



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)

TO: MAYOR  
CITY COUNCIL  
DEPARTMENT HEADS  
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: November 8, 2018

The following committee meetings will be held on **Tuesday, November 13, 2018** prior to the City Council Meeting:

**5:15 p.m. – COMMITTEE OF THE WHOLE** in the Council Chambers to Review Changes to the October 8, 2018 budget draft

**5:45 p.m. – PUBLIC WORKS COMMITTEE:** (Wright, Kendall and Townzen) **Committee Room #1**  
To Discuss: (a) A Resolution Authorizing and Approving a Lease Agreement for Use of Reclaimed Water Facilities with New Champions Golf & Country Club of Arkansas Limited Partnership

---

**5:45 p.m. - FINANCE COMMITTEE:** (Reithemeyer, Wolf, and Kendall) **Committee Room #2**  
To Discuss: (a) A Resolution Amending the 2018 Budget Recognizing Grant Revenue in the Amount of \$16,450 into Acct. #100-10-45600; Appropriating \$16,450 to Acct. #100-10-80122  
(b) A Resolution Amending the 2018 Budget to Provide for Additional Compensation to City Employees; Appropriating \$182,284 from General, Streets, and Airport Reserves to Various Accounts  
(c) A Resolution Authorizing a Contract with Blue Cross Blue Shield for Employee Health Insurance for 2019  
(d) An Ordinance Waiving Competitive Bidding for the Provision of Health Insurance Coverage for City of Rogers Employees for Calendar Year 2019

---

**6:00 p.m. – INTERNAL AFFAIRS COMMITTEE:** (Kendall, Wolf, and Reithemeyer) **Committee Room #2**  
To Discuss: (a) A Resolution Implementing a Merit Pay Program within the Compensation Policy of the City of Rogers; To Adopt a Uniform Compensation Policy for the Employees of the City of Rogers

---

**6:00 p.m. - TRANSPORTATION COMMITTEE:** (Kruger, Townzen and Carmichael) **Committee Room #2**

- To Discuss:
- (a) Street Closing Request from Sheep Dog Impact Assistance for the 11<sup>th</sup> Annual 5K Turkey Trot For Heroes on Thursday, November 22, 2018

---

  - (b) Street Closing Request from Rogers Public Education Foundation for the Rogers Public Education Foundation 5K on Saturday, December 8, 2018

---

  - (c) An Ordinance Providing for the Acquisition of Real Property and Any Interest in Any Real Property to Facilitate Street Improvements and Other Projects Pursuant to the 2018 City of Rogers Bond Issue

---

  - (d) An Ordinance Waiving Competitive Bidding for the Purchase of an ATMS Trafficware System for Use by the City of Rogers Street Department

---

  - (e) A Resolution Authorizing an Agreement with the Robert L. Brown Revocable Trust for the Purchase of Certain Real Property; Amending the 2018 Budget by Appropriating \$3,405,000 from Street Fund Reserves to Acct. #200-16-80100

---

  - (f) A Resolution Authorizing Agreements for Use and Occupation of Public Easements and Rights-of-Way

---

**6:15 p.m. – PUBLIC SAFETY COMMITTEE:** (Wolf, Kruger and Carmichael) **Committee Room #2**

- To Discuss:
- (a) An Ordinance Authorizing the Filing of a Clean-Up Lien for the Removal of Overgrown Weeds and Debris on Property Located within the City of Rogers, Benton Co, AR

---

**6:15 p.m. – RESOURCES AND POLICY COMMITTEE:** (Hayes, Reithemeyer and Wright) **Committee Room #2**

- To Discuss:
- (a) An Ordinance Repealing **ORD. #17-82**

---



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)

**ROGERS CITY COUNCIL**

**AGENDA**

**NOVEMBER 13, 2018**

**6:30 P.M.**

**PUBLIC HEARING:** Notice of Filing Clean-up Lien on Property Located at 4409 Meadow Oaks Drive, Benton County, Arkansas, Tax Parcel No. 02-20048-000

**PUBLIC FORUM:**

**INVOCATION & PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ACTION ON MINUTES:** October 23, 2018

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

1. ORD. Re: Providing for the Acquisition of Real Property and Any Interest in Any Real Property to Facilitate Street Improvements and Other Projects Pursuant to the 2018 City of Rogers Bond Issue - Transportation Committee
2. ORD. Re: Waiving Competitive Bidding for the Purchase of an ATMS Trafficware System for Use by the City of Rogers Street Department - Transportation Committee
3. RES. Re: Authorizing an Agreement with the Robert L. Brown Revocable Trust for the Purchase of Certain Real Property; Amending the 2018 Budget by Appropriating \$3,405,000 from Street Fund Reserves to Acct. #200-16-80100 - Transportation Committee

# ROGERS CITY COUNCIL AGENDA

NOVEMBER 13, 2018

## PAGE 2

4. RES. Re: Authorizing Agreements for Use and Occupation of Public Easements and Rights-of-Way - Transportation Committee
5. ORD. Re: Repealing **ORD. #17-82** - Resources and Policy Committee
6. RES. Re: Amending the 2018 Budget Recognizing Grant Revenue in the Amount of \$16,450 into Acct. #100-10-45600; Appropriating \$16,450 to Acct. #100-10-80122 - Finance Committee
7. RES. Re: Amending the 2018 Budget to Provide for Additional Compensation to City Employees; Appropriating \$182,284 from General, Streets, and Airport Reserves to Various Accounts - Finance Committee
8. RES. Re: Authorizing a Contract with Blue Cross Blue Shield for Employee Health Insurance for 2019 - Finance Committee
9. ORD. Re: Waiving Competitive Bidding for the Provision of Health Insurance Coverage for City of Rogers Employees for Calendar Year 2019 - Finance Committee
10. RES. Re: Authorizing and Approving a Lease Agreement for Use of Reclaimed Water Facilities with New Champions Golf & Country Club of Arkansas Limited Partnership - Public Works Committee
11. RES. Re: Authorizing the Filing of a Clean-Up Lien for the Removal of Overgrown Weeds and Debris on Property Located within the City of Rogers, Benton Co, AR - Public Safety Committee
12. RES. Re: Implementing a Merit Pay Program within the Compensation Policy of the City of Rogers; To Adopt a Uniform Compensation Policy for the Employees of the City of Rogers - Internal Affairs Committee

# **ROGERS CITY COUNCIL AGENDA**

**NOVEMBER 13, 2018**

**PAGE 3**

## **OLD BUSINESS:**

## **NEW BUSINESS:**

1. RES. Re: Fixing a Hearing Date for a Petition to Vacate a Portion of a Street - Watkins
2. ORD. Re: Rezone from A-1, R-O, C-2, and C-4 to RMF-21B, Accepting the Density Concept Plan, ±8 Acres on S. 28<sup>th</sup> Street, North of Southern Hills Boulevard (Great Southern Bank & Arnoldus) - Watkins
3. ORD. Re: Rezone from A-1 to U-COM, ±10 Acres at SW corner of Northgate Road and Champions Drive (Whitpin Properties, LLC) - Gill
4. ORD. Re: Rezone from C-2 to RMF-31B, Accepting the Density Concept Plan, ±4.24 Acres at the SW corner of Promenade Boulevard and Walnut Creek Parkway (EF Capital AR LLC) - Bachelor
5. ORD. Re: Rezone from A-1 to C-3, 1501 S. Rainbow Road (Rainbow Road Development, LLC) - Porter

## **APPOINTMENTS:**

## **ANNOUNCEMENTS:**

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

**AN ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY AND ANY INTEREST IN ANY REAL PROPERTY TO FACILITATE STREET IMPROVEMENTS AND OTHER PROJECTS PURSUANT TO THE 2018 CITY OF ROGERS BOND ISSUE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

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

Section 1: The City of Rogers Mayor and Community Development, Streets, Parks, Police, Fire, and Legal Departments, and any authorized agents thereof, are hereby authorized to take all necessary legal action in obtaining interests in real property in order to facilitate land acquisition for the purposes described in the 2018 Capital Improvement Bond Issue passed by the citizens of the City of Rogers;

Section 2: This authority shall include, but not be limited to purchasing, negotiation, bargaining, trading, and, if necessary, the institution of Eminent Domain Causes of Action necessary to accomplish improvements authorized by said Bond Issue;

Section 3 - Emergency Clause: The need to acquire necessary property 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 4 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of the Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Ordinances and Resolutions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this 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: City of Rogers Community Development, Streets, Parks, Police Fire, and Legal Departments  
Prepared by: Bonnie Bridges, Staff Attorney  
For Consideration by the Transportation Committee

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF AN ATMS TRAFFICWARE SYSTEM FOR USE BY THE CITY OF ROGERS STREET DEPARTMENT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers Street Department is in need of an ATMS Trafficware System for traffic control maintenance and has obtained an offer to purchase the system;

**WHEREAS**, Trafficware Engineered by Naztec is the only company that provides this device, that meets the technical advances for the future and ties into the City's current system; and

**WHEREAS**, the total cost of the purchase of two hundred eighty-six thousand four hundred nineteen dollars and seventy cents (\$286,419.70) was approved and budgeted in the City of Rogers 2018 Budget.

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

Section 1: 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 purchase of an ATMS Trafficware System for use by the City of Rogers Street Department;

Section 2: Emergency Clause - The need to acquire quality City of Rogers Street Department 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 3: Severability Provision - If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting 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: Frankie Guyll  
Prepared By: Bonnie Bridges, Staff Attorney  
For Consideration by the Transportation Committee

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

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE ROBERT L. BROWN REVOCABLE TRUST FOR THE PURCHASE OF CERTAIN REAL PROPERTY; AMENDING THE 2018 BUDGET BY APPROPRIATING THREE MILLION FOUR HUNDRED AND FIVE THOUSAND DOLLARS (\$3,405,000.00) FROM STREET FUND RESERVES TO ACCOUNT # 200-16-80100 CAPITAL EXPENDITURES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers Street Department needs to relocate facilities and this purchase will facilitate the relocation;

**WHEREAS**, the City of Rogers acknowledges that the current compensation estimate shows the value for this property is four million four hundred sixty eight thousand dollars (\$4,468,000.000); and

**WHEREAS**, this property value is significantly greater than the agreed upon price and the City of Rogers recognizes the contribution by the Robert L. Brown Revocable Trust in their support of the Street Department facility relocation.

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

Section 1: That the Mayor and City Clerk are hereby authorized to purchase, pursuant to Ark. Code. Ann. § 14-54-302, and in accordance with the procedures set forth in said statutes, real property which is needed to serve the needs of the City for a public or governmental purpose, described as follows:

Parcel No. 02-00786-000  
Also Known As: 1203 North 6<sup>th</sup> Street  
City of Rogers, Arkansas, Benton County

Section 2: Amending the 2018 Budget by appropriating three million four hundred and five thousand dollars (\$3,405,000.00) from Street Fund Reserves to Account # 200-16-80100 Capital Expenditures.

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.

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: C. Greg Hines, Mayor or Frankie Guyll, Street Superintendent

Prepared by: Bonnie Bridges, Staff Attorney

For Consideration by the Transportation Committee

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

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AGREEMENTS FOR THE USE AND OCCUPATION OF PUBLIC EASEMENTS AND RIGHTS-OF-WAY; AND FOR OTHER PURPOSES**

**WHEREAS**, the City has been requested by non-regulated broadband network providers to provide for use of the public easements and rights-of-way to construct and maintain fiber optic networks; and

**WHEREAS**, it is in the best interest of the citizens of the City of Rogers to enter into agreements to provide for the public peace, health, safety, welfare, and to help facilitate growth and development.

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

Section 1: That the Mayor and City Clerk are authorized to enter into agreements for the use of public easements and rights-of-way. The agreements shall be in a form to be approved by the Mayor and City Clerk, their approval is to be evidenced by their signatures;

Section 2: That the City of Rogers shall comply with the applicable laws regarding regulations and fees for use of public easements and rights-of-way;

Section 3: That any fees collected pursuant to such agreements shall be received into Revenue Account # 100-01-42140 Right of Way/Easement Fee;

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

Section 5: Repeal of Conflicting Resolutions - All resolutions 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: John McCurdy, Director, Department of Community Development  
Prepared by: Bonnie Bridges, Staff Attorney  
For Consideration by the Transportation Committee

**AN ORDINANCE REPEALING ORDINANCE #17-82; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, on December 12, 2017 the Rogers City Council passed Ordinance No. 17-82, prohibiting a person from approaching an occupied vehicle if the vehicle is in operation and on a public street;

**WHEREAS**, pursuant to *Dilbeck et. al. v. Clark, et. al.*, the Ordinance has been found to be an unconstitutional restriction of First and Fourteenth Amendment rights; and

**WHEREAS**, the City of Rogers has found it necessary to repeal said Ordinance to uphold the constitutional rights of its citizens, tourists, and visitors.

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

Section 1: The City of Rogers has determined that it would be in the best interest of the City to repeal the Ordinance establishing the prohibition of approaching an occupied vehicle on a public street. Therefore, ORD #17-82 is hereby repealed;

Section 2: Emergency Clause - That the need to repeal said Ordinance is urgent, therefore, an emergency is declared to exist and this ordinance shall become effective on its date of passage and publication;

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 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.

APPROVED:

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

Attest:

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

Requested by: C. Greg Hines, Mayor  
Prepared by: Bonnie Bridges, Staff Attorney  
For Consideration by Resources and Policy Committee

**A RESOLUTION TO AMEND THE 2018 BUDGET RECOGNIZING GRANT REVENUE IN THE AMOUNT OF SIXTEEN THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$16,450.00) IN ACCOUNT NUMBER 100-10-45600 GRANTS AND DONATIONS; APPROPRIATING SIXTEEN THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$16,450.00) TO MUSEUM EXPANSION ACCOUNT NUMBER 100-10-80122; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Rogers Historical Museum has been awarded a six thousand four hundred fifty dollars (\$6,450.00) Tree Planting Grant by the Walton Family Foundation for support of Rogers Historical Museum's historic apple orchard project; and

**WHEREAS**, the Rogers Historical Museum has been awarded a ten thousand dollars (\$10,000.00) grant from Arvest Foundation for support of expansion and development of new exhibits.

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

Section 1: Amending the 2018 Budget to recognize Walton Family Foundation grant funds in the amount of six thousand four hundred fifty dollars (\$6,450.00) in Revenue Account Number 100-10-45600, Grants and Donations;

Section 2: Amending the 2018 Budget to recognize Arvest Foundation grant funds in the amount of ten thousand dollars (\$10,000.00) in Revenue Account Number 100-10-45600 Grants and Donations;

Section 3: Amending the 2018 Budget, appropriating sixteen thousand four hundred fifty dollars (\$16,450.00) to the Museum Expansion Account Number 100-10-80122.

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.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

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

Attest:

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

Requested By: John Burroughs, Director, Rogers Historical Museum

Prepared By: Bonnie Bridges, Staff Attorney

For Consideration by the Finance Committee

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

**A RESOLUTION AMENDING THE CITY OF ROGERS 2018 BUDGET  
TO PROVIDE FOR ADDITIONAL COMPENSATION TO CITY EMPLOYEES;  
APPROPRIATING THE SUM OF \$182,284 FROM GENERAL, STREET, AND  
AIRPORT RESERVES TO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Mayor and City Council appreciate the hard work and dedication of each employee of the City of Rogers as this commitment has contributed greatly to the continued economic and social advancement of the City and its citizens; and

**WHEREAS**, it is in the best interest of the City of Rogers to reward that hard work and dedication, and encourage its continuance.

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

Section 1: The Mayor may make a one-time gross payment of three hundred dollars (\$300.00) to each city employee who was employed with the City of Rogers on November 18, 2018;

Section 2: One hundred eighty two thousand, two hundred eighty four dollars (\$184,284) is appropriated from General Reserves, Street Reserves, and Airport Fund Reserves to the following accounts in the following amounts to make the payments authorized by this Resolution:

General Fund Reserves in the amount of \$170,847.00 to Salaries and Wages, FICA Expense, Retirement APERS, and Retirement LOPFI;

Street Fund Reserves in the amount of \$9,961.00 to Salaries and Wages, FICA Expense, and Retirement APERS; and

Airport Fund Reserves in the amount of \$1,476.00 to Salaries and Wages, FICA Expense, and Retirement APERS;

Section 3: The amounts designated to the accounts in Section 2 of this Resolution are further approved to be appropriated as detailed in the description of accounts attached as Exhibit "A" to this Resolution;

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

Section 5: Repeal of Conflicting Resolutions - All resolutions 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.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**APPROVED:**

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

Attest:

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

Requested By: C. Greg Hines, Mayor  
Prepared By: Bonnie Bridges, Staff Attorney  
For Consideration by the Finance Committee

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BLUE CROSS BLUE SHIELD FOR EMPLOYEE HEALTH INSURANCE FOR 2019; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers provides health insurance coverage to city employees and will do so in 2019; and

**WHEREAS**, the City of Rogers City Council has previously waived competitive bidding for the contract with Blue Cross Blue Shield to provide that health insurance coverage, because Blue Cross Blue Shield has a quality professional reputation, provides a low cost to employees, has technological advantages over its competitor, and there is a limited field of competitors from which to choose.

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

Section 1: The Mayor may enter into a contract with Blue Cross Blue Shield for employee health insurance for the 2019 calendar year.

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.

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.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

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

Attest:

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

Requested By: Thomas Dunlap, Director of Human Resources  
Prepared By: Bonnie Bridges, Staff Attorney  
For Consideration by the Finance Committee

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PROVISION OF HEALTH INSURANCE COVERAGE FOR CITY OF ROGERS EMPLOYEES FOR CALENDAR YEAR 2019; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers provides health insurance coverage to city employees and will do so in 2019; and

**WHEREAS**, the City of Rogers City Council has previously waived competitive bidding for the contract with Blue Cross Blue Shield to provide that health insurance coverage, because Blue Cross Blue Shield has a quality professional reputation, provides a low cost to employees, has technological advantages over its competitor, and there is a limited field of competitors from which to choose;

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

Section 1: Pursuant to A.C.A §14-58-303(b)(2)(b), the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding;

Section 2: Emergency Clause - The need to contract for Health Insurance 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 3: Severability Provision - If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting 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: Thomas Dunlap, Director of Human Resources  
Prepared By: Bonnie Bridges, Staff Attorney  
For Consideration by the Finance Committee



**A RESOLUTION AUTHORIZING AND APPROVING A LEASE AGREEMENT FOR USE OF RECLAIMED WATER FACILITIES WITH NEW CHAMPIONS GOLF & COUNTRY CLUB OF ARKANSAS LIMITED PARTNERSHIP; AND FOR OTHER PURPOSES**

**Recitals**

Whereas, on October 15, 2018, the Rogers Waterworks and Sewer Commission passed its Resolution No. 18-13 whereby it, *inter-alia*, authorized and approved the Commission and the Rogers Water Utilities entering into a Lease Agreement for Use of Reclaimed Water Facilities with New Champions Golf & Country Club of Arkansas Limited Partnership doing business under the registered fictitious name of “Pinnacle Country Club,” and whereby it recommended that the City of Rogers also enter into the Lease Agreement; and

Whereas, having duly considered the matter, the City Council believes that entering into the Lease Agreement is in the best interest of the City of Rogers.

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

Section 1. The Rogers City Council hereby authorizes and approves the City of Rogers entering into a Lease Agreement for Use of Reclaimed Water Facilities with New Champions Golf & Country Club of Arkansas Limited Partnership doing business under the registered fictitious name of “Pinnacle Country Club,” the form and content of the Lease Agreement to be substantially as that of the Lease Agreement attached hereto as Exhibit “A.” The Mayor of the City of Rogers, the City-Clerk Treasurer, and any other necessary City officials are authorized to execute the Lease Agreement on behalf of the City and are authorized to approve the final form and content of the Lease Agreement, their approval to be evidenced by their signatures thereon.

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.

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 13th day of November 2018.

APPROVED:

---

C. GREG HINES,  
Mayor

Attest:

---

PEGGY DAVID, City Clerk-Treasurer

Requested by: Rogers Waterworks and Sewer Commission and Rogers Water Utilities

Prepared by: Robert A. Frazier, Counsel for Rogers Waterworks and Sewer Commission and  
Rogers Water Utilities

For Consideration by the Public Work Committee

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

**AN ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN WEEDS AND DEBRIS ON PROPERTY 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 follows:

**PROPERTY OWNER:** CW Homes, Inc.

**LEGAL DESCRIPTION:** Lot 5, Cross Timbers-South, Rogers, Benton County, Arkansas, as shown on plat record "2004" at pages 464 and 465.

**LAYMAN'S DESCRIPTION:** 4409 Meadow Oaks Drive, Rogers, Benton County, Arkansas, 72758

**PARCEL NO.:** 02-20048-000

**WHEREAS**, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the unsightly and unsanitary conditions on the property described above, and instructed to clean the property in accordance with Section 18-94 of the City of Rogers Code of Ordinances;

**WHEREAS**, the property owner of record did not abate the situation on this property, and as a result, the City of Rogers was required to abate the conditions on this property and incurred cost as follows, and as shown in the attached Exhibits (as shown in Exhibit A):

**\$ 200.00 mobilization fee**

**\$ 219.00 clean-up costs**

**\$ 23.01 certified mail fee**

**\$ 15.00 filing fee costs**

**TOTAL: \$ 457.01**

**WHEREAS**, the property owner has 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 the property.

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

Section 1: Pursuant to Ark. Code Ann. §14-54-904, the City Council of the City of Rogers, Arkansas certifies that the following real property is subject to a valid municipal clean-up lien which shall be placed on the tax books of the Benton County Tax Collector as delinquent taxes and collected accordingly:

\$ **457.01**, plus 10% for collection - 4409 Meadow Oaks Drive, Rogers,  
Benton County, Arkansas, 72758, Parcel 02-20048-000

Section 2: Emergency Clause - The need to clean up the property 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 3: Severability Provision - If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting 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: Lt. Scott Clifton, Code Enforcement  
Prepared by: Bonnie Bridges, Staff Attorney  
For Consideration by the Public Safety Committee

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

**A RESOLUTION TO IMPLEMENT A MERIT PAY PROGRAM WITHIN THE COMPENSATION POLICY OF THE CITY OF ROGERS; TO ADOPT A UNIFORM COMPENSATION POLICY FOR THE EMPLOYEES OF THE CITY OF ROGERS; AND FOR OTHER PURPOSES.**

**WHEREAS**, City of Rogers employees benefit from fair and equitable compensation practices and salary ranges that are competitive with private industry and fluctuate with local compensation trends;

**WHEREAS**, the City of Rogers seeks compliance with all federal and state laws and regulations concerning remuneration of employees; and

**WHEREAS**, consistent compensation practices aid in the efficient management of City government;

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

Section 1: That the “Compensation Administration Policy” with revisions and other technical corrections attached as Exhibit A is hereby adopted;

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: Thomas Dunlap, Director of Human Resources

Prepared By: Bonnie Bridges, Staff Attorney

For Consideration by the Internal Affairs Committee

BEFORE THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS

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

**A RESOLUTION FIXING A HEARING DATE FOR A PETITION TO VACATE  
A PORTION OF A STREET**

WHEREFORE, Pursuant to Rogers City Code §14-523, a petition was duly filed with the City of Rogers, Arkansas, on the 6th day of November, 2018, asking the City Council to vacate and abandon a portion of a certain platted but non-existent street as shown on the plat of Glen Vista subdivision of the City of Rogers, Arkansas, described as follows:

All of a platted but non-existent portion of Glen Vista Court, including a cul-de-sac, running Southwest to Northeast along and between Lots 6, 7 and 8, Glen Vista Subdivision

NOW, THEREFORE, be it resolved by the City Council for the City of Rogers, Arkansas:

SECTION I: Said petition shall be heard at a public hearing in the Council Room of the City of Rogers on the 8th day of January, 2019, at 6:30 p.m.

SECTION II: The City Clerk is directed to give notice of such meeting by publication once a week for two consecutive weeks in the NW Arkansas Democrat Gazette. Said notice shall conform to the statutory requirements of Arkansas Code Annotated §14-301-302.

**SECTION III: 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.

**SECTION IV: 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 the \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

\_\_\_\_\_  
GREG HINES, MAYOR

ATTEST:

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

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

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM A MIX OF A-1, R-O, C-2 AND C-4 TO RMF-21B, 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 November 6, 2018, the City Council has found that certain lands hereinafter described are better suited for RMF-21B zoning.

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

SECTION 1: That Rogers Code Section 14-675 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-21B, and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, SHOWN AS TRACT "A" IN PLAT RECORD BOOK 2015 AT PAGE 724, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: A PART OF THE NE1/4 OF THE SW1/4 OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N 86°58'59" W 1,324.71 FEET AND N 87°04'23" W 58.71 FEET FROM THE SOUTHEAST CORNER OF THE NW1/4 OF THE SE1/4 OF SAID SECTION 27 AND RUNNING THENCE N 87°04'23" W 733.20 FEET, THENCE N 03°12'50" E 652.91 FEET TO AN EXISTING REBAR, THENCE S 87°10'19" E 733.19 FEET, THENCE S 03°12'50" W 654.17 FEET TO THE POINT OF BEGINNING, CONTAINING 11.00 ACRES, MORE OR LESS. SUBJECT TO A 50 FOOT TRANSMISSION EASEMENT AND A MULTI-USE TRAIL EASEMENT ON THE WEST SIDE OF HEREIN DESCRIBED TRACT.

And

PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 27, RUN SOUTH 00°30'22" WEST 666.80 FEET TO A POINT; THENCE NORTH 89°33'34" WEST 558.74 FEET TO A FOUND IRON PIN

ON THE EASTERLY RIGHT OF US HIGHWAY 71 BYPASS; THENCE NORTH 89\*04'16" WEST 354.85 FEET TO A FOUND IRON PIN ON THE WESTERLY RIGHT-OF-WAY OF US HIGHWAY 71 BYPASS, THE POINT OF BEGINNING; THENCE NORTH 89\*22'46" WEST 1190.53 FEET TO A FOUND IRON PIN; THENCE NORTH 00\*01'38" WEST 296.82 FEET ALONG THE EAST LINE OF PLEASANT ACRES SUBDIVISION, PHASE 2 TO A SET IRON PIN; THENCE SOUTH 89\*22'46" EAST 1006.35 FEET TO A SET IRON PIN ON THE WESTERLY RIGHT-OF-WAY OF US HIGHWAY 71 BYPASS; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 33\*01'53" EAST 120.14 FEET TO A FOUND RIGHT-OF-WAY MONUMENT, THENCE SOUTH 30\*57'22" EAST 230.99 FEET TO THE POINT OF BEGINNING, CONTAINING 7.50 ACRES, MORE OR LESS. SURVEY 7/08/11 2011-290

**LAYMAN'S DESCRIPTION:** 19.03 acres, more or less, West of I-49 and North of West Pleasant Grove Road.

**SECTION 3: Zoning.** That the above described lands are better suited for RMF-21B than a mix of A-1, R-O, C-2, and C-4 zoning and same should be and are hereby zoned RMF-21B.

**SECTION 4: Density Concept Plan.** That the Density Concept Plan entered into by and between Bryan properties Management Company and the City of Rogers, as approved by the Rogers Planning Commission on November 6<sup>th</sup>, 2018, 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 \_\_\_\_\_, 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 U-COM, 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 U-COM 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 U-COM and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned U-COM:  
PART OF TRACT 1 OF PLAT RECORD 2003—989, AND BEING PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 20, TOWNSHIP 19 NORTH, RANGE 30 WEST, IN BENTON COUNTY ARKANSAS AND BEING MORE PARTICULARLY DESCRBED AS FOLLOWS:  
COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 20; THENCE N 87°28'26" W A DISTANCE OF 297.76 FEET TO THE POINT OF BEGINNING;  
THENCE N 87°28'26" W ALONG THE SOUTH LINE OF SAID TRACT 1 A DISTANCE OF 238.70 FEET;  
THENCE N 0°02'59" W A DISTANCE OF 914.25 FEET TO THE PROPOSED SOUTH RIGHT OF WAY OF NORTHGATE ROAD: THENCE ALONG SAID PROPOSED SOUTH RIGHT OF WAY S 88°16'52" E A DISTANCE OF 577.99 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE S 02°32'57" W A DISTANCE OF 485.74 FEET THENCE N 87°29'49" W A DISTANCE OF 40.61 FEET; THENCE S 02°30'20" W A DISTANCE OF 225.68 FEET; THENCE N 87°28'51" W A DISTANCE OF 257.50 FEET; THENCE S 02°30'20" W A DISTANCE OF 210.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING 10.09 ACRES MORE OR LESS. SUBJECT TO THE EASEMENTS AS SHOWN ON PLAT AND ANY EASEMENTS OF RECORD OR FACTS.

**LAYMAN'S DESCRIPTION:** 10.09 acres located south of Northgate Rd. and west of S. Pinnacle Hills Pkwy.

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 C-2 TO RMF-31B, 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 November 6, 2018 the City Council has found that certain lands hereinafter described are better suited for RMF-31B 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-31B and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

Parcel #02-22432-000

Part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4), Section 9, Township 19 North, Range 30 West, Rogers, Benton County, Arkansas and being more particularly described as follows:

Lot 4, Walnut Creek, Rogers, Benton County, Arkansas as shown on Plat Record 2008 at Page 330.

**LAYMAN'S DESCRIPTION:** Southwest corner of S. Promenade Blvd & W. Walnut Creek Parkway Rogers, AR

SECTION 3: Zoning. That the above described lands are better suited for RMF-31B than a C-2 zoning and same should be and are hereby zoned RMF-31B.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between TLC Properties and the City of Rogers, as approved by the Rogers Planning Commission on November 6, 2018, 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 \_\_\_\_\_, 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 C-3, 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 C-3 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 A-1 and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned C-3:

**Part of the SW 1/4 of the SW 1/4 of Section 8, Township 19 North, Range 30 West, Benton County, Arkansas, and being more particularly described as: Commencing at the SW corner of the SW 1/4 of said Section 8, thence along the West line of said SW 1/4, N 00°31'05" W 827.61 feet; thence leaving said West line, N 89°40'53" E 30.00 feet to the point of beginning; thence N 00°31'05" W 501.87 feet; thence N 89°40'53" E 1157.61 feet; thence S 00°49'34" E 501.88 feet; thence S 89°40'53" W 1161.31 feet to the point of beginning, containing 581,636.80 square feet or 13.35 acres, more or less, and subject to all rights of way, easements and restrictive covenants of record or fact.**

**LAYMAN'S DESCRIPTION: 1501 S. Rainbow Rd, Rogers AR 72758**

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