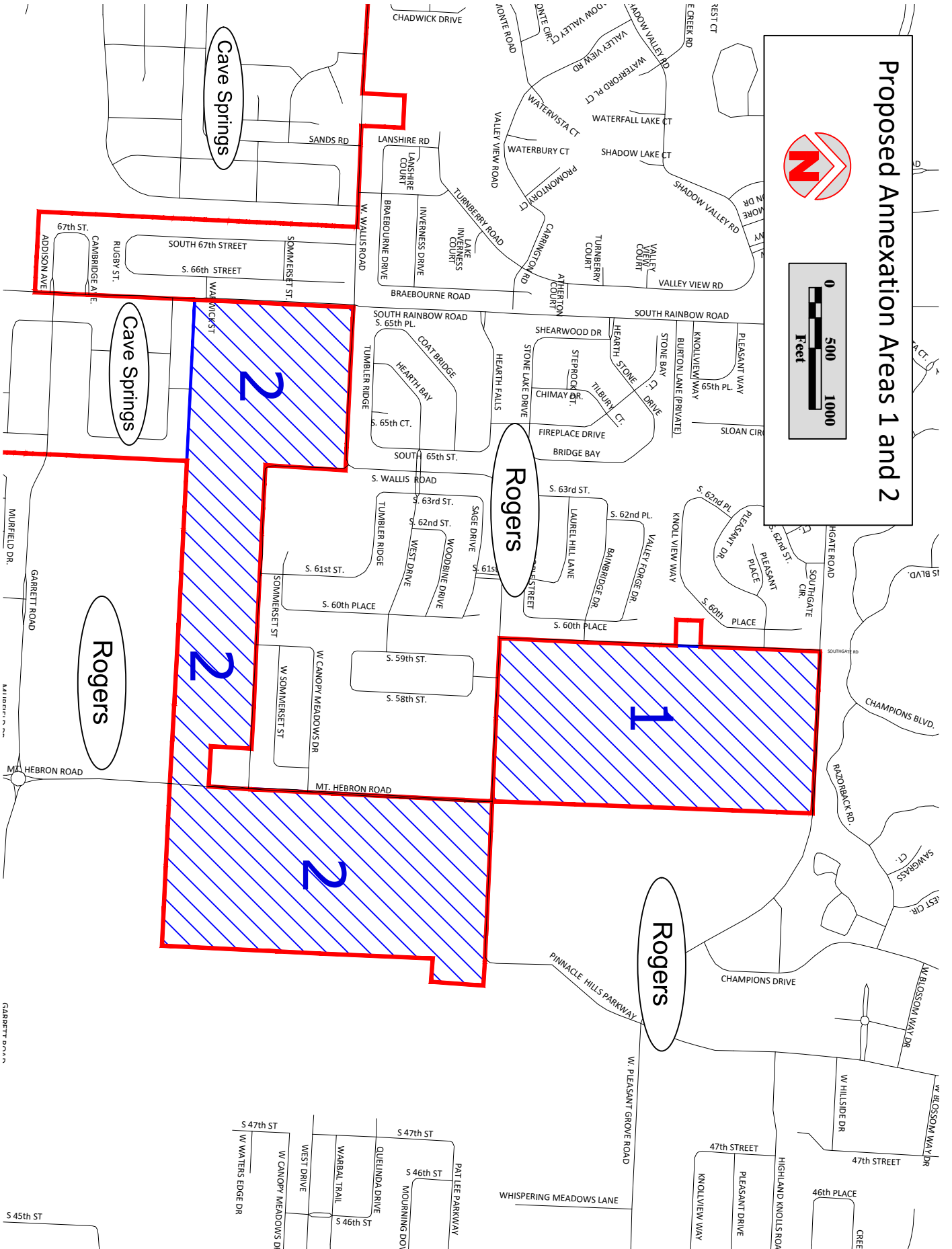
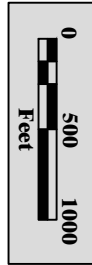
Requested By: C. Greg Hines, Mayor

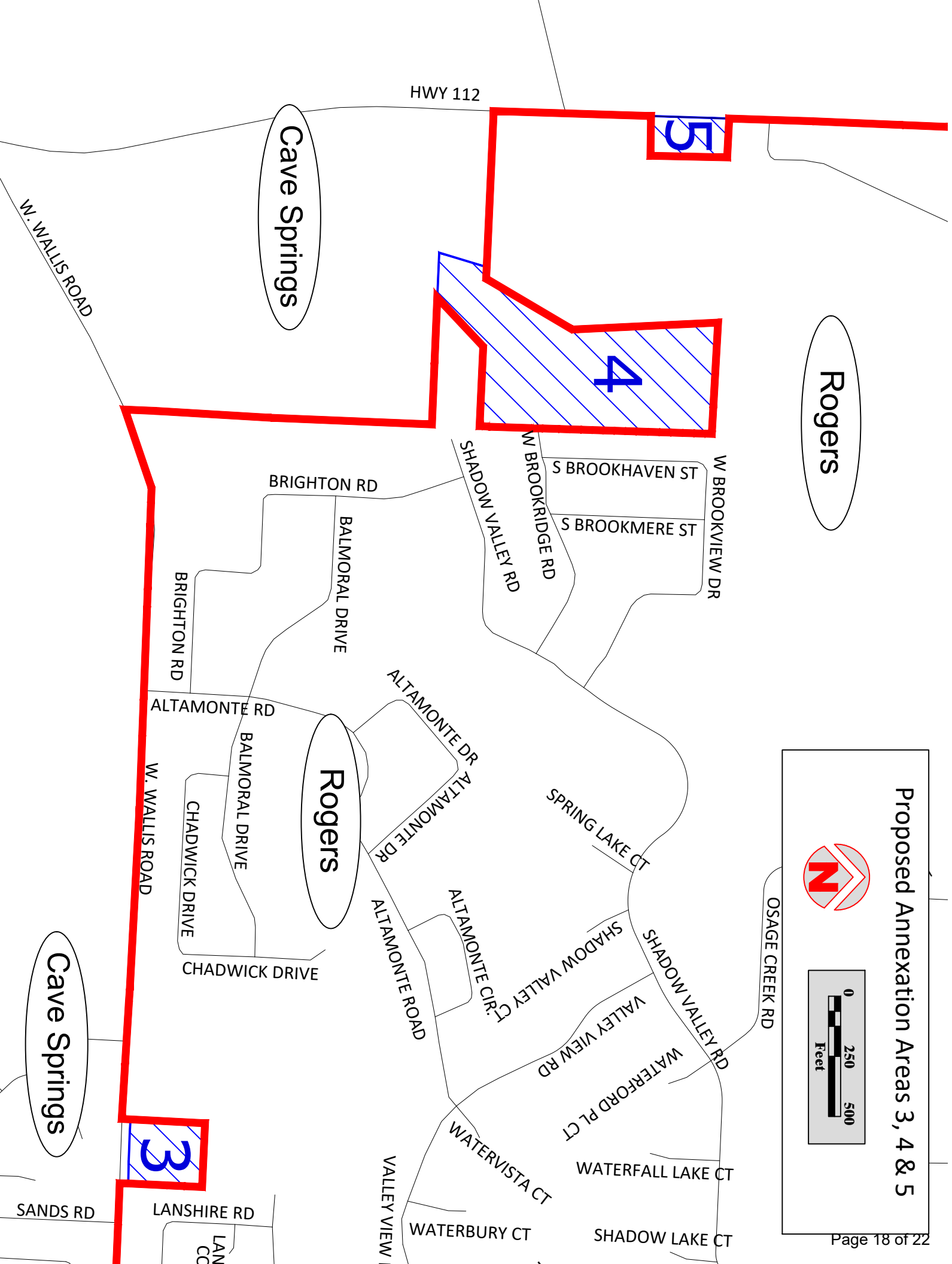
Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

Exhibit “A”

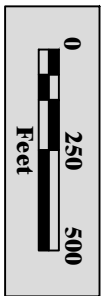
Proposed Annexation Areas 1 and 2





Rogers

Proposed Annexation Areas 3, 4 & 5



ORDINANCE NO. 24 -__

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE VI OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, an amendment is needed to Chapter 14, Article VI of the Code of Ordinances to establish an overlay district in certain parts of Downtown Rogers to preserve the historic scale and alignment of neighborhood structures, and;

WHEREAS, the Rogers Planning Commission unanimously recommends the following amendment to Chapter 14 of the City of Rogers Code of Ordinances in order to establish an overlay district in Downtown Rogers for the aforementioned purposes.

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

Section 1: Chapter 14, Article VI, Section 14-715 of the City of Rogers Code of Ordinances is hereby amended to read:

Sec. 14-715(4.5)

- a) An overlay district is hereby established requiring that the front and side street setbacks must match or be between the front setback of existing buildings on the same side of the block. The side setback shall be 5-feet minimum; and the rear setback in the absence of an alley shall be 12-feet minimum.
- b) The overlay district shall be comprised of the area between West Poplar Street to the north, South 7th Street to the west, West Oak Street to the South, and South 2nd Street to the East; and a second area between West Chestnut to the south, North 3rd Street to the east, West Persimmon Street to the north, and North 5th Street to the west.

Section 2: Emergency Clause: The need to amend Section 14-715 of the City of Rogers Code of 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 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 of Community Development

Reviewed 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 N-R TO NBT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City that certain lands hereinafter described are better suited for NBT zoning.

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

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

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

PROPERTY DESCRIPTION:

PARCELS 02-05748-000

LOTS 6 AND 7, BLOCK 3, MCGAUGHEY'S ORCHARD ADDITION, TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS

LAYMAN'S DESCRIPTION:

921 S 4th St Rogers, AR 72756

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

Section 4: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 5: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 6: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 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