



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: July 14, 2020

The following committee meetings will be held on **Tuesday, July 14, 2020** prior to the City Council Meeting:

05:45 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

<https://us02web.zoom.us/j/89800679809> OR (312) 626-6799 ID 898 0067 9809

- To Discuss:
- (a) A Resolution Authorizing The Mayor And City Clerk To Accept A 2020 Covid-19 Community Development Block Grant In The Amount Of \$270,024.00; Amending The 2020 Budget To Recognize Revenue In That Amount Into Account #342-42-45801 Program Funding; Appropriating The Same To Expense Account #342-42-70294 Public Service Projects
 - (b) A Resolution Authorizing The Mayor And City Clerk To Accept A 2020 Community Development Block Grant In The Sum Amount Of \$459,015.00 Account #342-42-45800 Program Funding; Appropriating The Grant Revenue To Various Expenditure Accounts Amending The 2020 Budget To Recognize Revenue In That Amount Into
 - (c) A Resolution Creating The Position Of Application Specialist For Various City Departments; Amending The 2020 Budget To Appropriate \$34,521.00 From General Fund Reserves To The Below Listed Accounts In Order To Fund New Position
 - (d) An Ordinance Waiving Competitive Bidding For The Purchase Of Phonesoap Med Pro Units And Associated Equipment And Warranties From Phonesoap, Llc Of Provo, Utah; Allowing The Mayor And City Clerk To Enter Into A Contract For Said Purchase

05:45 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Carmichael*, Townzen,

Hayes) <https://us02web.zoom.us/j/87110969206> OR (312) 626-6799 ID 871 1096 9206

- To Discuss:
- (a) An Ordinance Amending Various Sections Of Chapter 14 Of The City Of Rogers Code Of Ordinances
 - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From N-R To NBT (Fry)
 - (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-15B With PUD To R-SF (Lisa Academy)
 - (d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To R-SF (NGN Properties)
 - (e) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning

Certain Lands From R-DP And C-2 To RMF-12A, Accepting The Density Concept Plan (West Valley Townhomes)

06:10 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Carmichael)

<https://us02web.zoom.us/j/87110969206> OR (312) 626-6799 ID 871 1096 9206

To Discuss:

- (a) An Ordinance Removing A Section Of Chapter 20 Of The City Of Rogers' Code Of Ordinances Regarding Open Burning

- (b) An Ordinance Waiving Competitive Bidding For The Purchase Of A Portable Training System From Ultimate Training Munitions Of North Branch, New Jersey; Allowing The Mayor And City Clerk To Enter Into A Contract For Said Purchase

- (c) An Ordinance Waiving Competitive Bidding For The Purchase Of Tasers And Associated Equipment And Warranties From Axon Enterprise, Inc. Of Scottsdale, Arizona; Allowing The Mayor And City Clerk To Enter Into A Contract For Said Purchase



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ROGERS CITY COUNCIL
AGENDA

JULY 14, 2020
6:30 PM

<https://us02web.zoom.us/j/84739537898> OR (312) 626-6799 ID: 847 3953 7898

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

- 1. June 23, 2020

REPORTS OF BOARDS AND STANDING COMMITTEES:

- 1. RES. Re: Authorizing The Mayor And City Clerk To Accept A 2020 Covid-19 Community Development Block Grant In The Amount Of Two Hundred Seventy Thousand Twenty-Four Dollars \$270,024.00; Amending The 2020 Budget To Recognize Revenue In That Amount Into Account #342-42-45801 Program Funding; Appropriating The Same To Expense Account #342-42-70294 Public Service Projects Finance Committee
- 2. RES. Re: Authorizing The Mayor And City Clerk To Accept A 2020 Community Development Block Grant In The Sum Amount Of \$459,015.00 Account #342-42-45800 Program Funding; Appropriating The Grant Revenue To Various Expenditure Accounts Amending The 2020 Budget To Recognize Revenue In That Amount Into Finance Committee

- | | | | |
|-----|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| 3. | RES. Re: | Creating The Position Of Application Specialist For Various City Departments; Amending The 2020 Budget To Appropriate \$34,521.00 From General Fund Reserves To The Below Listed Accounts In Order To Fund New Position | Finance Committee |
| 4. | ORD. Re: | Waiving Competitive Bidding For The Purchase Of Phonesoap Med Pro Units And Associated Equipment And Warranties From Phonesoap, Llc Of Provo, Utah; Allowing The Mayor And City Clerk To Enter Into A Contract For Said Purchase | Finance Committee |
| 5. | ORD. Re: | Amending Various Sections Of Chapter 14 Of The City Of Rogers Code Of Ordinances | Community
Environment &
Welfare Committee |
| 6. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From N-R To NBT (Fry) | Community
Environment &
Welfare Committee |
| 7. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-15B With PUD To R-SF (Lisa Academy) | Community
Environment &
Welfare Committee |
| 8. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To R-SF (NGN Properties) | Community
Environment &
Welfare Committee |
| 9. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP And C-2 To RMF-12A, Accepting The Density Concept Plan (West Valley Townhomes) | Community
Environment &
Welfare Committee |
| 10. | ORD. Re: | Removing A Section Of Chapter 20 Of The City Of Rogers' Code Of Ordinances Regarding Open Burning | Public Safety
Committee |
| 11. | ORD. Re: | Waiving Competitive Bidding For The Purchase Of A Portable Training System From Ultimate Training | Public Safety
Committee |

Munitions Of North Branch, New Jersey; Allowing The Mayor And City Clerk To Enter Into A Contract For Said Purchase

12. ORD. Re: Waiving Competitive Bidding For The Purchase Of Tasers And Associated Equipment And Warranties From Axon Enterprise, Inc. Of Scottsdale, Arizona; Allowing The Mayor And City Clerk To Enter Into A Contract For Said Purchase

Public Safety
Committee

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

Public Arts Commissioner Elecia Smith; term ending July 7, 2023

Public Arts Commissioner Magdalena Arroyo; term ending July 7, 2023

ANNOUNCEMENTS:

RESOLUTION NO. R20_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT A 2020 COVID-19 COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF TWO HUNDRED SEVENTY THOUSAND TWENTY-FOUR DOLLARS (\$270,024.00); AMENDING THE 2020 BUDGET TO RECOGNIZE REVENUE IN THAT AMOUNT INTO ACCOUNT #342-42-45801 PROGRAM FUNDING; APPROPRIATING THE SAME TO EXPENSE ACCOUNT #342-42-70294 PUBLIC SERVICE PROJECTS; AND FOR OTHER PURPOSES

WHEREAS, the City has received federal funding to its Community Development Block Grant through the CARES Act legislation and needs to appropriate that money to the appropriate accounts.

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

Section 1: That the Mayor and City Clerk are hereby authorized to accept a 2020 COVID-19 Community Development Block Grant from the U. S. Department of Housing and Urban Development in the amount of two hundred seventy thousand twenty- four dollars (\$270,024.00);

Section 2: The 2020 Budget is hereby amended to recognize grant funds in the amount of two hundred seventy thousand twenty-four dollars (\$270,024.00) into Account #342-42-45801 Program Funding;

Section 3: The 2020 Budget is further amended to appropriate said two hundred seventy thousand twenty-four dollars (\$270,024.00) into Account #342-42-70294 Public Service Projects;

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

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

RESOLVED this _____ day of _____, 2020.

C. GREG HINES, Mayor

ATTEST:

JESSICA RUSH, City Clerk

Requested by: Donna Johnston, CDBG Administrator
Prepared by: John M. Pesek, Staff Attorney
For Consideration by: Finance Committee

RESOLUTION NO. R20_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO ACCEPT A 2020 COMMUNITY DEVELOPMENT BLOCK GRANT
IN THE SUM AMOUNT OF FOUR HUNDRED FIFTY-NINE THOUSAND FIFTEEN DOLLARS
(\$459,015.00); AMENDING THE 2020 BUDGET TO RECOGNIZE REVENUE IN THAT AMOUNT
INTO ACCOUNT #342-42-45800 PROGRAM FUNDING; APPROPRIATING THE GRANT REVENUE
TO VARIOUS EXPENDITURE ACCOUNTS; AND FOR OTHER PURPOSES**

WHEREAS, the City has received federal funding to its Community Development Block Grant through the CARES Act legislation and needs to appropriate that money to the appropriate accounts.

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

Section 1: That the Mayor and City Clerk are hereby authorized to accept a 2020 Community Development Block Grant from the U. S. Department of Housing and Urban Development in the sum amount of four hundred fifty-nine thousand fifteen dollars (\$459,015.00);

Section 2: The 2020 Budget is hereby amended to recognize grant funds in the sum amount of four hundred fifty-nine thousand fifteen dollars (\$459,015.00) into Account #341-42-45800 Program Funding;

Section 3: The 2020 Budget is further amended to appropriate seventy-eight thousand five hundred fifty-six dollars (\$78,556.00) into Account #342-42-61135 Salaries, from said four hundred fifty-nine thousand fifteen dollars (\$459,015.00);

Section 4: The 2020 Budget is further amended to appropriate fifty-six thousand five hundred fifty dollars (\$56,550.00) into Account #342-42-70296 Public Service Projects, from said four hundred fifty-nine thousand fifteen dollars (\$459,015.00);

Section 5: The 2020 Budget is further amended to appropriate two hundred eleven thousand nine hundred nine dollars (\$211,909.00) into Account #342-42-70970 Housing Project, from said four hundred fifty-nine thousand fifteen dollars (\$459,015.00);

Section 6: The 2020 Budget is further amended to appropriate one hundred twelve thousand dollars (\$112,000.00) into Account #342-42-79010 Public Construction Projects, from said four hundred fifty-nine thousand fifteen dollars (\$459,015.00);

Section 7: 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 8: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2020.

C. GREG HINES, Mayor

ATTEST:

JESSICA RUSH, City Clerk

Requested by: Donna Johnston, CDBG Administrator
Prepared by: John M. Pesek, Staff Attorney
For Consideration by: Finance Committee

RESOLUTION NO. R20-_____

A RESOLUTION CREATING THE POSITION OF APPLICATION SPECIALIST FOR VARIOUS CITY DEPARTMENTS; AMENDING THE 2020 BUDGET TO APPROPRIATE THIRTY-FOUR THOUSAND FIVE HUNDRED TWENTY-ONE DOLLARS (\$34,521.00) FROM GENERAL FUND RESERVES TO THE BELOW LISTED ACCOUNTS IN ORDER TO FUND NEW POSITION; AND FOR OTHER PURPOSES.

WHEREAS, various Departments in the City of Rogers have a need for the position of Application Specialist in order to assist with technological needs related to implementation and use of software systems.

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

Section 1: The position of Application Specialist is created to assist various City Departments with technology implementation and software system needs;

Section 2: The 2020 Budget is amended to appropriate the sum thirty-four thousand five hundred twenty-one dollars (\$34,521.00) from General Fund Reserves to the following accounts to fund the newly created position:

100-01-60105 – Salaries and Wages	\$ 28,072.00
100-01-61150 – FICA	\$ 2,148.00
100-01-61155 – Retirement Expense-APERS	\$ 4,301.00
Grand Total:	\$ 34,521.00

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 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: Casey Wilhelm, Director of Finance
Prepared by: John M. Pesek, Staff Attorney
Reviewed by: John M. Pesek, Staff Attorney
For Consideration by: Finance Committee

ORDINANCE NO. 20-_____

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF PHONESOAP MED PRO UNITS AND ASSOCIATED EQUIPMENT AND WARRANTIES FROM PHONESOAP, LLC OF PROVO, UTAH; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR SAID PURCHASE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to purchase twenty-five (25) PhoneSoap Med Pro units and associated equipment and warranties for use at all City facilities;

WHEREAS, the purchase of these PhoneSoap Med Pro units and associated equipment and warranties are for the use of cleaning City employee’s cellphones, tablets, and other associated technology equipment;

WHEREAS, PhoneSoap, LLC of Provo, Utah is the only manufacturer that provides this type of UV disinfectant unit that sanitizes large technology devices at a consistent 360 degrees, ensuring all external surfaces are receiving the UV disinfection for the shared use of devices that will be disinfected; and

WHEREAS, PhoneSoap, LLC of Provo, Utah is further the only manufacturer that provides medical grade UV disinfection as a touchless device.

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

Section 1: That the Mayor and City Clerk are authorized to enter into a contract with PhoneSoap, LLC of Provo, Utah in the amount of fifty-five thousand two hundred forty-five dollars and twenty-one cents (\$55,245.21), for the purchase of twenty-five (25) PhoneSoap Med Pro units and associated equipment and warranties;

Section 2: 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 PhoneSoap Med Pro units for use by City of Rogers employees;

Section 3: Emergency Clause: The need to acquire PhoneSoap Med Pro units and associated equipment and warranties for the City of Rogers employees 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 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**.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: C. Greg Hines, Mayor – City of Rogers

Prepared by: John M. Pesek, Staff Attorney

For Consideration By: Finance Committee

ORDINANCE NO. 20-_____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 14 OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers’ City Council finds it to be in the best interest of the City to update the provisions governing preliminary grading permits as found in Chapter 14 of its Code of Ordinances.

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

Section 1: Chapter 14, Section 14-1, of the Code of Ordinances, City of Rogers, Arkansas, is amended to read as shown in the attached Exhibit “A”;

Section 2: Chapter 14, Section 14-796, subsection (d)(7) of the Code of Ordinances, City of Rogers, Arkansas, is amended to read as shown in the attached Exhibit “A”;

Section 3: Chapter 14, Section 14-796, subsection (o)(1-4) of the Code of Ordinances, City of Rogers, Arkansas, is added and should read as shown in the attached Exhibit “A”;

Section 4: 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 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: John McCurdy, Director - Community Development
Prepared By: John M. Pesek, Staff Attorney
For Consideration By: Community Environment & Welfare Committee

EXHIBIT "A"

Sec. 14-1 Definitions

"Completion of Construction" means any Construction Site with a Grading Permit in which

- (1) Development and grading within the disturbed area is complete or approved by the City Engineer to submit a Performance Bond, and matches plans as approved by the Planning Commission;
- (2) The disturbed soil area is observed to have 80% grass coverage and 100% stability;
- (3) No slopes steeper than a 3:1 pitch unless otherwise approved in writing by the City Engineer;
- (4) Notice of Violations issued have all corrective actions approved with an inspection report signed by the City Engineer; and
- (5) All heavy equipment, stockpiles, and construction site materials have been removed from the Construction Site.

Sec. 14-796 - Grading permit and tree preservation.

(d) Grading permit required

- (7) Approval may be obtained by public or private entities for the stockpiling of construction spoil material at particular locations for a limited time period, not to exceed six months. An additional six month extension may be granted by written approval of the City Engineer. Grading and replanting of grassed areas is required upon removal of stockpile.

Sec. 14-796 - Grading permit and tree preservation.

(o) *Preliminary Grading Permit.* All rules governing the issuance of a grading permit apply with the following exceptions and requirements:

- (1) The City Engineer may on a limited basis issue a Preliminary Grading Permit to allow clearing, filling, excavating, demolition or similar activities if
 - a. The project has been approved by the Planning Commission; or
 - b. The application does not contain any waiver or variance requests that may change the grading at the location; and
 - c. The applicant has displayed a hardship outside of the normal requirements of code.
- (2) No construction, to include, but not limited to, foundation work on structures, vehicular use areas, development, or improvements of any kind are authorized by the issuance of a Preliminary Grading Permit.
- (3) A Preliminary Grading Permit Application must include a grading and drainage plan-and a copy of the ADEQ NOI permit as described above in this Section.
- (4) Preliminary Grading Permits must be secured by a bond in the amount appropriate to restore the site to a Completion of Construction standard.
- (5) A Preliminary Grading Permit will expire six (6) months after date of issuance, and must meet the defined Completion of Construction portions 2, 3, 4, and 5, or must be converted to a full Grading Permit,
- (6) A Preliminary Grading Permit may be converted into a full Grading Permit without an additional fee when the project has received approval through the planning process.

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM N-R TO NBT, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 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 July 7, 2020, the City Council has found that certain lands hereinafter described are better suited for NBT zoning.

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

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

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

PROPERTY DESCRIPTION:

The South 50 feet of the North 100 feet of the E1/2 of Lot 1 in Block 5 in J. Wade Sikes Park Addition, to the City of Rogers, Benton County Arkansas.

LAYMAN'S DESCRIPTION:

606 S. 4th Street

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

SECTION 4: **Emergency Clause.** That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 5: **Severability Provision.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: **Repeal of Conflicting Ordinances and Resolutions.** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ DAY OF _____, 2020.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Requested by: Will Kellstrom
Prepared by: Community Development
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM RMF-15B with PUD 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 July 7, 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:

THE S 1/2 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 8; THENCE ALONG THE SOUTH LINE THEREOF N87°10'34"W 1328.16 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 8; THENCE ALONG THE WEST LINE THEREOF N02°40'08"E 662.40 FEET TO THE NORTHWEST CORNER OF THE S 1/2 OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 8; THENCE ALONG THE NORTH LINE THEREOF S87°29'44"E 1325.68 FEET TO THE NORTHEAST CORNER OF THE S 1/2 OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 8; THENCE ALONG THE EAST LINE THEREOF S02°27'26"W 669.81 FEET TO THE POINT OF BEGINNING, CONTAINING 20.29 ACRES MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF HORSEBARN ROAD ON THE EAST SIDE THEREOF AND TO ANY EASEMENTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

20.29 acres in the NW corner of the S. Horsebarn Road and W. Metro Park Xing intersection

SECTION 3: **Zoning.** That the above described lands are better suited for R-SF than RMF-15B with PUD 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: Daniel Ellis
Prepared by: Community Development
For Consideration By: Community Environment & Welfare Committee

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO R-SF, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section 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 July 7, 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:

PART OF LOT 130B-1 OF CHAMPIONS GOLF AND COUNTRY CLUB AND PART OF THE SW ¼ OF THE NW ¼, SECTION 29, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF 130B-1; THENCE N 03°13'35" E 175.14 FEET; THENCE S 87°17'48" E 462.09 FEET; THENCE S 03°14'13" W 405.67 FEET TO THE NORTH RIGHT OF WAY OF SOUTHGATE ROAD BEING RECORDED AS INSTRUMENT NUMBER L201911766, DATED MARCH 15, 2019; THENCE ALONG SAID NORTH RIGHT OF WAY THE FOLLOWING COURSES N 87°03'37" W 123.97 FEET; N 85°03'37" W 303.13 FEET; AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 992.50 FEET AND A CHORD BEARING AND DISTANCES OF N86°03'57" W, 34.84 FEET; AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 992.50 FEET AND A CHORD BEARING AND DISTANCE OF S 86°56'41" W 206.93 FEET; AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 826.50 FEET AND A CHORD BEARING AND DISTANCES OF S 76°36'01" W, 125.68 FEET; AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 88.50 AND A CHORD BEARING AND DISTANCES OF N 78°01'38" W, 87.78 FEET, N 48°17'39" E, 13.08 FEET; AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 124.00 FEET AND A CHORD BEARING AND DISTANCE OF N 59°57'55" W, 50.17 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY AND ALONG THE EAST RIGHT OF WAY OF SOUTH SOUTHGATE ESTATES BOULEVARD THE FOLLOWING COURSES; N 02°19'02" E 174.20 FEET, AROUND A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET AND A CHORD BEARING AND DISTANCE OF N 83°37'52" E, 5.03 FEET TO THE SOUTH RIGHT OF WAY OF WEST SOUTHGATE ESTATES DRIVE, THENCE ALONG SAID SOUTH RIGHT OF WAY S 86°49'34" E 21.77 FEET TO THE EAST RIGHT OF WAY OF WEST SOUTHGATE ESTATES DRIVE; THENCE ALONG SAID EAST RIGHT OF WAY N 03°17'19" E 50.00 FEET TO THE NORTH LINE OF LOT 130B-1; THENCE ALONG SAID NORTH LINE S 86°44'40" E 443.79 FEET TO THE POINT OF BEGINNING, CONTAINING 298785.00 SQUARE FEET OR 6.86 ACRES, MORE OR LESS, BEING SUBJECT TO ANY COVENANTS, EASEMENTS, OR RIGHT-OF-WAYS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

5 acres north of W. Pleasant Grove Rd. & S. Sloan Cir. and 3.35 acres at the NE corner of W. Pleasant Grove Rd. & S. Southgate Estates Blvd.

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

SECTION 4: **Emergency Clause.** That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 5: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ **DAY OF** _____, 2020.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Requested by: Nick Dozier
Prepared by: Community Development
For Consideration By: Community Environment & Welfare Committee

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM R-DP AND C-2 TO RMF-12A, 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 July 7, 2020, the City Council has found that certain lands hereinafter described are better suited for RMF-12A 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-12A and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

LOT 2A, BLOCK 2, VALLEY WEST SUBDIVISION, BEING A REPLAT OF LOTS 1, 2 AND 3, BLOCK 2 OF THE REPLAT OF VALLEY WEST SUBDIVISION, AND ALSO THE NORTH HALF AND THE SOUTH HALF OF THE RESERVED AREA LOCATED BETWEEN LOTS 3 AND 4, BLOCK 2, REPLAT OF THE VALLEY WEST SUBDIVISION, AS SHOWN ON PLAT BOOK 6 AT PAGE 186, AND ALSO A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING SOUTH OF TRACT A2 ON PLAT 2004-1418 AND BEING EAST OF LOT 2A ON PLAT G-186, AND BEING EAST OF THE RESERVED AREA ON PLAT G-186, AND BEING WEST OF CITY OF ROGERS DEED 93-11356, AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF SAID LOT 2A AS SHOWN ON PLAT BOOK 2003 AT PAGE 854 AND RUNNING THENCE N02°47'11"E 135.05' TO AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF SAID SOUTH HALF OF THE RESERVED AREA, SAID RESERVED AREA NOW VACATED BY THE CITY OF ROGERS PER DEED L201962031, AND RUNNING THENCE ALONG THE WEST LINE OF SAID VACATED SOUTH HALF OF THE RESERVED AREA AND THE WEST LINE OF THE NOW VACATED NORTH HALF OF SAID RESERVED AREA N02°14'59"E 58.77' TO AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF LOT 4, IN SAID BLOCK 2 OF VALLEY WEST SUBDIVISION, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TRACT A2, THENCE ALONG THE SOUTH LINE THEREOF S87°15'24"E 266.24' TO AN EXISTING REBAR, THENCE LEAVING SAID SOUTH LINE S15°37'20"W 201.15' TO AN EXISTING REBAR, THENCE N86°39'09"W 71.03' TO AN EXISTING REBAR, THENCE N86°40'20"W 149.98' TO THE POINT OF BEGINNING, CONTAINING 1.09 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LAYMAN'S DESCRIPTION:

1.09 acres east of N. Valley West Drive between W. Walnut Street and Valley West Court

SECTION 3: Comprehensive Growth Map. That the City's Comprehensive Growth Map has been amended by Planning Commission to classify the subject property as the "Neighborhood" Growth Designation rather than the "Access Corridor" and "Neighborhood" Growth Designations.

SECTION 4: Zoning. That the above described lands are better suited for RMF-12A than R-DP and C-2 zoning and same should be and are hereby zoned RMF-12A.

SECTION 5: Density Concept Plan. That the Density Concept Plan entered into by and between Chad Hayes and the City of Rogers, as approved by the Rogers Planning Commission on July 7, 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 6: 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 7: 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 8: 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: Geoff Bates
Prepared by: Community Development
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 20-_____

AN ORDINANCE REMOVING A SECTION OF CHAPTER 20 OF THE CITY OF ROGERS' CODE OF ORDINANCES REGARDING OPEN BURNING; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council for the City of Rogers finds it to be in the best interest of the City to remove certain provisions governing open burning as stated in its Code of Ordinances;

WHEREAS, outdoor burning is addressed in the International Fire Code that has been adopted by the State of Arkansas and the City of Rogers; and

WHEREAS, the adopted fire code adequately addresses open burning and provides adequate provisions to administer the permit process.

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

Section 1: Chapter 20, Section 26 of the Code of Ordinances, City of Rogers, Arkansas, is hereby revoked and removed from the City of Rogers Code of Ordinances;

Section 2: Emergency Clause: The need to remove 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 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 _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Tom Jenkins, Fire Chief
Prepared by: John M. Pesek, Staff Attorney
For Consideration By: Public Safety Committee

ORDINANCE NO. 20-_____

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF A PORTABLE TRAINING SYSTEM FROM ULTIMATE TRAINING MUNITIONS OF NORTH BRANCH, NEW JERSEY; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR SAID PURCHASE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Police Department needs to purchase a portable training system that will allow the department to build walls/rooms in any configuration necessary using a combination of cloth, pipes, and other hardware;

WHEREAS, the Rogers Police Department will utilize this portable training system for scenario based training;

WHEREAS, this purchase will be made from Account #100-03-71202 Edward Byrne Grant Funds and was approved and budgeted in the City of Rogers' 2020 Budget; and

WHEREAS, this purchase and contract will be with Ultimate Training of North Branch, New Jersey who is the only manufacturer of the portable training system.

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

Section 1: That the Mayor and City Clerk are authorized to enter into a contract with Ultimate Training of North Branch, New Jersey in the amount of twenty-three thousand nine hundred twenty-nine dollars and sixty-nine cents (\$23,929.69), for the purchase of the portable training system;

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible, as there is no other similar product on the market, and the City Council, therefore, waives the requirements of competitive bidding for the purchase of the portable training system for use by the Rogers Police Department;

Section 3: Emergency Clause: The need to acquire the portable training system for the Rogers Police 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 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**.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Hayes Minor, Police Chief
Prepared by: John M. Pesek, Staff Attorney
For Consideration By: Public Safety Committee

ORDINANCE NO. 20-_____

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF TASERS AND ASSOCIATED EQUIPMENT AND WARRANTIES FROM AXON ENTERPRISE, INC. OF SCOTTSDALE, ARIZONA; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR SAID PURCHASE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Police Department needs to purchase eighteen tasers and associated equipment and warranties for use by the department;

WHEREAS, this purchase will be made from Account #100-03-70205 Small Tools & Equipment and was approved and budgeted in the City of Rogers' 2020 Budget; and

WHEREAS, Axon Enterprises, Inc. of Scottsdale, Arizona is the only manufacturer of these types of tasers.

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

Section 1: That the Mayor and City Clerk are authorized to enter into a contract with Axon Enterprises, Inc. of Scottsdale, Arizona, in the amount of thirty-one thousand six hundred ninety six dollars and ninety seven cents (\$31,696.97), for the purchase of eighteen tasers and associated equipment and warranties;

Section 2: 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 the tasers for use by the Rogers Police Department;

Section 3: Emergency Clause: The need to acquire the tasers and associated equipment and warranties for the Rogers Police 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 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**.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Hayes Minor, Chief of Police
Prepared by: John M. Pesek, Staff Attorney
For Consideration By: Public Safety Committee