



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: PEGGY DAVID, CITY CLERK-TREASURER

DATE: March 26, 2019

The following committee meetings will be held on Tuesday, March 26, 2019 prior to the City Council Meeting:

6:00 p.m. - PUBLIC WORKS COMMITTEE: (Townzen, Brashear and Kendall) Committee Room #1

To Discuss: (a) Monthly Report from RWU

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

- To Discuss: (a) Request to Close Streets from Moonlight Events, LLC for the Moonlight Market on May 4, 2019
(b) Authorizing a Contract Amendment with Garver, LLC of North Little Rock, AR in the Amount of \$30,723.60
(c) Authorizing an Agreement to Grant an Easement to Carroll Electric Cooperative Corporation, Pursuant to and Authorized by A.C.A. 14-54-302
(d) Review of Bid Results for Pleasant Grove Road Phase 3A & 3B

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

To Discuss: (a) Amending the 2019 Budget to Appropriate General Fund Reserves in the Amount of \$9,600 to Acct. #100-09-70256



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ROGERS CITY COUNCIL

AGENDA

MARCH 26, 2019

6:30 P.M.

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: March 12, 2019

REPORTS OF BOARDS AND STANDING COMMITTEES:

- 1. RES. Re: Authorizing a Contract Amendment with Garver, LLC of North Little Rock, AR in the Amount of \$30,723.60 - Transportation Committee
- 2. RES. Re: Authorizing an Agreement to Grant an Easement to Carroll Electric Cooperative Corporation, Pursuant to and Authorized by A.C.A. 14-54-302 - Transportation Committee
- 3. RES. Re: Amending the 2019 Budget to Appropriate General Fund Reserves in the Amount of \$9,600 to Acct. #100-09-70256 - Finance Committee

OLD BUSINESS:

NEW BUSINESS:

- 1. RES. Re: A Resolution of Intent to Issue Industrial Development Revenue Bonds - Shep Russell

ROGERS CITY COUNCIL AGENDA

MARCH 26, 2019

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2. ORD. Re: Rezone from A-1 to RMF-19B, 13.19 Acres Located at S. 26th & W. Laurel Ave. (Shaver Revocable Trust & Hooten Special Needs Trust & Noland, Matthew Clay) - Ryan Gill
3. ORD. Re: Rezone from RSF to N-R, 1401 W. Pine Street, (Terra Firma Building Co.) - Bill Watkins
4. ORD. Re: Rezone from C-4 to I-1, 3005 W. Hudson Road, 2.71 ± acres on W. Hudson Road, East of Antique Market, West of Railroad Spur - Matt Ahart
5. ORD. Re: Rezone from A-1 to RSF, 40 Acres Located at the SE Corner of S. Concord Street and W. Laurel Ave. (Laurel & Concord, LLC) - Bill Watkins

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R-19_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT AMENDMENT WITH GARVER, LLC., OF NORTH LITTLE ROCK, ARKANSAS, IN THE AMOUNT OF THIRTY THOUSAND SEVEN HUNDRED TWENTY THREE DOLLARS AND SIXTY CENTS (\$30,723.60); AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Executive Airport previously received a grant from the Federal Aviation Administration to construct a Taxi-lane-Apron at the Rogers Executive Airport;

WHEREAS, Garver, LLC is the engineer of record for design and construction phase services for this project;

WHEREAS, construction has exceeded original contract time; and

WHEREAS, a contract amendment is necessary to reconcile the actual cost for construction phase services.

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 a contract amendment with Garver, LLC for construction phase services associated with the Taxi-lane-Apron project in the amount of Thirty Thousand Seven Hundred Twenty Three Dollars and Sixty Cents (\$30,723.60);

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 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.

PASSED this _____ day of _____, 2019.

APPROVED:

C, GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: David Krutsch, Rogers Executive Airport Manager
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration by the Transportation Committee

RESOLUTION NO. R-19-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT TO GRANT AN EASEMENT TO CARROLL ELECTRIC COOPERATIVE CORPORATION, PURSUANT TO AND AUTHORIZED BY A.C.A. 14-54-302, AND FOR OTHER PURPOSES.

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

Section 1: That the property interests described in the Easement Agreement, attached as Exhibit "A", are needed by Carroll Electric Cooperative Corporation in order to protect the health, safety, and welfare of the citizens of the City of Rogers;

Section 2: That pursuant to A.C.A. §14-54-302, the Mayor and City Clerk are hereby authorized to convey the same in accordance with the procedures set forth in said statute;

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 Provisions: 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 _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: John McCurdy, Director of Community Development
For Consideration by the Transportation Committee

RESOLUTION NO. R-19-_____

A RESOLUTION AMENDING THE 2019 BUDGET TO APPROPRIATE GENERAL FUND RESERVES IN THE AMOUNT OF NINE THOUSAND SIX HUNDRED DOLLARS (\$9,600.00) TO ACCOUNT NUMBER 100-09-70256 SOFTWARE LICENSING; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers reviewed the 2018 final budget for expenditures pending at year-end; and

WHEREAS, the Information Technology Department identified appropriations approved in 2018 where the payment of the expense will not occur until 2019.

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

Section 1: The **2019 Budget** is amended to appropriate nine thousand six hundred dollars (\$9,600) from General Fund Reserves into account number 100-09-70256 Software Licensing;

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 that are in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Casey Wilhelm, Director of Finance
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration by the Finance Committee

RESOLUTION NO. R-19-___

RESOLUTION OF INTENT TO ISSUE
INDUSTRIAL DEVELOPMENT REVENUE BONDS

WHEREAS, the City of Rogers, Arkansas (the "City") is authorized by the laws of the State of Arkansas, including particularly Title 14, Chapter 164, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Act"), to issue revenue bonds for financing the costs of acquiring, constructing and equipping industrial facilities; and

WHEREAS, it is proposed that the City issue its revenue bonds under the Act for the purpose of financing an industrial project to be located in the City (the "Project") for use by HCH Holdings, LLC, an Arkansas limited liability company (the "Company"), pursuant to a lease agreement to be entered into between the City, as lessor, and the Company, as lessee (the Lease Agreement"); and

WHEREAS, it is anticipated that the Project will be subleased by the Company to Transplace Texas LP, a Texas limited partnership (the "Sublessee"), for the entire term of the Lease Agreement pursuant to a sublease agreement to be entered into between the Company and the Sublessee; and

WHEREAS, the Project will generally consist of an (approximately) 148,200 SFT building to be built at the northeast corner of I-49 and Magnolia Farms Road, Rogers, Arkansas 72758, to be used for corporate and management offices for industry; and

WHEREAS, in order to secure and develop industry in furtherance of the public purpose of the Act, the City is willing to proceed with the issuance of the bonds as and when requested by the Company, subject to compliance with all conditions set forth in the Act;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rogers, Arkansas:

Section 1. The City hereby states its intention to assist in the accomplishment of the Project and at such time as it may be properly called upon to do so to issue its revenue bonds to finance the same, subject to the following:

- (a) It is estimated at this time that revenue bonds in the approximate principal amount of \$46,000,000 will be issued to finance the Project. However, the City's commitment is to issue revenue bonds under the Act in such amount for accomplishing all or any part of the Project, whether that amount is more or less than the above estimate.

(b) The bonds will be special obligations of the City, and in no event will they constitute an indebtedness for which the faith and credit of the City or any of its revenues are pledged.

(c) The City will not be called upon to pay any costs or expenses incurred in connection with the authorization and issuance of the bonds, and all such costs and expenses will be paid out of the proceeds of the bonds or by the Company.

Section 2. The City is informed and understands that the properties comprising the Project may be exempt from ad valorem taxes. In such case, the City desires to enter into an agreement with the Company for payments in lieu of taxes. The amount and other details concerning such payments will be embodied in an appropriate agreement which is mutually acceptable to the Company and the City.

Section 3. This Resolution shall be effective immediately upon its passage.

PASSED: _____, 2019.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

CERTIFICATE

The undersigned, City Clerk of the City of Rogers, Arkansas, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular session of the City Council of the City of Rogers, Arkansas, held at the regular meeting place of the City Council at ____:____ o'clock p.m., on the _____ day of _____, 2019. The Resolution appears in the official minutes of the meeting which are in my custody.

CERTIFIED this _____ day of _____, 2019.

City Clerk

(SEAL)

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO RMF-19, 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 RMF-19B than A-1 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 RMF-19B and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned RMF-19:
A part of Lot 5 per Lot Split for *At Home LLC* as recorded in Plat Book 2017, Page 308 in the Public Records of Benton County, Arkansas and being a part of the East Half of the Southeast Quarter of Section Twenty-seven (27), Township Nineteen (19) North, Range Thirty (30) West, Benton County, Arkansas described as follows:
Beginning at the Southeast Corner of Lot 5, being a point on the North Right-of-Way of South 26th Street;
Thence along said North Right-of-Way of South 26th Street North 78°53'50" West 516.96 feet;
Thence leaving said Right-of-Way North 02°21'51" East 949.46 feet to the South Right-of-Way of Laurel Ave.;
Thence along the South Right-of-Way of Laurel Ave. the following five courses; North 50°22'35" East 106.04 feet; thence along a curve to the right having a radius of 250.69 feet, an arc length of 114.27 feet, a chord bearing of North 63°26'05" East and a chord distance of 113.28 feet; thence North 76°44'57" East 144.73 feet; thence North 79°32'22" East 122.30 feet; thence along a curve to the right having a radius of 840.77 feet, an arc length of 75.59 feet, a chord bearing of North 82° 06'54" East and a chord distance of 75.56 feet;
Thence leaving said South Right-of-Way of Laurel Ave. South 02°21'51" West 1233.29 feet to the Point of Beginning, containing 574,548.81 square feet or 13.19 acres, subject to easements and Rights-of-Way of record.

LAYMAN'S DESCRIPTION: 13.19 acres located at S 26th St. and W Laurel Ave.

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 _____, 2019

ROGERS, ARKANSAS

APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-4 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-4 zoning.

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

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as C-4 and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned I-1:

SURVEY DESCRIPTION (PARCEL #02-02096-000):

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N02°16'24"E 40.00', THENCE S87°43'36"E282.00', THENCE N02°16'24"E 9.96' TO A POINT ON THE NORTH RIGHT-OF-WAY OF WEST HUDSON ROAD MARKING THE TRUE POINT OF BEGINNING AND RUNNING THENCE N02°16'24"E 408.04' TO THE SOUTH RIGHT-OF-WAY OF THE ARKANSAS & MISSOURI RAILROAD, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING: S48°01'38"E 234.72', ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1253.90' FOR A CHORD BEARING AND DISTANCE OF S54°21'17"E 337.04', S62°44'28"E 167.12' TO THE INTERSECTION OF SAID RAILROAD RIGHT-OF-WAY AND THE NORTH RIGHT-OF-WAY OF WEST HUDSON ROAD, THENCE ALONG SAID NORTH RIGHT-OF-WAY THE FOLLOWING: N87°27'27"W 187.76', S89°40'48"W 100.12', N87°27'27"W 325.77' TO THE POINT OF BEGINNING, CONTAINING 2.51 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LAYMAN'S DESCRIPTION: 2.71 acres, more or less, on W Hudson Road. East of the Antique Market, West of Railroad spur. 3005 W Hudson Road

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

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

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

Property to be zoned RSF:

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TWENTY-SIX (26),
TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTY (30) WEST, BENTON COUNTY, ARKANSAS

LAYMAN'S DESCRIPTION: A 40 acre tract, located at the southeast corner of intersection of West Laurel Avenue and Concord Street, Rogers, Arkansas.

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 _____, 2019.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR