



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

### COMMITTEE SCHEDULE

TO: MAYOR  
CITY COUNCIL  
DEPARTMENT HEADS  
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: March 19, 2020

The following committee meetings will be held on **Tuesday, March 24, 2020** prior to the City Council Meeting:

**5:30 p.m. – PUBLIC WORKS COMMITTEE:** (Townzen, Brashear, Kendall) **Committee Room #1**  
To Discuss: (a) RWU Monthly Report

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**5:45 p.m. – COMMUNITY ENVIRONMENT & WELFARE COMMITTEE:** (Carmichael, Townzen and Hayes) **Community Room #1**  
To Discuss: (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-1 To C-4 – Represented by Alfredo Reyes

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**6:00 p.m. - COMMUNITY SERVICES COMMITTEE:** (Brashear, Hayes and Kruger) **Committee Room #1**  
To Discuss: (a) A Resolution Authorizing Membership And Participation In The Northwest Arkansas Razorback Greenway Alliance

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**6:00 p.m. - FINANCE COMMITTEE:** (Reithemeyer, Wolf and Kendall) **Committee Room #2**  
To Discuss: (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation; To Receive Up To \$547,000.00; Amending The 2020 Budget To Recognize Grant Funds In The Amount \$547,000.00 Into Account #200-16-45600 Grants And Donations; Appropriating \$733,000.00 To Expense Account #200-16-84530 Railyard Loop Trail From Grant Funds And Street Fund Reserves  
(b) An Ordinance Waiving Competitive Bidding For The Repair Of City Hall Sewer Lines; Allowing The Mayor And City Clerk To Enter Into A Contract For The Repairs With Trenchless Leak Detection Of Rudy, Arkansas

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**6:15 p.m. - TRANSPORTATION COMMITTEE:** (Kruger, Carmichael and Townzen) **Committee Room #1**  
To Discuss: (a) Happy Wagon Parking Space Closure Request at Rogers Historic Museum

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**6:15 p.m. – RESOURCES & POLICY COMMITTEE:** (Hayes, Reithemeyer, Brashear) **Committee Room #2**  
To Discuss: (a) An Ordinance Amending Various Sections Of Chapter 2 Of The City Of Rogers Code Of Ordinances

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**ROGERS CITY COUNCIL AGENDA**

**MARCH 24, 2020**

**6:30 P.M.**

**PUBLIC FORUM:**

**INVOCATION & PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ACTION ON MINUTES:** March 10, 2020

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

- 1. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-1 To C-4 – Represented by Alfredo Reyes - Community Environment & Welfare Committee
- 2. RES. Re: Authorizing Membership And Participation In The Northwest Arkansas Razorback Greenway Alliance - Community Services Committee
- 3. RES. Re: Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation; To Receive Up To \$547,000.00; Amending The 2020 Budget To Recognize Grant Funds In The Amount \$547,000.00 Into Account #200-16-45600 Grants And Donations; Appropriating \$733,000.00 To Expense Account #200-16-84530 Railyard Loop Trail From Grant Funds And Street Fund Reserves - Finance Committee
- 4. ORD. Re: Waiving Competitive Bidding For The Repair Of City Hall Sewer Lines; Allowing The Mayor And City Clerk To Enter Into A Contract For The Repairs With Trenchless Leak Detection Of Rudy, Arkansas - Finance Committee

**ROGERS CITY COUNCIL AGENDA**

**MARCH 24, 2020**

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5. ORD. Re: Amending Various Sections Of Chapter 2 Of The City Of Rogers - Resources  
Code Of Ordinances & Policy  
Committee

**OLD BUSINESS:**

**NEW BUSINESS:**

**APPOINTMENTS:** Todd Beaver to the Northwest Arkansas Conservation Authority to replace the position held by Roger Surley.

**ANNOUNCEMENTS:**

ORDINANCE NO. 20-\_\_\_\_\_

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM I-1 TO C-4, PROVIDING FOR  
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

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

Part of the N1/2 of the S1/2 of the N1/2 of the NE1/4 of the SE1/4 of Section 1, Township 19 North, Range 30 West, described as follows to-wit: Beginning at a point of 85.0 feet South of the Northeast Corner of the N1/2 of the S1/2 of the N1/2 of the NE1/4 of the SE1/4 and running thence North 88°56' West 552.0 feet; thence South 80.0 feet; thence South 88°56' East 552.0 feet; thence North 80.0 feet to the point of beginning. Subject to easements, right-of-ways, and protective covenants of record, if any. Subject to all prior mineral reservations and oil and gas leases, if any.

**LAYMAN'S DESCRIPTION:** 1104 N. 2nd Street

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 \_\_\_\_\_, 2020.**

APPROVED:

ATTEST:

\_\_\_\_\_  
JESSICA RUSH, CLERK

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

Requested by: Alfredo Reyes  
Prepared by: Community Development  
For consideration by: Community Environment & Welfare Committee

**RESOLUTION NO. R20-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING MEMBERSHIP AND PARTICIPATION IN THE NORTHWEST ARKANSAS RAZORBACK GREENWAY ALLIANCE; AND FOR OTHER PURPOSES.**

**WHEREAS**, during the planning phase of the Northwest Arkansas Razorback Greenway, it was acknowledged that because of its unique regional characteristics, stewardship of the facility would require a non-traditional and uniquely cooperative approach to management and operations with integral involvement of all cities through which the Greenway traversed;

**WHEREAS**, uniform and consistent guiding principles of quality for maintenance, operational standards, management, signage, public information, promotion, and future improvements were outlined in the “Northwest Arkansas Razorback Greenway Operations and Management Plan” hereafter referred to as “Plan”;

**WHEREAS**, the Plan, which was adopted by all cities in the corridor, included a commitment from each city to participate through membership in a regional committee with the purpose of jointly and cooperatively facilitating uniformity and consistency in the standards, operations, and management of the Greenway; and

**WHEREAS**, such joint cooperation is best achieved through provisions of the Interlocal Cooperation Act, as amended (Ark. Code Ann. § 25-20-101, *et seq.*), through an agreement to create and participate in the Northwest Arkansas Razorback Greenway Alliance.

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

Section 1: That the Mayor is hereby authorized to execute the “Northwest Arkansas Razorback Greenway Alliance Agreement,” which is hereby approved;

Section 2: That said Agreement shall only become operative and considered in effect upon approval of all cities involved, Fayetteville, Johnson, Springdale, Lowell, Rogers, Bentonville, and Bella Vista, and upon submission and approval by the Arkansas Attorney General, as stated in Ark. Code Ann. § 25-20-104(f)(1)-(3);

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

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

**RESOLVED** this \_\_\_\_\_ day off \_\_\_\_\_, 2020.

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

ATTEST:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: Jim White, Parks & Recreation Director  
Prepared by: Bonnie Bridges, Staff Attorney  
For consideration by: Community Services Committee

**RESOLUTION NO. R20-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION; TO RECEIVE UP TO FIVE HUNDRED FORTY-SEVEN THOUSAND DOLLARS (\$547,000.00); AMENDING THE 2020 BUDGET TO RECOGNIZE GRANT FUNDS IN THE AMOUNT OF FIVE HUNDRED FORTY-SEVEN THOUSAND DOLLARS (\$547,000.00) INTO ACCOUNT #200-16-45600 GRANTS AND DONATIONS; APPROPRIATING SEVEN HUNDRED THIRTY-THREE THOUSAND DOLLARS (\$733,000.00) TO EXPENSE ACCOUNT #200-16-84530 RAILYARD LOOP TRAIL FROM GRANT FUNDS AND STREET FUND RESERVES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers will receive up to five hundred forty-seven thousand dollars (\$547,000.00), from the Walton Family Foundation to be used for the construction of the Railyard Loop Trail, and installation of wayfinding signs along the Railyard Loop Trail;

**WHEREAS**, a portion of the Grant is a matching grant, where the City will match the grant funds provided by the Walton Family Foundation up to one hundred eighty-six thousand dollars (\$186,000.00) with Street Fund Reserves.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into a matching grant agreement on behalf of the City of Rogers with the Walton Family Foundation in which the City shall accept up to five hundred forty-seven thousand dollars (\$547,000.00) in grant funds on the Railyard Loop Trail Project;

Section 2: The 2020 Budget is hereby amended to recognize grant funds in the amount of five hundred forty-seven thousand dollars (\$547,000.00) to Account #200-16-45600 Grants and Donations;

Section 3: The 2020 Budget is further amended to appropriate seven hundred thirty-three thousand dollars (\$733,000.00) to Account #200-16-84530 Railyard Loop Trail;

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 \_\_\_\_\_, 2020.

APPROVED:

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

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested By: Lance Jobe, PE, Department of Community Development  
Prepared By: Bonnie Bridges, Staff Attorney  
For consideration by: Finance Committee

ORDINANCE NO. 20-\_\_\_\_\_

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE REPAIR OF CITY HALL SEWER LINES; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR THE REPAIRS WITH TRENCHLESS LEAK DETECTION OF RUDY, ARKANSAS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the original under slab, cast iron sewer pipe that runs under the City Hall building needs repair in order to prevent future rupture and resulting damage to City property;

**WHEREAS**, Trenchless Leak Detection is uniquely familiar with the fragile nature of the sewer pipes that run under the City Hall building and will be lining approximately one hundred ten feet (110 ft.) of pipe pursuant to this contract; and

**WHEREAS**, the contract amount is twenty-seven thousand five hundred dollars (\$27,500.00) with an additional two hundred dollar (\$200.00) per foot for additional lining, if needed; and

**WHEREAS**, this project is a budgeted item in the City of Rogers 2020 budget.

**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 Trenchless Leak Detection of Rudy, Arkansas, in the amount of twenty-seven five hundred dollars (\$27,500.00), for the repair work to the sewer pipes under the City Hall building;

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 repair work to the sewer pipes;

Section 3 - Emergency Clause: The need to begin these repairs to the City Hall sewer pipes 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: David Hook, Facilities Manager  
Prepared by: Bonnie Bridges, Staff Attorney  
For consideration by: Finance Committee

**ORDINANCE NO. 20-\_\_\_\_\_**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 2 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 provisions governing the Public Art Commission;

**WHEREAS**, these changes better allow the Public Art Commission to function in its originally intended role with a larger number of commissioners; and

**WHEREAS**, this allows the Public Art Commission to operate on a consistent level as other City Boards and Commissions.

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

Section 1: Chapter 2, Article IV, Division 7, Section 2-426, Subsection(a), of the City of Rogers, Code of Ordinances is amended to read as shown in the attached Exhibit "A" and Municode Corporation is hereby instructed to make said amendments;

Section 2: Chapter 2, Article IV, Division 7, Section 2-426, Subsection(b), of the City of Rogers, Code of Ordinances is amended to read as shown in the attached Exhibit "A" and Municode Corporation is hereby instructed to make said amendments;

Section 3: Chapter 2, Article IV, Division 7, Section 2-426, Subsection(c), of the City of Rogers, Code of Ordinances is amended to read as shown in the attached Exhibit "A" and Municode Corporation is hereby instructed to make said amendments;

Section 4: Chapter 2, Article IV, Division 7, Section 2-426, Subsection(d), of the City of Rogers, Code of Ordinances is amended to read as shown in the attached Exhibit "A" and Municode Corporation is hereby instructed to make said amendments;

Section 5 - 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 6 - 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 7 - 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: Bonnie Bridges, Staff Attorney

For consideration by: Resources & Policy Committee



## EXHIBIT "A"

Sec. 2-426. - Creation, membership, meetings, fiscal procedures.

- (a) *Creation and purpose.* The Rogers City Council hereby creates the Rogers Public Art Commission (RPAC) pursuant to the authority granted to the Rogers City Council contained in A.C.A. § 14-43-502(b)(1). The ~~sole~~ purpose of the Rogers Public Arts Commission shall be to ~~oversee the City's arts and culture program, conduct studies and form working groups to make recommendations to City Council on matters related to arts and culture,~~ and make determinations regarding the appropriate placement of public art displays on city owned or maintained property. All actions taken by the RPAC shall comply with the requirements of the Visual Artists Rights Act (17 U.S.C. 106A) and any other relevant federal or state laws which govern the ownership or display of art.
- (b) *Members.* The RPAC shall consist of ~~five~~ ~~seven~~ voting members and four advisory members. The ~~five~~ ~~seven~~ voting members shall be appointed by the mayor and confirmed by the affirmative vote of two-thirds of the members of the entire city council. Voting members shall be electors of the city holding no salaried or elective municipal office. Members shall demonstrate a positive interest in the arts, possessing interest or expertise in architecture, art history, design, fine arts, or any other relevant area. The four non-voting advisory members shall be designated by the mayor from the following: one member from the Rogers Parks Department staff, one member from the Rogers Museum staff, one member from the Rogers ~~Planning Community Development~~ Department staff, and one member from the Rogers Historic District Commission. These advisory members will serve an indefinite term at the mayor's pleasure.
- (c) *Terms.* Voting members shall be appointed for terms of three years each, ~~other than one and two-year term initial appointments made during the first formation of the commission, and until their successors are appointed and qualified.~~ The Appointments shall be arranged so that the term of at least one member shall expire each year. Any member of the RPAC may be removed by the affirmative vote of three-fourths of the total members of the city council. In the event of a vacancy occurring for a voting member position on the RPAC, it shall be filled by appointment of the mayor, subject to the approval by a two-thirds affirmative vote of the duly elected, qualified members of the city council. Any voting member of the Rogers Public Art Commission shall forfeit their office if they move permanently from the city or they are absent from four consecutive meetings without suitable explanation. Each commissioner shall file the oath required of public officials in the state. Members shall serve without compensation. The RPAC shall create such rules and regulations as are necessary to carry out the purposes of this division. All meetings held by the RPAC shall be open to the public.
- (d) *Officers, meetings, staff, voting, committees.* The RPAC shall, at the first regularly scheduled committee meeting of each calendar year, by a simple majority, elect from among themselves a chair and vice-chair. The commission shall meet at least once every three months. The commission may adopt rules and regulations not inconsistent with the provisions of this division and state law and may change or amend such rules and regulations as is proper and necessary. All meetings shall be open to the public. A simple majority of the voting members of the RPAC shall constitute a quorum for the transaction of business. ~~The RPAC may establish committees as necessary. The RPAC may also establish citizen working groups for the purpose of outreach and in order to seek public input.~~