



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: PEGGY DAVID, CITY CLERK-TREASURER

DATE: July 19, 2018

The following committee meetings will be held on **Tuesday, July 24, 2018** prior to the City Council meeting:

**5:45 p.m** – **PUBLIC SAFETY COMMITTEE**: (Wolf, Kruger and Carmichael) **Committee Room #1**

To Discuss: (a) An Ordinance Ordering the Razing and Removal of a Certain Structure Within the City of Rogers, AR, Located at 307 E. Olive

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**5:45 p.m** – **PUBLIC WORKS COMMITTEE**: (Townzen, Wright and Kendall) **Committee Room #2**

To Discuss: (a) Monthly Report from RWU

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**6:00 p.m** – **COMMUNITY ENVIRONMENT & WELFARE COMMITTEE**: (Carmichael, Townzen and Hayes) **Committee Room #1**

To Discuss: (a) An Ordinance Amending the Code of Ordinances, City of Rogers Concerning Dedications Made in the Subdivision Process  
(b) An Ordinance Adopting a Comprehensive Growth Map for the City of Rogers, AR  
(c) An Ordinance Amending Various Sections of Chapter 14 of the City of Rogers Code of Ordinances; Adopting the Uptown Rogers Development Code (URDC)

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**6:00 p.m** – **INTERNAL AFFAIRS COMMITTEE**: (Kendall, Wolf & Reithemeyer) **Committee Room #2**

To Discuss: (a) A Resolution Authorizing the Destruction of Certain Records of the Rogers District Court

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**6:15 p.m. – TRANSPORTATION COMMITTEE:** (Kruger, Townzen and Carmichael)  
**Committee Room #1**

To Discuss: (a) Street/Parking Lot Closure Request from Main Street Rogers for August 31, 2018 and September 1, 2018 for Frisco Festival

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**6:15 p.m. – FINANCE COMMITTEE:** (Reithemeyer, Wolf and Kendall) **Committee Room #2**

To Discuss: (a) A Resolution Authorizing a Contract with Nabholz Construction Corp. of Rogers, AR for Construction Management Services for the Frisco Park Construction Project

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(b) A Resolution A Resolution of Intent Regarding the Construction of Rogers Fire Department Station #8

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(c) A Resolution Authorizing Contracts with WER Architects/Planner of Fayetteville, AR for Architecture Design Services and Crossland Construction of Rogers, AR for Construction Management Services for the Rogers Fire Dept. Station #8 Construction Project; Amending the 2018 Budget to Appropriate \$250,000 from General Fund Reserves to Acct. #100-04-80126

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## **ROGERS CITY COUNCIL**

### **AGENDA**

**JULY 24, 2018**

**6:30 P.M.**

#### **PUBLIC FORUM:**

#### **INVOCATION & PLEDGE OF ALLEGIANCE:**

#### **ROLL CALL:**

#### **ACTION ON MINUTES:** July 10, 2018

#### **REPORTS OF BOARDS AND STANDING COMMITTEES:**

- |             |   |                              |
|-------------|---|------------------------------|
| 1. RES. Re: | Authorizing a Contract with Nabholz Construction Corp. of Rogers, AR for Construction Management Services for the Frisco Park Construction Project  | - Finance Committee          |
| 2. RES. Re: | A Resolution of Intent Regarding the Construction of Rogers Fire Department Station #8  | - Finance Committee          |
| 3. RES. Re: | Authorizing Contracts with WER Architects/Planner of Fayetteville, AR for Architecture Design Services and Crossland Construction of Rogers, AR for Construction Management Services for the Rogers Fire Dept. Station #8 Construction Project; Amending the 2018 Budget to Appropriate \$250,000 from General Fund Reserves to Acct. #100-04-80126 | - Finance Committee          |
| 4. RES. Re: | Authorizing the Destruction of Certain Records of the Rogers District Court   | - Internal Affairs Committee |
| 5. ORD. Re: | Ordering the Razing and Removal of a Certain Structure Within the City of Rogers, AR, Located at 307 E. Olive   | - Public Safety Committee    |

# **ROGERS CITY COUNCIL AGENDA**

**JULY 24, 2018**

## **PAGE 2**

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|-------------|--|--|
| 6. ORD. Re: | Amending the Code of Ordinances, City of Rogers<br>Concerning Dedications Made in the Subdivision Process                                  | - Community<br>Environment &<br>Welfare<br>Committee |
| 7. ORD. Re: | Adopting a Comprehensive Growth Map for the City of<br>Rogers, AR  | - Community<br>Environment &<br>Welfare<br>Committee |
| 8. ORD. Re: | Amending Various Sections of Chapter 14 of the City of<br>Rogers Code of Ordinances; Adopting the Uptown Rogers<br>Development Code (URDC) | - Community<br>Environment &<br>Welfare<br>Committee |

### **OLD BUSINESS:**

### **NEW BUSINESS:**

- |             |   |               |
|-------------|---|---------------|
| 1. ORD. Re: | Rezone from C-2 to I-1, 7.25 Acres at the Intersection of N.<br>2 <sup>nd</sup> Street and W. Industrial Drive (Shirley Lach) | - Ryan Evitts |
|-------------|---|---------------|

### **APPOINTMENTS:**

### **ANNOUNCEMENTS:**

RESOLUTION NO. R-18-\_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT  
WITH NABHOLZ CONSTRUCTION CORPORATION OF ROGERS, ARKANSAS FOR  
CONSTRUCTION MANAGEMENT SERVICES FOR THE FRISCO PARK  
CONSTRUCTION PROJECT; AND FOR OTHER PURPOSES.**

**WHEREAS**, in furtherance of the redesign and construction of Frisco Park, the City of Rogers has selected Nabholz Construction Corporation of Rogers, Arkansas to provide construction management services for the design and construction phases of the project.

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

Section 1: The Mayor may enter into the contract with Nabholz Construction Services to provide construction management services for all applicable portions of the Frisco Park Construction Project;

Section 2 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Resolution shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Resolution 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 Resolution shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein; and

Section 3 - 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 \_\_\_\_\_, 2018.

APPROVED:

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

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested by: David Hook, Facilities Development Manager  
Prepared by: Jennifer Waymack, Senior Staff Attorney  
For Consideration by the Finance Committee

RESOLUTION NO. R-18-\_\_\_\_\_

**A RESOLUTION OF INTENT REGARDING THE CONSTRUCTION OF ROGERS  
FIRE DEPARTMENT STATION #8.**

**WHEREAS**, the City of Rogers, Arkansas (the “City”) proposes to construct a new fire station #8; and

**WHEREAS**, in order to finance the costs of the construction of the fire station, the City proposes to issue sales and use tax bonds in the maximum principal amount of three million dollars (\$3,000,000.00) (the “Bonds”); and

**WHEREAS**, the purpose of this Resolution is for the City to declare its “official intent” for the reimbursement of certain expenditures from the proceeds of the Bonds, within the meaning of Regulation No. 1.150-2 promulgated by the United States Treasury Department (the “Regulation”);

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

Section 1: The City hereby expresses its official intent under the Regulation to advance its own funds to pay the costs of construction of Rogers Fire Department Station #8 prior to the issuance of the Bonds and to reimburse itself from the proceeds of the Bonds for such expenditures.

Section 2: Proceeds of the Bonds will be applied to reimburse the City for any expenditures made before the Bonds are issued within eighteen (18) months after the later of (a) any event, within three (3) years after the date of expenditure.

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

CERTIFICATE

The undersigned, City Clerk of the City of Rogers, Arkansas (the "City"), hereby certifies that the foregoing is a true and compared copy of the resolution passed at a regular session of the City Council of the City, Held at the regular meeting place of the Council at \_\_\_\_\_ o'clock p.m. on the \_\_\_\_\_ day of July, 2018.

\_\_\_\_\_  
City Clerk

(SEAL)

RESOLUTION NO. R-18-\_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITH WER ARCHITECTS/PLANNERS OF FAYETTEVILLE, ARKANSAS FOR ARCHITECTURE DESIGN SERVICES AND CROSSLAND CONSTRUCTION OF ROGERS, ARKANSAS FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE ROGERS FIRE DEPARTMENT STATION #8 CONSTRUCTION PROJECT; AMENDING THE 2018 BUDGET TO APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) FROM GENERAL FUND RESERVES TO ACCOUNT NUMBER 100-04-80126; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Rogers Fire Department is in need of a new fire station in order to provide public safety services to the citizens of the City of Rogers.

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

Section 1: The Mayor may enter into contracts with WER Architects/Planners of Fayetteville, Arkansas for architecture design services and Crossland Construction of Rogers, Arkansas for construction management services to facilitate the construction of Rogers Fire Department Station #8;

Section 2: The 2018 Budget is hereby amended to appropriate the sum of two hundred fifty thousand (\$250,000.00) from General Fund Reserves to account number 100-04-80126.

Section 3 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Resolution shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Resolution 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 Resolution shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein; and

Section 4 - 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 \_\_\_\_\_, 2018.

APPROVED:

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

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested by: David Hook, Facilities Development Manager  
Prepared by: Jennifer Waymack, Senior Staff Attorney  
For Consideration by the Finance Committee



RESOLUTION R-18- \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS  
OF THE ROGERS DISTRICT COURT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers District Court desires to destroy certain archived court records to create space for current court records; and

**WHEREAS**, the list of records to be destroyed is set out in the attached Affidavit of Destruction.

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

Section 1: The Chief Clerk of the Rogers District Court may destroy the following records of the Rogers District Court, pursuant to Arkansas Code Annotated §16-10-211:

- (a) Audited records four years or older: bank reconciliations, check book registers and check listings, cancelled checks, bank statements, deposit collection records, receipt and disbursement journals, time payment records, citation books from the police department, served arrest warrants, copies of citations, alternate service or community service time sheets, uniform filing fees collection remittance forms and fine reports, miscellaneous fee and fine collection reports, and served or unexecuted search warrants.
- (b) Audited records seven years or older: completed case files and written exhibits, show cause orders, case information including arrest reports and affidavits, files concerning cases resulting in a suspended imposition of sentence.

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 \_\_\_\_\_, 2018.

APPROVED:

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

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested by: Judge Griffin, Rogers District Court  
Prepared by: Jennifer Waymack, Senior Staff Attorney  
For Consideration by the Internal Affairs Committee

### AFFIDAVIT OF DESTRUCTION OF DISTRICT COURT RECORDS

I, Dana Burk, do hereby certify that the following records of the Rogers District Court, have been retained for at least three (3) years as specified under Ark. Code Ann. §16-10-211 and have been audited as required by law. The records listed below, covering the time period stated, are to be destroyed on \_\_\_\_\_, 20\_\_ by burning/shredding said records.

#### TYPE OF RECORD

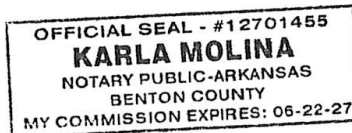
#### TIME PERIOD

Bank reconciliations	_____ 2012 - _____ 2014
Check book registers and check listings	_____ 2012 - _____ 2014
Cancelled checks	_____ 2012 - _____ 2014
Bank statements	_____ 2012 - _____ 2014
Receipts	_____ 2012 - _____ 2014
Deposit collection records	_____ 2012 - _____ 2014
Receipts listings	_____ 2012 - _____ 2014
Distribution reports	_____ 2012 - _____ 2014
Receipts and disbursement journals	_____ 2012 - _____ 2014
Time payment records	_____ 2012 - _____ 2014
Citation book logs	_____ 2012 - _____ 2014
Citation books from each police department and sheriff's office	_____ 2012 - _____ 2014
Served, recalled or quashed arrest warrants	_____ 2012 - _____ 2014
Copies of citations	_____ 2012 - _____ 2014
Alternative service or community service time sheets	_____ 2012 - _____ 2014
Uniform filing fees collection remittance forms and fine report	_____ 2012 - _____ 2014
Miscellaneous fee and fine collection reports	_____ 2012 - _____ 2014
Served or unexecuted search warrants	_____ 2012 - _____ 2014

Dana Burk  
District Court Clerk

Subscribed and Sworn to me this 22nd day of March, 2018.

Karla Molina  
Notary Public



**ORDINANCE NO. 18-\_\_\_\_\_**

**AN ORDINANCE ORDERING THE RAZING AND REMOVAL OF A CERTAIN STRUCTURE WITHIN THE CITY OF ROGERS, ARKANSAS, LOCATED AT 307 E. OLIVE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ruby F. Wishon, is the owner of certain real property situated in Rogers, Benton County, Arkansas, more particularly described as follows:

Sixty-six (66) feet of equal and uniform width squarely off the East side of Lot Eleven (11) and the South half (S1/2) of Lot Ten (10) in Block Three (3) of Wallace's Addition to the City of Rogers, Benton County, Arkansas

Layman's Description: 307 E. Olive, Rogers, Benton County, Arkansas

Tax Parcel No. 02-08499-000

**WHEREAS**, the structures on the property is unfit for human habitation, constitutes a fire hazard, otherwise is dangerous to human life, or constitutes a hazard to safety, or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly and is considered an unsafe structure in violation of City of Rogers Code of Ordinance Sections 18-55 through 18-68; more specifically, the following violations have been found to exist:

1. The structure is unfit for human occupancy International Property Maintenance Code (IPMC § 108.1.3)
2. The structures are dangerous and an attraction for mischief (IPMC § 108.1.5 (3), (7))
3. The roofs are sagging. Question their strength (IPMC § 304.1.1 (8))
4. Numerous opening in the exterior wall and lack of weather treatment (IPMC § 304.2 & 304.6)
5. Fascia boards missing from the roof (IPMC § 304.7)
6. Numerous places for animal and insect entry into both structures (IPMC § 309.1)
7. Structures need to be safeguarded and secured Arkansas Fire Prevention Code Volume I (AFPC § 311.2 & 311.2.1)

**WHEREAS**, the owner has been notified by the City of Rogers prior to the consideration of this ordinance, that the structure on the property is in violation of variance ordinances of the City of Rogers;

**WHEREAS**, pursuant to City of Rogers Code of Ordinances Section 18-57, the owner was given 14 calendar days from January 8, 2018 to abate or correct documented violations;

**WHEREAS**, pursuant to City of Rogers Code of Ordinances Section 18-57, a follow up inspection was conducted on January 22, 2018;

**WHEREAS**, the owner has failed, neglected, or refused to comply with the Notice to correct the documented violations, and as such, the matter of condemning, razing and removing the building may be referred to the City Council pursuant to City of Rogers Code of Ordinances Section 18-58;

**WHEREAS**, pursuant to City of Rogers Code of Ordinances Section 18-59(d); a Compliance Inspection was conducted by Community Risk Reduction Division on January 22, 2018, which concluded that violations do currently exist; and

**WHEREAS**, pursuant to Arkansas Code Annotated §14-56-203 and City of Rogers Code of Ordinances Chapter 18, Article III, if repair or removal is not done within the required time frame, the City shall have to power to order the removal or razing of, or to remove or raze any buildings that in the opinion of the council have become dilapidated, unsightly, unsafe, unsanitary, obnoxious, or detrimental to the public welfare.

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

Section 1: The structures located at 307 E. Olive, Rogers, Arkansas, is dilapidated, unsightly, and unsafe; and is in the best interests of the City of Rogers to proceed with the removal of this dilapidated, unsightly, and unsafe structure;

Section 2: The owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly, and unsafe structures located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be completed within 30 days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with City of Rogers Code of Ordinances Chapters 10, 18 and 20, and all other state laws and regulations pertaining to the demolition or removal of residential structures;

Section 3: If the aforesaid work is not completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structures to be razed (demolished) and removed; and the unsafe, unsanitary, and unsightly conditions abated; and the City of Rogers shall have a lien upon the aforesaid described real property for the cost of razing (demolishing), and removing said structure, and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council;

Section 4 - Emergency Clause: The need to raze and remove a certain structures 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 from and after its 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 Ordinances and Resolutions: 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 \_\_\_\_\_, 2018.

APPROVED:

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

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested By: Chief Thomas Jenkins, Rogers Fire Department  
B.J. Hyde, Community Risk Reduction Division  
Prepared by: Jennifer A. Waymack, Senior Staff Attorney  
For Consideration by Public Safety Committee

ORDINANCE NO. 18-\_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF ROGERS  
CONCERNING DEDICATIONS MADE IN THE SUBDIVISION PROCESS;  
PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers, City Council finds it to be in the best interests of the City of Rogers to update the Code of Ordinances to streamline the final plat requirements of the subdivision process.

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

Section 1: Chapter 14, Article V, Division 2, Section 14-581 of the Code of Ordinances, City of Rogers is repealed, replaced, and to read as shown in the attached Exhibit "A";

Section 2: Chapter 14, Article II, Division 2, Sections 14-44 of the Code of Ordinance, City of Rogers is repealed, replaced, and to read as shown in the attached Exhibit "B";

Section 3 - 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 4 - 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 5 - 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 \_\_\_\_\_, 2018.

APPROVED:

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

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested By: John McCurdy, Director of the Department of Community Development  
Prepared By: Jennifer A. Waymack, Senior Staff Attorney  
For Consideration by the Community Environment & Welfare Committee

## EXHIBIT "A"

### Sec. 14-581. - Final plat submission, approval, and filing.

After the Planning Commission approves the preliminary plat and all improvements have been approved by the appropriate agencies, the developer shall submit to the Department of Community Development an application for approval of the final plat. If the developer wishes to submit the application for approval of the final plat before the improvements have been completed, subsection (2) of this section shall apply.

- (1) a. *Requirements.* The approval process for the final plat shall consist of the following:
  1. Application for approval of final plat.
  2. Payment of the final plat fee contained in section 14-582.
  3. A submission that meets the submittal requirements requested by Director of the Department of Community Development or his or her designee concerning reproductions or copies of the final plat which shall require the information for final plats contained in subdivision (1)(b) of this section.
  4. Assurances that the improvements indicated in the final plat and/or required by these regulations have been installed or assurances they will be installed. Such assurances shall consist of:
    - i. A certification by the engineer of record that all improvements have been completed and accepted.
    - ii. Individual letters of intent from public utility agencies that they shall or shall not provide service through the developer for the development.
    - iii. For unfinished sidewalks, the developer shall provide a surety bond for twenty-five (25) percent of the engineer's estimate of total cost for a period of three (3) years. The engineer's estimate of the total cost shall be approved by the Director of the Department of Community Development or his or her designee. If the Department of Community Development does not agree with the engineer's estimate they may hire an independent consultant to review the cost estimate. The cost of the consultant shall be paid by the developer of the project. Upon satisfactory completion of the improvements, the City shall release the performance bond.
- b. The final plat shall include:
  1. Name and address of developer;
  2. Subdivision name, date, graphic scale, north arrow, and acreage;
  3. Legal description of the property with dimensions and angles sufficient to locate all lines on the ground;
  4. The location of the corner markers of each lot within the subdivision;

5. Vicinity map showing zoning and surrounding zoning in proposed development;
  6. Location of all street lights and signs;
  7. Certificate of survey accuracy;
  8. Certificate of ownership and dedication;
  9. Certificate of approval to be signed by the Mayor, City Clerk, and Planning Department prior to recordation;
  10. If applicable, certification of acceptance of dedication to be signed by the Planning Department prior to recordation;
  11. Location of existing streets, utility easements and drainage abutting the development;
  12. Minimum finished floor elevation for each lot, at or above curb level except as waived by the Planning Commission;
  13. Location of all proposed property lines, lot and block numbers, building setback lines, easements, dedications, reservations;
  14. Flood areas; and
  15. Street rights-of-way dedication.
- c. The final plat shall be submitted to the Department of Community Development with:
1. A letter verifying approval of the sewer and water systems by the state health department and the water and sewer superintendent; and
  2. Certification of drainage improvements including record drawings of the system.
- (2) *Guarantees in lieu of installed improvements.* If the developer chooses to begin building construction or to sell lots within the land development prior to installing the required improvements, final plat shall be referred to the Planning Commission and the Planning Commission may give conditional approval of the final plat under the procedures listed below, and then refer the final plat to the City Council for approval consideration. Drainage improvements are not eligible for guarantees in lieu of completion.
- a. The terms of any such conditional final plat approval shall be noted on the final plat and approved by the Planning Commission before the final plat is filed for record.
  - b. An acceptable surety performance bond shall be filed with the Department of Community Development in an amount equal to 100 percent of the engineer's estimate of the total cost of the improvements for unfinished street work. The engineer's estimate of the total cost shall be approved by the Department of Community Development. If the Department of Community Development does not agree with the engineer's estimate they may hire an independent consultant to review the cost estimate. The cost of the consultant shall be paid by the developer



of the project. Upon satisfactory completion of the improvements, the City shall release the performance bond.

- c. If the developer fails to complete improvements within one year from the date of final plat approval, the City has the option to utilize the performance bond to complete the improvements. In the event a bond is accepted and then forfeited, all accrued interest shall revert to the City.
  - d. When the conditions have been met, a certificate of acceptance by the appropriate agencies shall be filed with the circuit clerk and noted on the original recorded plat.
- (3) *City Council action.* Not more than 60 days after receipt of the final plat and other required information and certifications, the City Council shall approve or disapprove the final plat. The approval or disapproval shall be provided to the developer in writing.
- (4) *Developer's final action.* Upon approval by the City Council, the developer shall:
- a. Submit to the Department of Community Development the appropriate number of original copies of the final plat with appropriate signatures (use waterproof ink only).
  - b. After all signatures are obtained the final plat, approved covenants, and certifications shall be recorded with the county circuit clerk's office.
  - c. Two recorded copies must be returned to the Department of Community Development.
  - d. When the City Council accepts the improvements into the City street system, no maintenance will be performed by City forces until the maintenance bonds have expired.
- (5) *Signatures.* The final plat shall be signed by the Mayor, the City Clerk, and the Director of the Department of Community Development or his or her designee, and representatives of the public utilities that will serve the subdivision.
- (6) *Number of plats.* The Department of Community Development may request additional copies of the final plat, if the quantity required by subsection (1)c. of this section is not sufficient for the necessary distribution.

(7) All public streets and public rights-of-way/easements shall be dedicated to the public using the following language:

We, the undersigned owners of the real estate shown and described herein, do hereby acknowledge that we have the legal right and authority to make the property interest grants contained on and within this document. We, the undersigned owners of the real estate shown and described herein, do hereby establish, grant, and dedicate to the City of Rogers, Arkansas the rights-of-way, easements, streets, and alleys as shown on this plat for public use, benefit, and access. The City of Rogers is further granted the rights of ingress and egress to and from said rights-of-way, easements, streets, and alleys. The City of Rogers is also granted the right and authority to maintain, service, and improve said rights-of-way, easements, streets, and alleys and the improvements contained therein. Any right or authority granted above specifically regarding maintenance, service, or improvement shall be exercised in a manner chosen at the discretion of the City of Rogers. Said rights-of-way, easements, streets, and alleys shall be for the benefit of

the City of Rogers and all of its franchised utility providers. The City of Rogers and its franchised utility providers shall have the right and authority to cut, trim, or remove trees, shrubs, and other vegetation within said rights-of-way, easements, streets, and alleys. The City of Rogers and all of its franchised utility providers shall also have the right and authority to prohibit the erection of building, structures, or fences within said rights-of-way, easements, streets, and alleys.

(8) All plats containing private streets and public easements shall be dedicated using the following language:

We, the undersigned owners of the real estate shown and described herein, do hereby acknowledge that we have the legal right and authority to make the property interest grants contained on and within this document. We, the undersigned owners of the real estate shown and described herein, do hereby establish, grant, and dedicate to the City of Rogers, Arkansas the easements as shown on this plat for public use and benefit. The City of Rogers is granted the rights of ingress and egress to and from said easements. The City of Rogers is granted unrestricted access to the platted private streets for purposes of access for emergency service personnel. The City of Rogers is granted the right and authority to maintain, service, and improve said easements and the improvements contained therein. Any right or authority granted above specifically regarding maintenance, service, or improvement shall be exercised in a manner chosen at the discretion of the City of Rogers. Said easements shall be for the benefit of the City of Rogers and all of its franchised utility providers. The City of Rogers and its franchised utility providers shall have the right and authority to cut, trim, or remove trees, shrubs, and other vegetation within said easements. The City of Rogers and all of its franchised utility providers shall also have the right and authority to prohibit the erection of building, structures, or fences within said easements.

## EXHIBIT “B”

Sec. 14-44. - Street geometry.

Requirements	Minor	Collector	Minor Arterial	Major Arterial
Minimum greenspace widths	4.5 feet*	6 feet	6 feet	6 feet
Minimum row width	50 feet	70 feet	80 feet	100 feet
Minimum fore/back slope	3:1/2:1	3:1/2:1	3:1/2:1	3:1/2:1
Pavement width	30/31 feet B-B*	42 feet B-B	48 feet B-B	68 feet B-B
Pavement thickness	3" Asphalt/ 6" Base 8" Concrete/ 4" Base	See Note 1	See Note 1	See Note 1
Parking	One side*	No parking	No parking	No parking
Sidewalks	5 feet both sides	6 feet	NA	NA
Sidepaths	NA	10 feet	10 feet both sides	10 feet both sides
Design speed	25 mph	30-35 mph	35-40 mph	40-45 mph
Sight distance	250 feet	275 feet	300 feet	350 feet
Intersection to curb cut/drive (CL drive to ROW of intersecting street)	40 feet	100 feet	250 feet	250 feet
Minimum horizontal radius at centerline	150 feet	500 feet	800 feet	800 feet (use 2% super)
Minimum curb radius	30 feet	30 feet	40 feet	50 feet
Minimum street jog	See Note 2			

Minimum horizontal tangent between reverse curves	100 feet	300 feet	400 feet	400 feet
Vertical curves	Required at any grade change $\geq 1\%$ , per AASHTO "A Policy on Geometric Design of Highways and Streets", current edition			
Vertical grade	8% maximum (10% with special justification)			
Minimum intersection angle	75 degrees for all classes			
Maximum residential driveway width	36 feet for all classes			
Maximum commercial/ industrial drive width	40 feet for all classes			
Bridge/culvert design	HL-93 loading for all classes, LRFD			

\*Varies, see typical section details.

Note 1: The structure of all pavement sections collector and greater shall be designed by a licensed engineer based on a geotechnical investigation. For minor streets, see section 14-45.

Note 2: Normally the distance shall be 150 feet, however this distance may be varied in unusual terrain and topography.

Note 3: In hilly terrain the approach speed may be reduced to 20 mph; the sight distance reduced to 70 feet. If the intersection is signalized, the approach speed will be the posted speed of the road.

#### *General Requirements:*

Any street or roadway construction involving federal and/or state highway department funds shall meet the federal/state requirements.

Any sidewalk or crosswalk within public right of way shall be designed to meet PROWAG requirements.

Intersection right of way control shall follow MUTCD guidelines including but not limited to Chapter 2B Section 2B.01 through 2B.10. Four-way stop conditions should be avoided on low volume streets because there will be a tendency for the stop to be ignored and that has potential to train drivers that 4-way stops don't really mean "stop." Any proposal for four-way stops must be reviewed and approved by the Department of Community Development.

Any street stubbed out for future connection by others shall be labeled as such on the plan set. A MUTCD Type III barricade shall be erected at the end and a sign affixed to it which states "Future Road Extension". When adjacent property is developed, it shall connect to the stubbed out street.

Streets in a proposed subdivision must connect, where feasible, to existing streets in abutting platted subdivisions. Any subdivision which abuts a similar use per the Comprehensive Growth Plan shall stub out a minimum of one street to that adjacent property. Additional connections may be required by the Director of the Department of Community Development or his or her designee based on size of adjacent property.

Traffic calming methods are required in the design of subdivision streets. Tangent lengths shall not exceed 500 feet for Minor Streets. Studies indicate that operating speeds were 30 mph or less when the tangent sections were no longer than 500 feet. Long tangent sections can be segmented by conditions that require a complete stop, such as T intersection or by conditions that require reduced speeds such as a traffic calming device. Devices that are suggested for new subdivisions include roundabouts, traffic circles, chicanes, and curb extensions (bulbouts). Provisions shall be made to accommodate bike lanes if proposed. Curb extensions and chicanes shall be designed with minimum 20-foot internal radii and 10-foot external radii on all transitions to accommodate street sweepers.

ORDINANCE NO. 18-\_\_\_\_\_

**AN ORDINANCE ADOPTING A COMPREHENSIVE GROWTH MAP FOR THE CITY OF ROGERS, ARKANSAS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, an amended Comprehensive Growth Map for the City of Rogers was adopted and approved by the Rogers Planning Commission after the required public hearing on July 17, 2018.

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

Section 1: The amended Comprehensive Growth Map for the City of Rogers, attached as “Exhibit A”, is adopted;

Section 2 – 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 3 – 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 \_\_\_\_\_, 2018.

APPROVED:

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

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested By: John McCurdy, Director of Department of Community Development  
Prepared By: Jennifer Waymack, Senior Staff Attorney  
For Consideration by the Community Environment & Welfare Committee

ORDINANCE NO. 18-\_\_\_\_\_

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 14 OF THE CITY OF ROGERS CODE OF ORDINANCES; ADOPTING THE UPTOWN ROGERS DEVELOPMENT CODE ("URDC"); PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers, City Council finds it to be in the best interests of the City of Rogers to adopt an Uptown Rogers Development Code.

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

Section 1: Chapter 14, Article VI, Division 2, Section 14-716 of the City of Rogers, Code of Ordinances is repealed, replaced, and to read as shown in the attached Exhibit "A";

Section 2: Chapter 14, Article V, Division 3, Sections 14-602 through 14-611 of the City of Rogers, Code of Ordinances are repealed and replaced with a new section 14-602, to read as shown in the attached Exhibit "B";

Section 3: Chapter 14, Article VI, Division 2, Section 14-715 of the City of Rogers, Code of Ordinances is repealed and replaced, and to read as shown in the attached Exhibit "C";

Section 4: Chapter 14, Article VI, Division 2, Section 14-710 of the City of Rogers, Code of Ordinances is repealed, replaced, and to read as shown in the attached Exhibit "D";

Section 5: Chapter 14, Article VI, Division 2 of the City of Rogers, Code of Ordinances is amended to add an additional section 14-732, and to read as shown in the attached Exhibit "E";

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 \_\_\_\_\_, 2018.

APPROVED:

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

Attest:

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PEGGY DAVID, City Clerk

Requested By: John McCurdy, Director of the Department of Community Development



ORDINANCE NO. \_\_\_\_\_  
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM C-2 TO I-1, 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, the City Council has found that certain lands hereinafter described are better suited for I-1 than 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 I-1 and that said lands being in Benton County, Arkansas, are described as:

Parcel #02-00053-004

Part of the NW1/4 of the NW1/4 of Fractional Section 6, Township 19 North, Range 29 West in Rogers, Benton County, Arkansas, more precisely described as follows:

Starting at the SW corner of the W 1/2 of the NW1/4 of fractional Section 6; thence North 01 degrees 24 minutes 56 seconds West 1560.72 feet; thence continue along said line North 01 degrees 24 minutes 56 seconds West 24.92 feet to the true point of beginning, thence continue along said line North 01 degrees 24 minutes 56 seconds West 24.92 feet; thence North 87 degrees 54 minutes 54 seconds East 235.77 feet; thence North 02 degrees 05 minutes 06 seconds West 127.47 feet; thence North 88 degrees 41 minutes 25 seconds East 687.42 feet; thence South 03 degrees 24 minutes 11 seconds West 198.35 feet; thence South 87 degrees 54 minutes 18 seconds West 642.88 feet; thence North 01 degrees 03 minutes 40 seconds West 54.51 feet; thence South 87 degrees 54 minutes 24 seconds West 262.55 feet to the true point of beginning and being shown as Tract IB on plat record "P3" at page 922 and plat record "P4" at page 344. subject to the right- of-way of North Second Street, a 10 foot wide gas line easement (deed record 515-342), a 10 foot wide gas easement (deed record 554-584) and any other easements of record.

Parcel #02-00053-003

A part of the NW1/4 of the NW1/4 and part of the SW1/4 of the NW1/4 of Fractional Section 6, Township 19 North, Range 29 West in the City of Rogers, Benton County, Arkansas, more precisely described as follows:

Starting at the SW corner of the W 1/2 of the NW 1/4 of Fractional Section 6; thence North 01°24'56" West 1560.72 feet to the true point of beginning; thence continue along said line, North 01°24'56" West 24.92 feet; 87°54'24" East 262.55 feet; thence South 01°03'40 East 54.51 feet; thence North 87°54.18' East 642.88 feet; thence South 03°24'11" West 279.65 feet; thence South 87°53'11" West 519.97 feet;

thence North 01°01'28 West 178.10 feet; thence South 87°57'56" West 112.47 feet; thence continue along said line, South 87°57'56" West 63.79 feet; thence North 01°03'40" West 129.88 feet; thence South 87°54'20" West 187.38 feet to the true point of beginning as shown in tract split of a survey filed in plat record p3, page 922. Subject to the right of way of North Second Street on the west side, to the right of way of the Arkansas Missouri railroad along the east side, a 10 foot wide gas easement, a private sewer line and any other easements or rights of way of record or of fact.

**LAYMAN'S DESCRIPTION:** W. Industrial Dr. & North 2<sup>nd</sup> Street Rogers, AR

SECTION 3: 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 4: 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 5: 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 \_\_\_\_\_, 2018.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

\_\_\_\_\_  
PEGGY DAVID, CLERK

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