



Office of the City Clerk-Treasurer  
301 W. Chestnut  
Rogers, Arkansas 72756  
479-621-1117 • (Fax) 479-936-5401  
[www.rogersar.gov](http://www.rogersar.gov)

## COMMITTEE SCHEDULE

TO: MAYOR  
CITY COUNCIL  
DEPARTMENT HEADS  
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: May 26, 2020

The following committee meetings will be held on **Tuesday, May 26, 2020** prior to the City Council Meeting:

**05:30 p.m. - PUBLIC WORKS COMMITTEE:** (Townzen\*, Brashear, Kendall)

**<https://us02web.zoom.us/j/87204232748> OR (312)626-6799 ID: 872 0423 2748**

To Discuss: (a) RWU Monthly Report  
(b) An Ordinance Authorizing The Mayor And City Clerk To Execute An Agreement For Interconnection Of Municipal Water Systems With The City Of Bentonville

**05:40 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE:** (Carmichael\*, Townzen, Hayes)

**<https://us02web.zoom.us/j/87204232748> OR (312)626-6799 ID: 872 0423 2748**

To Discuss: (a) An Ordinance Vacating An Alley Between West Willow Street And West Birch Street  
(b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To N-R (Airport Loop)  
(c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To R-O (N. 11th Street)  
(d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From N-R To NBT (W. Cypress)  
(e) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To R-SF (W. Lilac)

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

**<https://us02web.zoom.us/j/87204232748> OR (312)626-6799 ID: 872 0423 2748**

To Discuss: (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement With The Department Of Health And Human Services As Part Of The Cares Act To Receive Up To \$36,457.08; Amending The 2020 Budget To Recognize Revenue In That Amount Into Account #100-04-45110 Federal Grant Revenue; Appropriating The Same To Expense Account #100-04-70015 Uniform Expense  
(b) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Home Fire Sprinkler Coalition To Receive Up To \$500.00; Amending The 2020 Budget To Recognize Grant Funds In That Amount Into Account #100-04-45600 Grants And Donations; Appropriating The Same To Expense Account #100-04-70262 Fire Prevention And Safety

**06:10 p.m. - RESOURCES & POLICY COMMITTEE:** (Hayes\*, Reithemeyer, Brashear)

**<https://us02web.zoom.us/j/87204232748> OR (312)626-6799 ID: 872 0423 2748**

To Discuss:

- (a) An Ordinance Authorizing The Mayor And City Clerk To Execute An Agreement Amending The Northwest Arkansas Regional Airport Authority Restated And Amended Agreement Of 1994 With The Northwest Arkansas National Airport, Formerly Known As The Northwest Arkansas Regional Airport
- (b) A Resolution Amending The 2018-2022 Consolidated Plan And 2019 Action Plan To Request A Community Development Block Grant Funded From The Cares Act (Covid-19 Recovery Formula Grant)
- (c) A Resolution Authorizing The Adult Wellness Center To Dispose Of Certain Property In The Landfill; Recognizing That The Property Is Rendered Worthless
- (d) A Resolution Authorizing The Fire Department To Dispose Of Obsolete Property No Longer Used By The City Through Internet Auction Or Other Available Means
- (e) A Resolution Acknowledging That The Rogers Fire Department Is In Possession Of A 75-Foot Ladder Truck Which Is No Longer In Use; Authorizing The Donation Of Said Truck To The City Of Pea Ridge For Use By The Pea Ridge Fire Department
- (f) An Ordinance Amending Sections Of Chapter 34 Of The City Of Rogers Code Of Ordinances Regarding Sale And Use Of Fireworks



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**ROGERS CITY COUNCIL**

**AGENDA**

**MAY 26, 2020**

**6:30 PM**

**Zoom participation:**

**<https://us02web.zoom.us/j/85156619628> OR (312)626-6799 ID: 85156619628**

**PUBLIC HEARING:**

1. Request To Vacate An Alley Between West Willow Street And West Birch

**PUBLIC FORUM:**

**INVOCATION & PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ACTION ON MINUTES:**

1. May 12, 2020

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

- |    |          |   |  |
|----|----------|---|--|
| 1. | ORD. Re: | Vacating An Alley Between West Willow Street And West Birch Street                              | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |
| 2. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To N-R (Airport Loop)   | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |
| 3. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To R-O (N. 11th Street) | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |

- |     |          |  |   |
|-----|----------|--|---|
| 4.  | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From N-R To NBT (W. Cypress)  | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 5.  | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To R-SF (W. Lilac)   | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 6.  | ORD. Re: | Authorizing The Mayor And City Clerk To Execute An Agreement For Interconnection Of Municipal Water Systems With The City Of Bentonville   | PUBLIC WORKS COMMITTEE                    |
| 7.  | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into An Agreement With The Department Of Health And Human Services As Part Of The Cares Act To Receive Up To \$36,457.08; Amending The 2020 Budget To Recognize Revenue In That Amount Into Account #100-04-45110 Federal Grant Revenue; Appropriating The Same To Expense Account #100-04-70015 Uniform Expense | FINANCE COMMITTEE                         |
| 8.  | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Home Fire Sprinkler Coalition To Receive Up To \$500.00; Amending The 2020 Budget To Recognize Grant Funds In That Amount Into Account #100-04-45600 Grants And Donations; Appropriating The Same To Expense Account #100-04-70262 Fire Prevention And Safety                    | FINANCE COMMITTEE                         |
| 9.  | ORD. Re: | Authorizing The Mayor And City Clerk To Execute An Agreement Amending The Northwest Arkansas Regional Airport Authority Restated And Amended Agreement Of 1994 With The Northwest Arkansas National Airport, Formerly Known As The Northwest Arkansas Regional Airport   | RESOURCES & POLICY COMMITTEE              |
| 10. | RES. Re: | Amending The 2018-2022 Consolidated Plan And 2019 Action Plan To Request A Community Development Block Grant Funded From The Cares Act (Covid-19 Recovery Formula Grant)   | RESOURCES & POLICY COMMITTEE              |
| 11. | RES. Re: | Authorizing The Adult Wellness Center To Dispose Of Certain Property In The Landfill; Recognizing That The Property Is Rendered Worthless  | RESOURCES & POLICY COMMITTEE              |
| 12. | RES. Re: | Authorizing The Fire Department To Dispose Of Obsolete Property No Longer Used By The City Through Internet Auction Or Other Available Means   | RESOURCES & POLICY COMMITTEE              |

13. RES. Re: Acknowledging That The Rogers Fire Department Is In Possession Of A 75-Foot Ladder Truck Which Is No Longer In Use; Authorizing The Donation Of Said Truck To The City Of Pea Ridge For Use By The Pea Ridge Fire Department RESOURCES & POLICY COMMITTEE
14. ORD. Re: Amending Sections Of Chapter 34 Of The City Of Rogers Code Of Ordinances Regarding Sale And Use Of Fireworks RESOURCES & POLICY COMMITTEE

### **OLD BUSINESS:**

### **NEW BUSINESS:**

### **APPOINTMENTS:**

Reappointment of Mark Fryauf to the Airport Commission; with a new term to expire March 11, 2025

Reappointment of Gary Jackson to the Airport Commission; with a new term to expire March 11, 2025

Reappointment of Clyde Tempel to the Airport Commission; with a new term to expire March 11, 2025

### **ANNOUNCEMENTS:**

**ORDINANCE NO. 20- \_\_\_\_\_**

**AN ORDINANCE VACATING AN ALLEY BETWEEN WEST WILLOW STREET AND WEST BIRCH; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to Code of Ordinances, City of Rogers, Sec. 14-523, a request by an adjoining property owner has been made to vacate a portion of an alley having the legal description as follows:

A PART OF A CLOSED ALLEY LYING SOUTH OF LOTS 1 THRU 6 AND NORTH OF LOTS 11 THRU 16, BLOCK 2, REVISED HILLCREST ADDITION TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF LOT 16 OF SAID BLOCK 2 AND RUNNING THENCE ALONG THE NORTH LINE OF LOTS 11 THRU 16 N86°55'33"W 311.10' TO AN EXISTING REBAR, THENCE LEAVING SAID NORTH LINE N02°08'56"E 10.01' TO AN EXISTING REBAR ON THE SOUTH LINE OF LOTS 1 THRU 6, THENCE ALONG SAID SOUTH LINE S86°54'45"E 311.65', THENCE LEAVING SAID SOUTH LINE S05°16'50"W 9.94' TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

**WHEREAS**, due notice was placed on the above described land as required by law, the Council has, at the time and place mentioned in the notice heard all persons desiring to be heard on the question;

**WHEREAS**, the City Council has ascertained that the above described land has not been actually used by the public generally for a period of a least five (5) years subsequent to the filing of the plat;

**WHEREAS**, all the owners of the property abutting upon the portion of the alley to be vacated have filed with the Council their written consent to the abandonment; and

**WHEREAS**, the Council finds that public interest and welfare will not be adversely affected by the abandonment of the street.

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

Section 1: The City of Rogers, Arkansas, releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the alley designated as follows;

A PART OF A CLOSED ALLEY LYING SOUTH OF LOTS 1 THRU 6 AND NORTH OF LOTS 11 THRU 16, BLOCK 2, REVISED HILLCREST ADDITION TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF LOT 16 OF SAID BLOCK 2 AND RUNNING THENCE ALONG THE NORTH LINE OF LOTS 11 THRU 16 N86°55'33"W 311.10' TO AN EXISTING REBAR, THENCE LEAVING SAID NORTH LINE N02°08'56"E 10.01' TO AN EXISTING

REBAR ON THE SOUTH LINE OF LOTS 1 THRU 6, THENCE ALONG SAID SOUTH LINE S86°54'45"E 311.65', THENCE LEAVING SAID SOUTH LINE S05°16'50"W 9.94' TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

Section 2: A copy of the Ordinance, duly certified by the City Clerk, shall be filed in the office of the recorder of Benton County and recorded in the deed records of Benton County, thirty-one (31) days after the passing of this Ordinance;

Section 3: Emergency Clause: That the need to vacate the above described public alley 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 4: Severability Provision: If any part of this Ordinance is held to be invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

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

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ **2020**.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: Geoff Bates

Prepared by: John M. Pesek, Staff Attorney

For Consideration By: Community Environment & Welfare Committee

**ORDINANCE NO. 20 \_\_\_\_\_**

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM A-1 TO N-R, 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 May 19, 2020, the City Council has found that certain lands hereinafter described are better suited for N-R 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 TRACT OF LAND IN THE FRACTIONAL NW1/4 OF THE SW1/4 OF SECTION 30, TOWNSHIP 20 NORTH, RANGE 29 WEST, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID FRACTIONAL NW1/4 OF THE SW1/4 OF SECTION 30; THENCE SOUTH 89 DEGREES, 57 MINUTES, 22 SECONDS EAST ALONG THE CENTERLINE OF AIRPORT LOOP ROAD FOR 1,249.81 FEET; THENCE LEAVING SAID CENTERLINE SOUTH 00 DEGREES, 08 MINUTES, 15 SECONDS WEST FOR 579.21 FEET TO A FOUND IRON PIN AT THE NORTHEAST CORNER OF A SURVEY BY ORVAL WILBANKS FILED ON MARCH 2, 1979, IN PLAT BOOK "W" AT PAGE 37 OF THE BENTON COUNTY COURTHOUSE; THENCE NORTH 88 DEGREES, 58 MINUTES, 53 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID SURVEY AND ALONG THE NORTHERLY LINE OF A SURVEY BY JAMES H. THOMPSON, FILED ON MAY 9, 1978, IN PLAT BOOK "U" AT PAGE 284 AT THE BENTON COUNTY COURTHOUSE, FOR 646.83 FEET (NORTH 88 DEGREES, 58 MINUTES, 47 SECONDS WEST 641.41 FEET-PLAT) TO A FOUND IRON PIN; THENCE NORTH 18 DEGREES, 26 MINUTES, 23 SECONDS WEST FOR 42.12 FEET (NORTH 19 DEGREES, 33 MINUTES, 08 SECONDS WEST, 42.15 FEET-PLAT) TO A SET IRON PIN; THENCE SOUTH 70 DEGREES, 18 MINUTES, 26 SECONDS WEST FOR 584.29 FEET (SOUTH 70 DEGREES, 11 MINUTES, 42 SECONDS WEST, 584.77 FEET-PLAT) TO A SET IRON PIN ON THE EASTERLY RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 94; THENCE NORTH 89 DEGREES, 51 MINUTES, 45 SECONDS WEST FOR 40.00 FEET TO THE CENTERLINE OF SAID STATE HIGHWAY; THENCE NORTH 00 DEGREES, 08 MINUTES, 15 SECONDS EAST ALONG SAID CENTERLINE FOR 725.51 FEET TO THE POINT OF BEGINNING.

**LAYMAN'S DESCRIPTION:**

17.26 acres at the SE corner of N. 2<sup>nd</sup> Street and N. Airport Loop

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

**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** \_\_\_\_\_, 2020.

ATTEST:

APPROVED:

\_\_\_\_\_  
JESSICA RUSH, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

Requested By: Bill Watkins

Prepared By: Ethan Hunter, Community Development Staff

For Consideration By: Community Environment & Welfare Committee

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM C-2 TO R-O, 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 May 19, 2020, the City Council has found that certain lands hereinafter described are better suited for R-O 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-O and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

Lot 7, LM Smith Addition, Rogers, AR Benton County AR

**LAYMAN'S DESCRIPTION:**

105 N. 11<sup>th</sup> Street

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

**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 \_\_\_\_\_, 2020.**

ATTEST:

APPROVED:

\_\_\_\_\_  
JESSICA RUSH, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

Requested By: Tracy Deleon

Prepared By: Ethan Hunter, Community Development Staff

For Consideration By: Community Environment & Welfare Committee

**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 the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on May 19, 2020, 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 20, 21, 22, 23, and 24, Duckworths Revised Addition to the City of Rogers.

**LAYMAN'S DESCRIPTION:**

620 W. Cypress Street

**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.** 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 \_\_\_\_\_, 2020.**

ATTEST:

APPROVED:

\_\_\_\_\_  
JESSICA RUSH, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

Requested By: Bill Watkins

Prepared By: Ethan Hunter, Community Development Staff

For Consideration By: Community Environment & Welfare Committee

**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 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 May 19, 2020, 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:**

Lot 2, Scudder Subdivision, Rogers, Arkansas, according to Plat Record P-3 at page 359, records of Benton County, Arkansas.

**LAYMAN'S DESCRIPTION:**

1.83 acres south of W. Lilac Street at S. 22<sup>nd</sup> Street

**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 \_\_\_\_\_, 2020.**

ATTEST:

APPROVED:

\_\_\_\_\_  
JESSICA RUSH, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

Requested By: Betty Wood  
Prepared By: Chris Robinson, Community Development Staff  
For Consideration By: Community Environment & Welfare Committee

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT FOR INTERCONNECTION OF MUNICIPAL WATER SYSTEMS WITH THE CITY OF BENTONVILLE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, there exist certain interconnections between the municipal water system of the City of Rogers and the municipal water system of the City of Bentonville, Arkansas;

**WHEREAS**, there is a need to establish an agreement with the City of Bentonville to govern operation and maintenance of the existing interconnections and to provide a mechanism for construction of any needed additional interconnections for the purpose of providing water from one water system to the other in cases of emergency or when maintenance activities with respect to a system would require a water system to be temporarily placed out of service, and for other lawful purposes;

**WHEREAS**, the management of the Rogers Water Utilities and representatives of Bentonville have negotiated the terms of a “Agreement for Interconnection of Municipal Water Systems,”

**WHEREAS**, the City Council of the City of Bentonville has passed its Resolution No. 4-14-20-F authorizing the Mayor of the City of Bentonville to execute the Agreement for Interconnection of Municipal Water Systems on behalf of the City of Bentonville; and

**WHEREAS**, the Rogers Waterworks and Sewer Commission has passed its Resolution No. 20-10 recommending that the Rogers City Council authorize the Mayor and City Clerk to execute the Agreement for Interconnection of Municipal Water Systems on behalf of the City of Rogers.

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

Section 1: The Mayor and City Clerk are hereby authorized to sign the Agreement for Interconnection of Municipal Water Systems on behalf of the City of Rogers. The Mayor and City Clerk are authorized to approve the final form and content of the Agreement for Interconnection of Municipal Water Systems, their approval to be evidenced by their signatures thereon;

Section 2: Emergency Clause: The need to enter into the above- referenced Agreement is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect on and after the date of its passage;

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 Ordinances: 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.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**APPROVED:**

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

**RESOLUTION NO. R20-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AS PART OF THE CARES ACT TO RECEIVE UP TO THIRTY-SIX THOUSAND FOUR HUNDRED FIFTY-SEVEN DOLLARS AND EIGHT CENTS (\$36,457.08); AMENDING THE 2020 BUDGET TO RECOGNIZE REVENUE IN THAT AMOUNT INTO ACCOUNT #100-04-45110 FEDERAL GRANT REVENUE; APPROPRIATING THE SAME TO EXPENSE ACCOUNT #100-04-70015 UNIFORM EXPENSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Mayor and City Clerk wish to enter into an agreement with the Department of Health and Human Services to receive up to thirty-six thousand four hundred fifty-seven dollars and eight cents (\$36,457.08) as part of the CARES ACT; and

**WHEREAS**, this money will be used by the Rogers Fire Department for healthcare related expenses occurring because of the COVID – 19 pandemic.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into an agreement on behalf of the City of Rogers Fire Department with the Department of Health and Human Services to accept up to thirty-six thousand four hundred fifty-seven dollars and eight cents (\$36,457.08) as part of the CARES ACT to be used for healthcare related expenses occurring because of the COVID – 19 pandemic;

Section 2: The 2020 Budget is hereby amended to recognize grant funds in the amount of thirty-six thousand four hundred fifty-seven dollars and eight cents (\$36,457.08) into Account #100-04-45110 Federal Grant Revenue;

Section 3: The 2020 Budget is further amended to appropriate said thirty-six thousand four hundred fifty-seven dollars and eight cents (\$36,457.08) into Account #100-04-70015 Uniform Expense;

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 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 \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Thomas Jenkins, Fire Chief  
Prepared By: Bonnie Bridges, Staff Attorney  
For Consideration By: Finance Committee

**RESOLUTION NO. R20-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT WITH THE HOME FIRE SPRINKLER COALITION TO RECEIVE UP TO FIVE HUNDRED DOLLARS (\$500.00); AMENDING THE 2020 BUDGET TO RECOGNIZE GRANT FUNDS IN THAT AMOUNT INTO ACCOUNT #100-04-45600 GRANTS AND DONATIONS; APPROPRIATING THE SAME TO EXPENSE ACCOUNT #100-04-70262 FIRE PREVENTION AND SAFETY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers wishes to enter into a grant agreement with the Home Fire Sprinkler Coalition to receive up to five hundred dollars (\$500.00); and

**WHEREAS**, this money will be used by the Rogers Fire Department for the purpose of educating the public about residential fire sprinklers.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into a grant agreement with the Home Fire Sprinkler Coalition for up to five hundred dollars (\$500.00) in grant funds for the purpose of educating the public about residential fire sprinklers;

Section 2: The 2020 Budget is hereby amended to recognize grant funds in the amount of five hundred dollars (\$500.00) into Account #100-04-45600 Grants and Donations;

Section 3: The 2020 Budget is further amended to appropriate said five hundred dollars (\$500.00) into Account #100-04-70262 Fire and Prevention Safety;

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 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 \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Thomas Jenkins, Fire Chief  
Prepared By: Bonnie Bridges, Staff Attorney  
For Consideration By: Finance Committee

**ORDINANCE NO. 20-\_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT AMENDING THE NORTHWEST ARKANSAS REGIONAL AIRPORT AUTHORITY RESTATED AND AMENDED AGREEMENT OF 1994 WITH THE NORTHWEST ARKANSAS NATIONAL AIRPORT, FORMERLY KNOWN AS THE NORTHWEST ARKANSAS REGIONAL AIRPORT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Cities of Bentonville, Fayetteville, Rogers, Siloam Springs, and Springdale, Arkansas, and the Counties of Benton and Washington, Arkansas desire to join together to amend, revise, restate, and confirm the Amended Agreement and the Original Agreement;

**WHEREAS**, the Amended Agreement will be referred to as the Northwest Arkansas National Airport Second Restated and Amended Agreement; and

**WHEREAS**, there is a need for the creation and establishment of a regional airport authority for the purpose of acquiring, equipping, constructing, maintaining, and operating a regional airport to provide airport services and facilities in Northwest Arkansas.

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

Section 1: The Mayor and City Clerk are hereby authorized to sign the Agreement for the Northwest Arkansas National Airport Second Restated and Amended Agreement on behalf of the City of Rogers;

Section 2: Emergency Clause: The need to enter into the above- referenced Agreement is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect on and after the date of its passage;

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 Ordinances: 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.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**APPROVED:**

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: Greg Hines, Mayor  
Prepared by: Bonnie Bridges, Staff Attorney  
For Consideration By: Resources & Policy Committee



**RESOLUTION NO. R20-\_\_\_\_\_**

**A RESOLUTION AMENDING THE 2018-2022 CONSOLIDATED PLAN AND 2019 ACTION PLAN TO REQUEST A COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED FROM THE CARES ACT (COVID-19 RECOVERY FORMULA GRANT); AND FOR OTHER PURPOSES.**

**WHEREAS**, in accordance with the guidelines established by the Department of Housing & Urban Development for the use of Community Development Block Grant Funds made available through the CARES Act (COVID-19 Recovery Formula Grant), an amendment to the 2018-2022 Consolidated Plan and 2019 Action Plan will be developed; and

**WHEREAS**, in accordance with the same, a Five (5) Day Public Notice will be required.

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

Section 1: The Mayor is hereby designated as the authorized official to execute all official documents pertaining to the Community Development Block Grant Program;

Section 2: The request to amend the 2018-2022 Consolidated Plan and 2019 Action Plan for use of Community Development Block Grant Funds made available from the CARES Act (COVID-19 Recovery Formula Grant) in the amount of two hundred seventy thousand twenty-four dollars (\$270,024.00) is approved;

Section 3: That once all HUD requirements have been met, the amended 2018-2022 Consolidated Plan and 2019 Action Plan for the use of Community Development Block Grant Funds made available through the CARES Act (COVID-19 Recovery Formula Grant) is authorized for submission to the Department of Housing and Urban Development for its approval;

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 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 \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: Donna Johnston, CDBG Administrator  
Prepared by: Bonnie Bridges, Staff Attorney  
For Consideration By: Resources & Policy Committee

**RESOLUTION NO. R20\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE ADULT WELLNESS CENTER TO DISPOSE OF CERTAIN PROPERTY IN THE LANDFILL; RECOGNIZING THAT THE PROPERTY IS RENDERED WORTHLESS; ACKNOWLEDGING THE OVERSIGHT FOR DISPOSAL; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Director of the Rogers Adult Wellness Center has certified that the items listed in the attached **Exhibit A** have been rendered worthless by damage or prolonged use;

**WHEREAS**, the exercise equipment has been stripped of its usable parts which are being kept for maintenance and repair of similar exercise equipment;

**WHEREAS**, the Director of the Rogers Adult Wellness Center additionally certifies that disposal of said property in the landfill is proper and will be overseen to ensure compliance with Ark. Code Ann. §14-54-302(e)(2)(A); and

**WHEREAS**, the City Council of the City of Rogers approves the Director's affidavit of certification attached as **Exhibit A** and deems that disposal in the landfill is appropriate.

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

Section 1: The Director of the Adult Wellness Center may dispose of the items identified in the attached **Exhibit A** in the landfill used by the City pursuant to Ark. Code Ann. §14-54-302 (e)(2)(A);

Section 2: The Adult Wellness Center shall maintain a record of all items that are sent to the landfill per this Resolution;

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 \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Lesli Ossenfort, Director - Rogers Adult Wellness Center

Prepared By: Bonnie Bridges, Staff Attorney

For Consideration By: Resources & Policy Committee

**EXHIBIT "A"**

**AFFIDAVIT OF LANDFILL DISPOSAL OF CERTAIN PROPERTY OF THE ROGERS  
ADULT WELLNESS CENTER WHICH HAS BEEN RENDERED WORTHLESS**

I, Lesli Ossenfort, Director of the Rogers Adult Wellness Center, do hereby certify that the following property of the Rogers Adult Wellness Center has been rendered worthless by damage or prolonged use, is no longer of value, and it is now appropriate to dispose of said property in a landfill as specified under Ark. Code Ann. § 14-54-302(e)(2)(A). I hereby certify that I will be responsible for overseeing that the property is removed for disposal. The records listed below contain a description of the property to be disposed of by landfill.

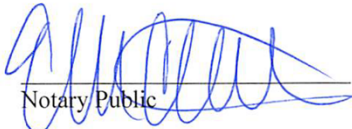
**TYPE OF PROPERTY**

1. Precor EFX 546i Elliptical (2); SN# AA32H31050016 and SN# AA32I29050014
2. Expresso Fitness S2u Bike (1); SN# 00007811
3. Precor C952i/C954i/C956i Commercial Treadmill (1); SN# A985I29050043
4. Landice Rehabilitation Treadmill (1); SN# L8-22761
5. NuStep Recumbent Elliptical (1); SN# 436891
6. Schwinn Airdyne Bikes (3); SN# 1736G00187; 3419G00278; and 1736G00108
7. Life Fitness Ab Crunch Bench (1); SN# SABC-0102-101
8. Life Fitness Back Extension (1); SN# SBWBE-0102-101
9. Blood Pressure machine (2) SN# 2A4206524 and 2N0603666
10. Kaiser Compressor (1) SN# 666971
11. Round folding tables (10)
12. Hampton dumbbell club packages (2 sets)
13. DVD/ VCR player (1)
14. CD stereos (2)

- 15. Green couch (1)
- 16. Green chairs (2)
- 17. Toilets (2)
- 18. Blue chairs rusted from pool areas (4)
- 19. Kenmore Refrigerator (1); SN# 10310553GL and Model# 596.76523500

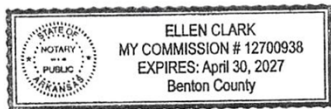
  
Lesli Ossenfort

Date: May 19th, 2020

  
Notary Public

Date: May 19, 2020

Commission Expires: 4-30-27



**RESOLUTION NO. R20 \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE FIRE 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 the Rogers Fire Department may auction its items identified in **Exhibit A** through internet auction or other means whichever nets the highest value;

Section 2: The Rogers Fire 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 \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Thomas Jenkins, Fire Chief

Prepared By: Bonnie Bridges, Staff Attorney

For Consideration By: Resources & Policy Committee

**EXHIBIT "A"**

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

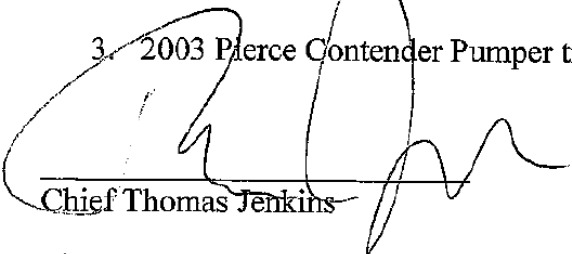
I, Thomas Jenkins, Chief of the Rogers Fire Department, do hereby certify that the following property of the Rogers Fire Department has become obsolete, is no longer used by the City, and it is now appropriate to dispose of said property by public or internet auction as specified under Ark. Code Ann. § 14-54-302(c)(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. Zoll E-Series Cardiac Monitors with the following serial numbers and asset numbers:

- a. AB10A013303 RFD - #0066
- b. AB08H007957 RFD - #0037
- c. AB10A013292 RFD - #0031
- d. AB10A013298 RFD - #0142
- e. AB10A013307 RFD - #0082

2. 2009 Ford F-450 Braun ambulance, Asset # 164 (VIN 1FDAF47RX9EA06799)

3. 2003 Pierce Contender Pumper truck, Asset # 115 (VIN 4P1CT02043A003221)

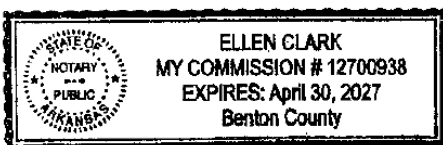
  
Chief Thomas Jenkins

Date: 5/19/20

  
Notary Public

Date: May 19, 2020

Commission Expires: 4-30-27



**RESOLUTION NO. R20 \_\_\_\_\_**

**A RESOLUTION ACKNOWLEDGING THAT THE ROGERS FIRE DEPARTMENT IS IN POSSESSION OF A 75-FOOT LADDER TRUCK WHICH IS NO LONGER IN USE; AUTHORIZING THE DONATION OF SAID TRUCK TO THE CITY OF PEA RIDGE FOR USE BY THE PEA RIDGE FIRE DEPARTMENT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Rogers Fire Department is in possession of a 2003 Pierce Arrow 75-foot ladder truck;

**WHEREAS**, the Fire Department no longer has a use for, or ability to store, this truck;

**WHEREAS**, the Pea Ridge Fire Department has a current need for a ladder truck of this kind;

**WHEREAS**, it is the desire of both Cities to support and address the needs of each City and its respective fire response readiness; and

**WHEREAS**, this Resolution is in accordance with Ark. Code Ann. § 14-54-302, and Pea Ridge understands and acknowledges that should it no longer need or use the ladder truck, it shall be immediately returned to the City of Rogers.

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

Section 1: The Rogers Fire Department will donate its 2003 Pierce Arrow 75-foot ladder, Asset 111, VIN 4P1CT02E73A003433 to the City of Pea Ridge for use by the Pea Ridge Fire Department;

Section 2: This Resolution is in accordance with Ark. Code Ann. § 14-54-302, and Pea Ridge understands and acknowledges that should it no longer need or use the ladder truck, it shall be immediately returned to Rogers;

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 \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By Thomas Jenkins, Fire Chief

Prepared By: Bonnie Bridges, Staff Attorney

For Consideration By: Resources & Policy Committee

**ORDINANCE NO. 20-\_\_\_\_\_**

**AN ORDINANCE AMENDING SECTIONS OF CHAPTER 34 OF THE CITY OF ROGERS CODE OF ORDINANCES REGARDING SALE AND USE OF FIREWORKS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council for the City of Rogers finds it to be in the best interest of the City to update the provisions governing sale and use of fireworks as found in Chapter 34 of its Code of Ordinances; and

**WHEREAS**, it is beneficial to the citizens of the City of Rogers that the Rogers City Code is clear, unambiguous, and accurately reflects state and local laws.

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

Section 1: Chapter 34, Section 34-5, subsection (h) of the Code of Ordinances, City of Rogers, Arkansas, is amended to read as shown in the attached Exhibit "A";

Section 2: Chapter 34, Section 34-5, subsection (k) of the Code of Ordinances, City of Rogers, Arkansas, is amended to read as shown in the attached Exhibit "A";

Section 3: Chapter 34, Section 34-5, subsection (l) of the Code of Ordinances, City of Rogers, Arkansas, is amended to read as shown in the attached Exhibit "A";

Section 4: Chapter 34, Section 34-5, subsection (m) of the Code of Ordinances, City of Rogers, Arkansas, is amended to read as shown in the attached Exhibit "A";

Section 5: Chapter 34, Section 34-5, subsection (n) of the Code of Ordinances, City of Rogers, Arkansas, is amended to read as shown in the attached Exhibit "A";

Section 6: Emergency Clause: The need to amend said City Code chapter 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 7: 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 8: 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 \_\_\_\_\_, 2020.

**APPROVED:**

\_\_\_\_\_  
C, GREG HINES,  
Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: Tom Jenkins, Fire Chief  
Prepared by: John M. Pesek, Staff Attorney  
For Consideration By: Resources & Policy Committee



## **EXHIBIT “A”**

- (h) Fireworks which are not prohibited under state or federal law and which are considered consumer fireworks as defined under federal law and regulations (27 C.F.R. § 555.11) may be sold between June 20 and July 5 each year, subject to the provisions set out herein. Any person desiring to sell fireworks must obtain a permit. The fee for the permit shall be one thousand dollars (\$1,000.00) per location. The revenue for this permit shall be placed in a revenue account for the fire and police departments to defray the cost of inspections and enforcement. Before a permit to sell fireworks is issued, the person applying for the permit must show proof that such location will be insured by a licensed insurance company for one million dollars (\$1,000,000.00) premises liability. A vendor must contact the fire department and arrange for an inspection to ensure compliance with this code and any other applicable fire code requirements prior to the sale of fireworks.
- (k) Fireworks stands shall not be located within 700 feet of a fuel dispensing facility.
- (l) Fireworks stands shall not be located within 25 feet of any portion of a roadway.
- (m) Fireworks stands shall not be located within 100 feet of a habitable building.
- (n) Fireworks stands shall not be located within 1,000 feet of any institutional facility.