



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

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: August 11, 2020

The following committee meetings will be held on **Tuesday, August 11, 2020** prior to the City Council Meeting:

05:45 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear)

<https://us02web.zoom.us/j/82399128191> OR (312)626-6799 ID: 823 9912 8191

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

05:45 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Carmichael)

<https://us02web.zoom.us/j/88059921743> OR (312)626-6799 ID: 880 5992 1743

To Discuss: (a) An Ordinance Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of A Nuisance Structure At 512 South 2nd Street Located Within The City Of Rogers
(b) An Ordinance Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of A Nuisance Structure At 1115 West Persimmon Street Located Within The City Of Rogers

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

Hayes) <https://us02web.zoom.us/j/82399128191> OR (312)626-6799 ID: 823 9912 8191

To Discuss: (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 (PUD) To U-NBT, Accepting The Density Concept Plan (Magnolia)
(b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 And RMF6A To R-SF (Candlewood)

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

<https://us02web.zoom.us/j/88059921743> OR (312)626-6799 ID: 880 5992 1743

To Discuss: (a) An Ordinance Authorizing The Mayor And City Clerk To Enter Into A Contract With Nabholz Construction Of Conway, Arkansas, For Emergency Drainage Repair Work In The Amount Of \$94,955.00
(b) A Resolution Amending The 2020 Budget To Appropriate \$27,864.00 From General Fund Reserves To Account #100-02-70310 Condemnation Expenses
(c) A Resolution Amending The 2020 Budget To Recognize A Grant From The Arkansas Department Of Health For Trauma Readiness In The Amount Of \$10,390.00 Into Account #100-04-45305 State Grant Revenue
(d) A Resolution Authorizing The Mayor And City Clerk To Negotiate And Enter Into A Contract With The Timmons Group, Of Richmond, Virginia, To Integrate The Cityworks Software Into The City Of Rogers' Computer System



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

ROGERS CITY COUNCIL
AGENDA

AUGUST 11, 2020
6:30 PM

<https://us02web.zoom.us/j/84662258704> OR (312)626-6799 ID: 846 6225 8704

PUBLIC HEARING:

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. July 28, 2020

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | |
|----|---|------------------------------------|
| 1. | ORD. Re: Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of A Nuisance Structure At 512 South 2nd Street Located Within The City Of Rogers | PUBLIC SAFETY
COMMITTEE |
| 2. | ORD. Re: Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of A Nuisance Structure At 1115 West Persimmon Street Located Within The City Of Rogers | PUBLIC SAFETY
COMMITTEE |
| 3. | RES. Re: Authorizing The Rogers Historical Museum To Dispose Of Obsolete Property No Longer Used By The City Through Internet Auction Or Other Available Means | RESOURCES &
POLICY
COMMITTEE |

- | | | | |
|----|----------|---|--|
| 4. | ORD. Re: | Authorizing The Mayor And City Clerk To Enter Into A Contract With Nabholz Construction Of Conway, Arkansas, For Emergency Drainage Repair Work In The Amount Of \$94,955.00 | FINANCE
COMMITTEE |
| 5. | RES. Re: | Amending The 2020 Budget To Appropriate \$27,864.00 From General Fund Reserves To Account #100-02-70310 Condemnation Expenses | FINANCE
COMMITTEE |
| 6. | RES. Re: | Amending The 2020 Budget To Recognize A Grant From The Arkansas Department Of Health For Trauma Readiness In The Amount Of \$10,390.00 Into Account #100-04-45305 State Grant Revenue | FINANCE
COMMITTEE |
| 7. | RES. Re: | Authorizing The Mayor And City Clerk To Negotiate And Enter Into A Contract With The Timmons Group, Of Richmond, Virginia, To Integrate The Cityworks Software Into The City Of Rogers' Computer System | FINANCE
COMMITTEE |
| 8. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 (PUD) To U-NBT, Accepting The Density Concept Plan (Magnolia) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 9. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 (PUD) To U-NBT, Accepting The Density Concept Plan (Candlewood) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS: Appointment of Cindy Holmer to the Library Board of Trustees with a term to expire December 31, 2025.

ANNOUNCEMENTS:

ORDINANCE NO. 20-_____

AN ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF A NUISANCE STRUCTURE AT 512 SOUTH 2ND STREET LOCATED WITHIN THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the following real property located in Rogers, Benton County, Arkansas, is owned as set out below:

PROPERTY OWNER: Vint B. Eubanks

LEGAL DESCRIPTION: The North 50 Feet of Lot 4, Block 2, J. Wade Sikes Addition

LAYMAN'S DESCRIPTION: 512 South 2nd Street, Rogers, Benton County, Arkansas

PARCEL NO.: 02-05174-000

WHEREAS, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the nuisance structure on the property described above, and was instructed to clean the property in accordance with §§ 18-55 through 18-68 of the Rogers' Code of Ordinances;

WHEREAS, the property owner of record failed to abate and remedy the nuisance structure on this property, and as a result, the City of Rogers abated the nuisance conditions on the property and incurred costs as follows:

\$	9,000 clean-up costs
\$	89.70 certified mail fee (13 Notices @ \$6.90ea)
\$	<u>25.00 filing fee costs</u>
TOTAL \$	9,114.70

WHEREAS, the property owners have been given at least 30 days written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903; and

WHEREAS, Ark. Code Ann. §14-54-904 authorizes the City Council to assert a clean-up lien on this property to collect the amounts expended by the City in cleaning up these property;

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

Section 1: Pursuant to Ark. Code Ann. §14-54-904, the City Council certifies that the following real property shall be placed on the tax books of the Benton County Tax Collector as delinquent taxes and collected accordingly:

\$	9,000 clean-up costs
\$	89.70 certified mail fee (13 Notices @ \$6.90 each)
\$	<u>25.00 filing fee costs</u>
TOTAL \$	9,114.70

Section 2: The Benton County Tax Collector is hereby to add a 10% collection fee to the total amount of the City's lien as listed in Section 1 of this Ordinance. The tax collector is to add this lien on the following real property:

LEGAL DESCRIPTION: The North 50 Feet of Lot 4, Block 2, J. Wade Sikes Addition

LAYMAN'S DESCRIPTION: 512 South 2nd Street, Rogers, Benton County, Arkansas

PARCEL NO.: 02-05174-000

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 _____, 2020.

C. GREG HINES, Mayor

ATTEST:

JESSICA RUSH, City Clerk

Requested By: William Hyde, Deputy Fire Chief – Risk Reduction

Prepared By: John M. Pesek, Staff Attorney

ORDINANCE NO. 20-_____

AN ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF A NUISANCE STRUCTURE AT 1115 WEST PERSIMMON STREET LOCATED WITHIN THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the following real property located in Rogers, Benton County, Arkansas, is owned as set out below:

PROPERTY OWNER: Dayna L. Stout
LEGAL DESCRIPTION: Lots 6 and 7, Block 3, Smith & Hayes Addition, to the City of Rogers
LAYMAN'S DESCRIPTION: 1115 West Persimmon Street, Rogers, Benton County, Arkansas
PARCEL NO.: 02-07691-000

WHEREAS, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the nuisance structure on the property described above, and was instructed to clean the property in accordance with §§ 18-55 through 18-68 of the Rogers' Code of Ordinances;

WHEREAS, the property owner of record did not abate and remedy the nuisance structure on this property within the time frame required, and as a result, the City of Rogers abated the nuisance conditions on this property and incurred costs as follows:

\$	9,000 clean-up costs
\$	110.40 certified mail fee (16 Notices @ \$6.90 each)
\$	<u>25.00 filing fee costs</u>
TOTAL \$	9,135.40

WHEREAS, the property owners have been given at least 30 days written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903; and

WHEREAS, Ark. Code Ann. §14-54-904 authorizes the City Council to assert a clean-up lien on this property to collect the amounts expended by the City in cleaning up these property;

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

Section 1: Pursuant to Ark. Code Ann. §14-54-904, the City Council certifies that the following real property shall be placed on the tax books of the Benton County Tax Collector as delinquent taxes and collected accordingly:

\$	9,000 clean-up costs
\$	110.40 certified mail fee (16 Notices @ \$6.90 each)

\$ 25.00 filing fee costs
TOTAL \$ 9,135.40

Section 2: The Benton County Tax Collector is hereby to add a 10% collection fee to the total amount of the City's lien as listed in Section 1 of this Ordinance. The tax collector is to add this lien on the following real property:

LEGAL DESCRIPTION: Lots 6 and 7, Block 3, Smith & Hayes Addition, to the City of Rogers

LAYMAN'S DESCRIPTION: 1115 West Persimmon Street, Rogers, Benton County, Arkansas

PARCEL NO.: 02-07691-000

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 _____, 2020.

C. GREG HINES, Mayor

ATTEST:

JESSICA RUSH, City Clerk

Requested By: William Hyde, Deputy Fire Chief – Risk Reduction
Prepared By: John M. Pesek, Staff Attorney

RESOLUTION NO. R20 _____

**A RESOLUTION AUTHORIZING THE ROGERS HISTORICAL MUSEUM 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 Director of the Rogers Historical Museum may auction its items identified in **Exhibit A** through internet auction or other means whichever nets the highest value;

Section 2: The Rogers Historical Museum 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: Serena Barnett, Director – Rogers Historical Museum

Prepared By: John M. Pesek, Staff Attorney

For consideration by: Resources & Policy Committee

EXHIBIT "A"


**AFFIDAVIT FOR DISPOSAL OF PROPERTY BY AUCTION OF THE ROGERS
HISTORICAL MUSEUM WHICH HAS BEEN DEEMED OBSOLETE**

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

1. Victorian walnut dresser with mirror
2. c. 1900 parlor reed organ
3. c. 1900 walnut wardrobe
4. c. 1900 glass and walnut dry goods store display case
5. 1970s glass and gold trinket display cases (there are 10-20 of these)


Serena Barnett

Date: 8-4-2020


Notary Public

Date: 8.4.2020

Commission Expires: 4-30-27



ORDINANCE NO. 20-_____

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH NABHOLZ CONSTRUCTION OF CONWAY, ARKANSAS, FOR EMERGENCY DRAINAGE REPAIR WORK IN THE AMOUNT OF NINETY-FOUR THOUSAND NINE HUNDRED FIFTY FIVE DOLLARS (\$94,955.00); APPROPRIATING NINETY-FOUR THOUSAND NINE HUNDRED FIFTY FIVE DOLLARS (\$94,955.00) FROM STREET FUND RESERVES INTO ACCOUNT #200-16-70935 DRAINAGE CONSTRUCTION; WAIVING COMPETITIVE BIDDING; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the subdivision Champions Estate, and its surrounding area, have experienced flooding due to storm-water runoff and new drainage pipes and other associated work is needed to divert the water away from this area;

WHEREAS, Nabholz Construction of Conway, Arkansas, has substantial experience in this type of drainage repair work and is available to perform the repairs immediately;

WHEREAS, due to the emergency nature of the repair work needed, it is not feasible to bid the type of repairs needed without the subdivision, and its surrounding area, suffering damages; therefore, competitive bidding should be waived so the drainage pipe and associated work can be completed quickly as time is of the essence.

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

Section 1: The Mayor and City Clerk may enter into a contract with Nabholz Construction of Conway, Arkansas, in the amount of ninety-four thousand nine hundred fifty five dollars (\$94,955.00) for emergency drainage repair work;

Section 2: The 2020 Budget is amended to appropriate ninety-four thousand nine hundred fifty five dollars (\$94,955.00) from Street Fund Reserves into Account #200-16-70935 Drainage Construction;

Section 3: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the drainage repair work;

Section 4: Emergency Clause: The need to make the drainage repairs 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 the date of 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 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: Frankie Gyll, Street Department Superintendent

Prepared By: John M. Pesek, Staff Attorney

For consideration by: Finance Committee

RESOLUTION NO. R20-_____

A RESOLUTION AMENDING THE 2020 BUDGET TO APPROPRIATE TWENTY-SEVEN THOUSAND EIGHT HUNDRED SIXTY-FOUR DOLLARS (\$27,864.00) FROM GENERAL FUND RESERVES TO ACCOUNT #100-02-70310 CONDEMNATION EXPENSES; AND FOR OTHER PURPOSES.

WHEREAS, the City pays the upfront expenses associated with the razing and removal of certain nuisance structures as provided by Ordinances passed by the City Council;

WHEREAS, the City has razed and removed three (3) structures pursuant to duly passed ordinances of this City Council in 2020; and

WHEREAS, the City will place a lien on each of the structures that it has razed and removed in accordance with state law and city ordinance

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

Section 1: The sum of twenty-seven thousand eight hundred sixty-four dollars (\$27,864.00) is hereby appropriated from General Fund Reserves to Account #100-02-70310 Condemnation Expenses.

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 _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Chief Tom Jenkins, Rogers Fire Department
Prepared by: John M. Pesek, Staff Attorney
For consideration by: Finance Committee

RESOLUTION NO. R20-_____

A RESOLUTION AMENDING THE 2020 BUDGET TO RECOGNIZE A GRANT FROM THE ARKANSAS DEPARTMENT OF HEALTH FOR TRAUMA READINESS IN THE AMOUNT OF TEN THOUSAND THREE HUNDRED NINETY DOLLARS (\$10,390.00) INTO ACCOUNT #100-04-45305 STATE GRANT REVENUE; APPROPRIATING THAT SAME AMOUNT TO EXPENSE ACCOUNT #100-04-70105 MEDICAL SUPPLIES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers will receive ten thousand three hundred ninety dollars (\$10,390.00) in grant funds from the Arkansas Department of Health for the continuity of pre-hospital trauma readiness.

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

Section 1: The 2020 Budget is hereby amended to recognize grant funds in the amount of ten thousand three hundred ninety dollars (\$10,390.00) into Account #100-04-45305 State Grant Revenue;

Section 2: The 2020 Budget is further amended to appropriate ten thousand three hundred ninety dollars (\$10,390.00) into Account #100-04-70105 Medical Supplies;

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

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

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Chief Tom Jenkins, Rogers Fire Department
Prepared By: John M. Pesek, Staff Attorney

RESOLUTION NO. R20-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO NEGOTIATE AND ENTER INTO A CONTRACT WITH THE TIMMONS GROUP, OF RICHMOND, VIRGINIA, TO INTEGRATE THE CITYWORKS SOFTWARE INTO THE CITY OF ROGERS' COMPUTER SYSTEM; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers, together with the Rogers Waterworks Utilities ("RWU"), published a Request for Qualifications for companies with the knowledge and expertise in integrating the recently purchased Cityworks software into the City's computer systems;

WHEREAS, both the City of Rogers and RWU selected a ten (10) person committee comprised of five (5) City employees and five (5) RWU employees to review and vote on the most qualified software integration company; and

WHEREAS, the Timmons Group of Richmond, Virginia, was selected as the most qualified provider.

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

Section 1: The Mayor and City Clerk are authorized to enter into contract negotiations, and if successful, a contract with the Timmons Group, of Richmond, Virginia, for the integration of Cityworks software into the City's computer system;

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 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 _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy – Director, Community Development Department

Prepared by: John M. Pesek, Staff Attorney

For consideration by: Finance Committee

ORDINANCE NO. 20-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 (PUD) TO U-NBT, ACCEPTING THE DENSITY CONCEPT PLAN,
PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on August 4, 2020, the City Council has found that certain lands hereinafter described are better suited for U-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 U-NBT and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF LOT 6 OF THE FINAL PLAT OF THE FARMS 200-58

COMMENCING the Southwest corner of lot 6 as shown on the final plat of the Farms 200-58; Thence, N 71°50'54" E for a distance of 199.33 feet to the POINT OF BEGINNING; Thence, N 01°21'37" E for a distance of 150.77 feet; Thence N 70°29'55" E for a distance of 191.20 feet; Thence, N 05°07'57" E for a distance of 51.10 feet; Thence, N 47°49'56" E for a distance of 76.99 feet; Thence, S 49°49'59" W for a distance of 125.89 feet to the beginning of a curve, Said curve turning to the left through an angle of 61°59'42", having a radius of 200.00 feet, and whose long chord bears S 80°49' 48" W for a distance of 206.00 feet. Thence, S 68°10'23" W for a distance of 361.99 feet; Thence, S 71° 50'54" W for a distance of 219.93 feet to the POINT OF BEGINNING. Containing 1.50 acres more or less.

LAYMAN'S DESCRIPTION:

1.5± acres on W. Oliver Drive, part of Lot 6 of The Farms Commercial Subdivision

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

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between HCH Consulting and the City of Rogers, as approved by the Rogers Planning Commission on August 4, 2020, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

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

SECTION 6: Severability Provision. 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 7: 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.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Requested By: Barry Williams

Prepared By: Community Development Department

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 AND RMF-6A TO R-SF, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on August 4, 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:

A PART OF THE SW ¼ OF THE SW ¼ OF SECTION 20, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE SW ¼ OF THE SW ¼ OF SAID SECTION 20; THENCE ALONG THE WEST LINE THEREOF N02°35'30"E 19.24 FEET TO THE CENTERLINE OF THE ABANDONED COUNTY ROAD NUMBER 262 BY ORDINANCE NUMBER 90-24, FILED FOR RECORD ON AUGUST 16, 1990, IN DEED BOOK 1990 AT PAGE 28043;
THENCE ALONG SAID CENTERLINE N79°44'51"E 281.40 FEET; THENCE ALONG SAID CENTERLINE N47°00'51"E 132.10 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID CENTERLINE N18°25'51"W 137.23 FEET; THENCE 54.18 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 137.66 FEET AND A LONG CHORD OF N08°04'11"E 53.83 FEET; THENCE N03°12'20"W 37.34 FEET; THENCE 53.20 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 145.90 FEET AND A LONG CHORD OF N16°38'51"W 52.90 FEET; THENCE N27°05'35"W 22.36 FEET; THENCE N15°02'59"E 40.66 FEET; THENCE N63°47'09"E 31.50 FEET; THENCE N02°59'17"E 92.98 FEET TO THE SOUTH LINE OF LOT 1 OF OSAGE ACRES SUBDIVISION AS SHOWN IN PLAT RECORD BOOK W AT PAGE 43; THENCE ALONG SAID SOUTH LINE S87°00'43"E 310.03 FEET TO THE WEST RIGHT-OF-WAY OF POPE ROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY S09°11'48"W 40.16 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY N89°36'41"W 56.52 FEET; THENCE 48.02 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 121.00 FEET AND A LONG CHORD OF S79°01'14"W 47.70 FEET; THENCE S67°39'08"W 19.40 FEET; THENCE 16.66 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 100.00 FEET AND A LONG CHORD OF S62°52'45"W 16.64 FEET; THENCE S02°59'17"W 247.05 FEET TO THE CENTERLINE OF THE ABANDONED COUNTY ROAD NUMBER 262 BY ORDINANCE NUMBER 90-24, FILED FOR RECORD ON AUGUST 16, 1990, IN DEED BOOK 1990 AT PAGE 26034; THENCE ALONG SAID CENTERLINE S63°27'45"W 36.82 FEET; THENCE ALONG SAID CENTERLINE S47°00'51"W 138.99 FEET TO THE POINT OF BEGINNING, CONTAINING 1.69 ACRES, MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

3850 S. Pope Rd.

SECTION 3: Zoning. That the above described lands are better suited for R-SF than A-1 and RMF-6A 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.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Requested By: Alex Blass

Prepared By: Community Development Department

For consideration by: Community Environment & Welfare Committee