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

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: July 13, 2021

The following committee meetings will be held on **Tuesday, July 13, 2021** prior to the City Council Meeting:

05:20 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Legere) **Committee Room #1**

To Discuss:
(a) A Resolution Authorizing The Rogers Police Department To Dispose Of Obsolete Property No Longer Used By The City Through Internet Auction Or Other Available Means

05:30 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear) **Committee Room #2**

To Discuss:
(a) An Ordinance Amending Rogers Code Section 48-85 By Expanding The Definition Of Services Subject To The 3% Tax Upon Gross Proceeds Of Hotel And Motel Accommodation In The City Of Rogers For Advertising And Promotion Of The City

05:30 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Legere, Townzen) **Committee Room #1**

To Discuss:
(a) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Federal Aviation Administration For The Rogers Executive Airport
(b) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement With Scurlock Industries Of Fayetteville, Arkansas, For Concrete Box Culverts
(c) Street Closure Request - Frisco Festival (Shey Bland) Map & Request

05:45 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall) **Committee Room #2**

To Discuss:
(a) A Resolution Amending The 2021 Budget To Recognize Settlement Proceeds In The Amount Of $18,801.75 Into Account Insurance Reimbursement

05:45 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes) **Committee Room #1**

To Discuss:
(a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (GWD Development) Staff Report
(b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To R-SF (Allen) Staff Report
(c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To C-2 (Connex)Staff Report
(d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To U-COM (Whisinvest Realty) Staff Report
(e) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-SF TO C-3 (McNeil) Staff Report

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ROGERS CITY COUNCIL AGENDA

JULY 13, 2021
6:30 PM

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. June 22, 2021

REPORTS OF BOARDS AND STANDING COMMITTEES:

1.	RES. Re:	Authorizing The Rogers Police Department To Dispose Of Obsolete Property No Longer Used By The City Through Internet Auction Or Other Available Means	PUBLIC SAFETY COMMITTEE
2.	ORD. Re:	Amending Rogers Code Section 48-85 By Expanding The Definition Of Services Subject To The 3% Tax Upon Gross Proceeds Of Hotel And Motel Accommodation In The City Of Rogers For Advertising And Promotion Of The City	RESOURCES & POLICY COMMITTEE
3.	RES. Re:	Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Federal Aviation Administration For The Rogers Executive Airport	TRANSPORTATION COMMITTEE
4.	RES. Re:	Authorizing The Mayor And City Clerk To Enter Into An Agreement With Scurlock Industries Of Fayetteville, Arkansas, For Concrete Box Culverts	TRANSPORTATION COMMITTEE

5.	RES. Re:	Amending The 2021 Budget To Recognize Settlement Proceeds In The Amount Of $18,801.75 Into Account Insurance Reimbursement	FINANCE COMMITTEE
6.	ORD. Re:	Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (GWD Development)	COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
7.	ORD. Re:	Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To R-SF (Allen)	COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
8.	ORD. Re:	Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To C-2 (Connex)	COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
9.	ORD. Re:	Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To U-COM (Whisinvest Realty)	COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
10.	ORD. Re:	Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-SF TO C-3 (McNeil)	COMMUNITY ENVIRONMENT & WELFARE COMMITTEE

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS: Appointment Of Kasey Bare Filling Position 2 Of The A&P Commission; Term Expiring 11/01/21

ANNOUNCEMENTS:

RESOLUTION NO. R21_____

A RESOLUTION AUTHORIZING THE ROGERS POLICE DEPARTMENT TO DISPOSE OF OBSOLETE PROPERTY NO LONGER USED BY THE CITY THROUGH INTERNET AUCTION OR OTHER AVAILABLE MEANS; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Rogers has determined that the items identified in **Exhibit A** have become obsolete and are no longer used by the City;

WHEREAS, the items identified in **Exhibit A** are to be sold by internet auction or through other means whichever nets the highest value; and

WHEREAS, this Resolution is in accordance with Ark. Code Ann. § 14-54-302(e)(1).

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

Section 1: The Chief of Police of the Rogers Police Department may auction items identified in **Exhibit A** through internet auction or other means whichever nets the highest value;

Section 2: The Rogers Police Department shall maintain a record of all items that are placed and sold through internet auction or by other means;

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

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

RESOLVED this _____ day of _____, 2021.

APPROVED:

_____
C. GREG HINES, Mayor

Attest:

_____
JESSICA RUSH, City Clerk

Requested By: Jonathan Best, Chief of Police
Prepared By: John M. Pesek, Staff Attorney
For Consideration By: Public Safety Committee

EXHIBIT "A"

AFFIDAVIT FOR DISPOSAL OF PROPERTY BY AUCTION OF THE ROGERS POLICE DEPARTMENT WHICH HAS BEEN DEEMED OBSOLETE

I, Jonathan Best, Interim Chief of the Rogers Police Department, do hereby certify that the following property of the Rogers Police Department has become obsolete, is no longer used by the City, and it is now appropriate to dispose of said property by public or internet auction as specified under Ark. Code Ann. § 14-54-302(e)(1). I hereby certify that I will be responsible for overseeing that the property is properly sold at public or internet auction. The records listed below contain a description of the property to be disposed of by auction.

1. Panasonic Toughbook's with the following serial numbers:

	MODEL	SRN#
1)	Toughbook CF-31	2ETYA68824
2)	Toughbook CF-31	2ETYA68233
3)	Toughbook CF-31	2ETYA68769
4)	Toughbook CF-31	2ETYA68216
5)	Toughbook CF-31	2ETYA68243
6)	Toughbook CF-31	2ETYA68794
7)	Toughbook CF-31	3CTYB34022
8)	Toughbook CF-31	3CTYB34154
9)	Toughbook CF-31	3CTYB33310
10)	Toughbook CF-31	3CTYB33742
11)	Toughbook CF-31	3DTYB39127
12)	Toughbook CF-31	4ATYA84444
13)	Toughbook CF-31	4ATYA84243
14)	Toughbook CF-31	4ATYA84288
15)	Toughbook CF-31	4ATYA84514
16)	Toughbook CF-31	4ATYA84400
17)	Toughbook CF-31	4ATYA84399
18)	Toughbook CF-31	4ATYA84341
19)	Toughbook CF-31	4ATYA84381
20)	Toughbook CF-31	4ATYA84403
21)	Toughbook CF-31	4ATYA84290
22)	Toughbook CF-31	4ATYA84366
23)	Toughbook CF-31	4ATYA84171
24)	Toughbook CF-31	4ATYA84396
25)	Toughbook CF-31	4ATYA84250
26)	Toughbook CF-31	4ATYA84299
27)	Toughbook CF-31	4ATYA84283

28) Toughbook CF-31 4ATYA84345
29) Toughbook CF-31 4ATYA84267
30) Toughbook CF-31 4ATYA84548
31) Toughbook CF-31 4ATYA84513
32) Toughbook CF-31 4ATYA84342
33) Toughbook CF-31 4ATYA84196
34) Toughbook CF-31 4ATYA84319
35) Toughbook CF-31 4ATYA84357
36) Toughbook CF-31 4ATYA84096
37) Toughbook CF-31 4ATYA84379
38) Toughbook CF-31 4ATYA84278
39) Toughbook CF-31 4ATYA84227
40) Toughbook CF-31 4ATYA84303
41) Toughbook CF-31 4ATYA84354
42) Toughbook CF-31 4ATYA84338
43) Toughbook CF-31 4ATYA84223
44) Toughbook CF-31 4ATYA84304
45) Toughbook CF-31 2ITYA94251
46) Toughbook CF-31 3HTYB55414
47) Toughbook CF-31 3HTYB55424
48) Toughbook CF-31 3HTYB55379
49) Toughbook CF-31 3HTYB55356
50) Toughbook CF-31 4BTYA89781
51) Toughbook CF-31 4BTYA89553
52) Toughbook CF-31 4BTYA89613
53) Toughbook CF-31 5JKSA45002
54) Toughbook CF-31 5JKSA44968
55) Toughbook CF-31 5JKSA44954
56) Toughbook CF-31 6LKSA98300
57) Toughbook CF-31 4ATYA84169

2. Lenovo ThinkPad with dock L3-F9066
3. Remington EYEBALL R-1 (SRN# CS003002)
4. Apple IPad three count (3) locked
5. Ford Crown Victoria #0724 (VIN 2FAFP71W17X149732)
6. Chevrolet Tahoe #1315 (VIN 1GNLC2E04DR307480)
7. Black Truck Box
8. Motorola Radius GR 1225
9. Motorola CDM1250 (SRN# 103TMW4104)
10. HP LaserJet 3390
11. Misc. L3 Body Mic Chargers
12. Jotto Desk ZRT Shotgun lock No Rack
13. Jotto Desk Rifle Lock No Rack

Chief Jonathan Best

Date: 7/8/2021

Notary Public

Date: 7-8-21

Commission Expires: 4-30-27

ELLEN CLARK
MY COMMISSION # 12700938
EXPIRES: April 30, 2027
Benton County

ORDINANCE NO. 21-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 48-85 BY EXPANDING THE DEFINITION OF SERVICES SUBJECT TO THE 3% TAX UPON GROSS PROCEEDS OF HOTEL AND MOTEL ACCOMMODATION IN THE CITY OF ROGERS FOR ADVERTISING AND PROMOTION OF THE CITY AND ITS ENVIRONS IN CONFORMITY WITH ARK. CODE ANN. § 26-75-602; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES

WHEREAS, the Advertising and Promotions Commission for the City of Rogers, Arkansas, was created by City of Rogers Ordinance 99-61;

WHEREAS, an additional 1% tax upon the gross proceeds of hotel and motel accommodations was levied upon such revenues by City of Rogers' Ordinance 17-45 and codified as Rogers' Code Section 48-85 resulting in the total of such taxes being 3%; and,

WHEREAS, Ark. Code Ann. § 26-75-602 has been amended to expand the definition of services subject to such tax levies and Rogers Code Section 48-85 should also be amended to come into conformity therewith.

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

SECTION 1: That Rogers' Code Section 48-85 should be and the hereby is amended to provide as follows:

> **Sec. 48-85.** Pursuant to the authority of Ark. Code Ann. § 26-75-601, et seq., there is hereby levied, effective August 15, 2021, a tax of three percent upon the gross receipts or gross proceeds from the renting, leasing, or otherwise furnishing of hotel, motel, house, cabin, bed and breakfast, campground, condominium, or other similar rental accommodations for sleeping, meeting, or party room facilities for profit within the City of Rogers, but such accommodations shall not include the rental or lease of such accommodations for periods of thirty (30) days or more.

Section 2: Emergency Clause: The need to adopt these changes 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.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 4: **Repeal of Conflicting Ordinances and Resolutions.** All ordinances,

resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ DAY OF _____, 2021.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

_____ _____

CITY CLERK C. GREG HINES, MAYOR

Requested/Prepared By: Bill Watkins, Attorney for the Advertising and Promotions Commission
For Consideration By: Finance Committee

RESOLUTION NO. R21-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR THE ROGERS EXECUTIVE AIRPORT; AMENDING THE 2021 BUDGET TO RECOGNIZE FEDERAL GRANT REVENUE IN THE AMOUNT OF ONE HUNDRED FORTY EIGHT THOUSAND DOLLARS ($148,000.00) INTO ACCOUNT #315-15-48050; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Executive Airport anticipates receipt of a grant from the Federal Aviation Administration under the American Rescue Plan Act of 2021 (ARPA);

WHERAS, the anticipated amount of the grant will be one hundred forty-eight thousand dollars ($148,000.00), with the exact amount of said grant based on available funding as determined by FAA with no local matching funds required; and

WHEREAS, the grant funds will help offset financial impacts resulting from the COVID-19 pandemic and may be used for lawful expenses related to operations and maintenance of the airport, subject to applicable restrictions as may be established by FAA.

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

Section 1: That the Mayor and City Clerk are authorized to accept and enter into a grant agreement with the Federal Aviation Administration (FAA), with tentative identification number 3-05-0055-041-2021;

Section 2: The City of Rogers' 2021 Budget is amended to recognize Federal Grant Revenue in the amount of one hundred forty-eight thousand dollars ($148,000.00) into Account #315-15-48050;

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

Section 4: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

_____
C. GREG HINES, Mayor

Attest:

_____
JESSICA RUSH, City Clerk

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

RESOLUTION NO. R21-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH SCURLOCK INDUSTRIES OF FAYETTEVILLE, ARKANSAS, FOR CONCRETE BOX CULVERTS; ACCEPTING THE LOWEST QUALIFIED BID OF FIVE HUNDRED NINETY-SEVEN THOUSAND EIGHT HUNDRED AND SEVENTY DOLLARS ($597,870.00); AMENDING THE 2021 BUDGET TO APPROPRIATE THAT AMOUNT FROM STREET FUND RESERVES INTO ACCOUNT #200-16-70935 DRAINAGE CONSTRUCTION; AND FOR OTHER PURPOSES.

WHEREAS, bids were requested and submitted for 1300 feet of 10' x 4' precast reinforced concrete box culverts; and

WHEREAS, Scurlock Industries of Fayetteville, Arkansas, submitted the lowest qualified bid in the amount of five hundred ninety-seven thousand eight hundred seventy dollars ($597,870.00).

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

Section 1: Scurlock Industries, of Fayetteville, Arkansas, is accepted as the lowest qualified bid for 1300 feet of 10' x 4' precast reinforced concrete box culverts;

Section 2: The Mayor and City Clerk are authorized to enter into a contract with Scurlock Industries, of Fayetteville, Arkansas, for the concrete box culverts in an amount not to exceed five hundred ninety-seven thousand eight hundred seventy dollars ($597,870.00);

Section 3: The City of Rogers' 2021 budget is amended to appropriate five hundred ninety-seven thousand eight hundred and seventy dollars ($597,870.00) from Street Fund Reserves into Account #200-16-70935 Drainage Construction;

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

Section 5 - Repeal of Conflicting Resolutions: All Resolutions of the City Council, or parts of Resolutions of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

_____
C. GREG HINES, Mayor

Attest:

_____
JESSICA RUSH, City Clerk

Requested by: Frankie Guyll, Street Department Superintendent
Prepared by: John M. Pesek, Staff Attorney
For Consideration By: Transportation Committee

RESOLUTION NO. R21-_____

A RESOLUTION AMENDING THE 2021 BUDGET TO RECOGNIZE SETTLEMENT PROCEEDS IN THE AMOUNT OF EIGHTEEN THOUSAND EIGHT HUNDRED ONE DOLLAR AND SEVENTY-FIVE CENTS ($18,801.75) INTO ACCOUNT #100-11-49195 INSURANCE REIMBURSEMENT; APPROPRIATING THAT SAME AMOUNT TO ACCOUNT #100-11-70155 BUILDINGS AND GROUNDS MAINTENANCE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers' Adult Wellness Center had maintenance performed on its coy pond, which was defective and killed the coy fish in the pond; and

WHEREAS, the City entered into a settlement agreement with River Rock Water Gardens, LLC and Hiscox Insurance Company, Inc. for the amount of eighteen thousand eight hundred one dollar and seventy-five cents ($18,801.75) to resolve all claims from this incident.

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

Section 1: The City of Rogers' 2021 Budget is amended to recognize eighteen thousand eight hundred one dollar and seventy-five cents ($18,801.75) in settlement proceeds into Account #100-11-49195 Insurance Reimbursement;

Section 2: The City of Rogers' 2021 Budget is amended to appropriate eighteen thousand eight hundred one dollar and seventy-five cents ($18,801.75) into Account #100-11-70155 Buildings and Grounds Maintenance;

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 _____, 2021.

APPROVED:

_____
C. GREG HINES, Mayor

Attest:

_____
JESSICA RUSH, City Clerk

Requested By: Leslie Ossenfort, Director, Adult Wellness Center
Prepared By: John M. Pesek, Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 21-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM R-DP TO NBT, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 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 July 6, 2021, the City Council has found 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: 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 NBT and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:
LOTS 5,6 & 7 AND THE EAST HALF OF LOT 8, BLOCK 5, ROBERTSON'S ADDITION TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS AS SHOWN ON SURVEY RECORD 2004 AT PAGE 103.

LAYMAN'S DESCRIPTION:
326 E. Glenwood Ave.

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

SECTION 4: **Emergency Clause**. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such 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 5: **Severability Provision**. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: **Repeal of Conflicting Ordinances and Resolutions**. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

_____
C. GREG HINES, Mayor

Attest:

_____
JESSICA RUSH, City Clerk

Requested by: Hannah Cicioni
Prepared by: Amber Long, Planner II
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO.21- _____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM A-1 TO R-SF, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 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 July 6, 2021, the City Council has found that certain lands hereinafter described are better suited for R-SF 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 R-SF and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:
PART OF TRACT 13, AS PER PLAT RECORD U-250, BEING A PART OF THE SW 1/4 AND PART OF THE NE 1/4 OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SW 1/4 OF THE NE 1/4 OF SAID SECTION 33;
THENCE S00°10'32"E 330.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHWEST CORNER OF SAID TRACT 13; THENCE ALONG THE NORTH LINE THEREOF EAST 660.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 13; THENCE ALONG THE EAST LINE THEREOF S00°10'32"E 148.00 FEET; THENCE LEAVING SAID EAST LINE WEST 660.00 FEET TO THE WEST LINE OF SAID TRACT 13; THENCE ALONG SAID WEST LINE N00°10'32"W 148.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2.24 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF SOUTH 45TH STREET ALONG THE WEST AND SOUTH PACK LANE ALONG THE EAST AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:
5865 S. 45th St.

SECTION 3: **Zoning**. That the above described lands are better suited for R-SF than A-1 zoning and same should be and are hereby zoned R-SF.

SECTION 4: **Emergency Clause**. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such 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 5: **Severability Provision**. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be

construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: **Repeal of Conflicting Ordinances and Resolutions**. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

_____
C. GREG HINES, Mayor

Attest:

_____
JESSICA RUSH, City Clerk

Requested by: Daniel Ellis
Prepared by: Amber Long, Planner II
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. _____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM A-1 TO C-2, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 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 July 6, 2021, the City Council has found that certain lands hereinafter described are better suited for C-2 zoning.

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

SECTION 1: 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 C-2 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:
Part of the SW1/4 of the SE1/4 of Section 27, Township 19 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows: Commencing at the NE corner of said SW1/4 of the SE1/4, thence North 86°59'46" West 41.36 feet to the Point of Beginning; thence North 86°59'46" West 124.35 feet; thence South 29°51'59" East 159.11 feet; thence North 64°32'50" East 25.00 feet; thence North 10°30'00" East 122.77 feet to the Point of Beginning, containing 0.22 acres more or less, and subject to any and all easements of record or fact.

LAYMAN'S DESCRIPTION:
S. 27th St. and Interstate 49.

SECTION 3: **Zoning**. That the above described lands are better suited for C-2 than A-1 zoning and same should be and are hereby zoned C-2.

SECTION 4: **Emergency Clause**. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such 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 5: **Severability Provision**. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: **Repeal of Conflicting Ordinances and Resolutions**. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

_____
C. GREG HINES, Mayor

Attest:

_____
JESSICA RUSH, City Clerk
Requested by: Daniel Ellis
Prepared by: Amber Long, Planner II
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. _____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM C-2 TO U-COM, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 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 July 6, 2021, the City Council has found that certain lands hereinafter described are better suited for U-COM 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 U-COM and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:
Lot 10A, The District P.U.D., Phase 2C, as filed for record at Plat #L201843973, City of Rogers, Benton County, Arkansas.

Lot 10B, The District P.U.D., Phase 2C, as filed for record at Plat #L201843973, City of Rogers, Benton County, Arkansas.

LAYMAN'S DESCRIPTION:
4301 S. JB Hunt Dr.

SECTION 3: **Zoning**. That the above described lands are better suited for U-COM than C-2 zoning and same should be and are hereby zoned U-COM.

SECTION 4: **Emergency Clause**. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such 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 5: **Severability Provision**. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: **Repeal of Conflicting Ordinances and Resolutions**. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

_____
C. GREG HINES, Mayor

Attest:

_____
JESSICA RUSH, City Clerk

Requested by: Burke Larkin
Prepared by: Amber Long, Planner II
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. _____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM R-SF TO C-3, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 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 July 6, 2021, the City Council has found that certain lands hereinafter described are better suited for C-3 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 C-3 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:
Lot 25 and the East 38 feet of Lot 13 of Block "B" of Replat of Kersten Addition to the City of Rogers, Arkansas, except the North 5 feet thereof.

LAYMAN'S DESCRIPTION:
1801 W. Oak St.

SECTION 3: **Zoning**. That the above described lands are better suited for C-3 than R-SF zoning and same should be and are hereby zoned C-3.

SECTION 4: **Emergency Clause**. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such 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 5: **Severability Provision**. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: **Repeal of Conflicting Ordinances and Resolutions**. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

_____
C. GREG HINES, Mayor

Attest:

_____
JESSICA RUSH, City Clerk

Requested by: Levi McNeil
Prepared by: Amber Long, Planner II
For Consideration By: Community Environment & Welfare Committee