



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 28, 2020

The following committee meetings will be held on **Tuesday, July 28, 2020** prior to the City Council Meeting:

05:30 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

<https://us02web.zoom.us/j/84398474522> OR (312) 626-6799 ID: 843 9847 4522

To Discuss: (a) RWU Monthly Report

05:40 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Carmichael*, Townzen, Hayes)

<https://us02web.zoom.us/j/84398474522> OR (312) 626-6799 ID: 843 9847 4522

- To Discuss:
- (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Evans)
 - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To N-R (NWA LD)
 - (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To R-SF (NGN Properties)

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

<https://us02web.zoom.us/j/81181561016> OR (312) 626-6799 ID: 811 8156 1016

- To Discuss:
- (a) An Ordinance Accepting The Lowest Qualified Bid For Concrete Services
 - (b) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation To Receive Up To \$336,250.00
 - (c) A Resolution Authorizing The City Of Rogers' Annual Application For The Bureau Of Justice Assistance Edward Byrne Memorial Justice Assistance Grant

06:00 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Carmichael, Townzen)

<https://us02web.zoom.us/j/84398474522> OR (312) 626-6799 ID: 843 9847 4522

- To Discuss:
- (a) An Ordinance Authorizing The Mayor And City Clerk To Enter Into A Contract With Black Hills Energy Arkansas, Inc., Of Fayetteville, Arkansas, In The Amount Of \$122,538.78, For Utility Relocation And Installation Necessary For Public Safety Related To The Construct Taxilane, Reconstruct Taxiway Project (Phase II)
 - (b) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement With Black Hills Energy Arkansas, Inc., Of Fayetteville, Arkansas, To Grant An Easement For The Relocation Of Utility Lines Required For The Construct Taxilane; Reconstruct Taxiway (Phase II- Construction) Project Of The Rogers Executive Airport

- (c) A Resolution Authorizing The Mayor And City Clerk To Enter Into And Accept A Federal Grant Agreement For The Construct Taxilane; Reconstruct Taxiway (Phase II-Construction) Project At The Rogers Executive Airport
- (d) A Resolution Amending The 2020 Budget; Recognizing A Federal Grant In The Amount Of \$3,408,432.00 Into Account #315-15-48050, Federal Grant Revenue; Recognizing A State Grant In The Amount Of \$250,000.00 Into Account #315-15-48060, State Grant Revenue; Appropriating The Sum Of \$3,252,840.00 From Grant Proceeds And Airport Fund Reserves Into Account #315-15-81138, Construct Taxiway; Authorizing The Mayor And City Clerk To Enter Into A Contract With APAC-Central, Inc. Of Fayetteville, Arkansas



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ROGERS CITY COUNCIL
AGENDA

JULY 28, 2020 AT 6:30 PM

<https://us02web.zoom.us/j/82466828538> OR (312) 626-6799 ID: 824 6682 8538

PUBLIC HEARING:

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

- 1. July 14, 2020

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | |
|----|--|---|
| 1. | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Evans) | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 2. | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To N-R (NWA LD) | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 3. | RES. Re: Accepting The Lowest Qualified Bid For Concrete Services | FINANCE COMMITTEE |

- | | | | |
|----|----------|--|-----------------------------|
| 4. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation To Receive Up To \$336,250.00 | FINANCE
COMMITTEE |
| 5. | RES. Re: | Authorizing The City Of Rogers' Annual Application For The Bureau Of Justice Assistance Edward Byrne Memorial Justice Assistance Grant | FINANCE
COMMITTEE |
| 6. | ORD. Re: | Authorizing The Mayor And City Clerk To Enter Into A Contract With Black Hills Energy Arkansas, Inc., Of Fayetteville, Arkansas, In The Amount Of \$122,538.78, For Utility Relocation And Installation Necessary For Public Safety Related To The Construct Taxilane, Reconstruct Taxiway Project (Phase II) | TRANSPORTATION
COMMITTEE |
| 7. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into An Agreement With Black Hills Energy Arkansas, Inc., Of Fayetteville, Arkansas, To Grant An Easement For The Relocation Of Utility Lines Required For The Construct Taxilane; Reconstruct Taxiway (Phase II- Construction) Project Of The Rogers Executive Airport | TRANSPORTATION
COMMITTEE |
| 8. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into And Accept A Federal Grant Agreement For The Construct Taxilane; Reconstruct Taxiway (Phase II- Construction) Project At The Rogers Executive Airport | TRANSPORTATION
COMMITTEE |
| 9. | RES. Re: | Amending The 2020 Budget; Recognizing A Federal Grant In The Amount Of \$3,408,432.00 Into Account #315-15-48050, Federal Grant Revenue; Recognizing A State Grant In The Amount Of \$250,000.00 Into Account #315-15-48060, State Grant Revenue; Appropriating The Sum Of \$3,252,840.00 From Grant Proceeds And Airport Fund Reserves Into Account #315-15-81138, Construct Taxiway; Authorizing The Mayor And City Clerk To Enter Into A Contract With APAC-Central, Inc. Of Fayetteville, Arkansas | TRANSPORTATION
COMMITTEE |

OLD BUSINESS:

1. 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

NEW BUSINESS:

1. ORD. Re: Accepting The Final Plat Of Crescent View
Subdivision Rogers, Benton County, Arkansas

APPOINTMENTS:

ANNOUNCEMENTS:

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM R-DP 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 21, 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 East 1/3 of Lots 2, 3 and 6, in Block 39, B.F. Sikes Addition, Rogers, Benton County, Arkansas as shown on plat record "A" at page 7.

LAYMAN'S DESCRIPTION:

416 W. Cedar Street

SECTION 3: **Zoning.** That the above described lands are better suited for NBT than R-DP 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: Bill Watkins
Prepared by: Community Development Department
For consideration by: Community Environment & Welfare Committee

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM A-1 TO N-R, 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 21, 2020, the City Council has found that certain lands hereinafter described are better suited for N-R 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 N-R and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND FIVE ACRES SQUARELY OFF OF THE SOUTH SIDE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25 IN TOWNSHIP 19 NORTH, RANGE 30 WEST, LESS AND EXCEPT A PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 25 AND RUNNING NORTH 853.83 FEET TO THE POINT OF BEGINNING AND RUNNING THENCE NORTH 241.00 FEET; THENCE WEST 361.60 FEET; THENCE SOUTH 241.00 FEET; THENCE EAST 361.60 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.0 ACRES MORE OR LESS SUBJECT TO THE RIGHT OF WAY OF A COUNTY ROAD RUNNING ALONG EAST LINE.

LAYMAN'S DESCRIPTION:

North of the W. Pleasant Grove Rd. and S. 1st St. intersection

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

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: Taylor Lindley
Prepared by: Community Development Department
For consideration by: Community Environment & Welfare Committee

RESOLUTION NO. R20-_____

A RESOLUTION ACCEPTING THE LOWEST QUALIFIED BID FOR CONCRETE SERVICES; AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR CONCRETE SERVICES; AND FOR OTHER PURPOSES.

WHEREAS, historically, the City may expend in excess of two million dollars (\$2,000,000.00) in a year on concrete services for its various departments and projects; therefore, the City is best served by utilizing the lowest qualified bidder in order to manage these costs;

WHEREAS, bids for continuing concrete and other services as needed, were lawfully requested by and submitted to the City of Rogers; and

WHEREAS, bidders were asked to propose bids based upon historical usage data of the City, and J&L Concrete and Excavation of Rogers, Arkansas is the lowest qualified bidder.

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

Section 1: The bid submitted by J&L Concrete and Excavation of Rogers, Arkansas is hereby accepted;

Section 2: The Mayor and City Clerk may enter into a one year contract with J&L Concrete Excavation, of Rogers, Arkansas, for concrete and other services;

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

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

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development

Prepared by: Bonnie Bridges, Staff Attorney

For consideration by: Finance 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 THREE HUNDRED THIRTY-SIX THOUSAND TWO HUNDRED FIFTY DOLLARS (\$336,250.00); AMENDING THE 2020 BUDGET TO RECOGNIZE FUNDS IN THAT AMOUNT INTO ACCOUNT #200-16-45600, GRANTS AND DONATIONS; APPROPRIATING THE SAME TO EXPENSE ACCOUNT #200-16-80134, DOWNTOWN ALLEYWAYS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers will receive up to three hundred thirty-six thousand two hundred fifty dollars (\$336,250.00), from the Walton Family Foundation to be used for the design of the Cherry and Maple Streets and 1st and 2nd streets in Downtown Rogers Alleyways Improvement project; and

WHEREAS, there is no matching provision in this grant.

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 grant agreement on behalf of the City of Rogers with the Walton Family Foundation in which the City shall accept up to three hundred thirty-six thousand two hundred fifty dollars (\$336,250.00) in grant funds;

Section 2: The 2020 Budget is hereby amended to recognize grant funds in the amount of three hundred thirty-six thousand two hundred fifty dollars (\$336,250.00) to account #200-16-45600, Grants and Donations;

Section 3: The 2020 Budget is further amended to appropriate said three hundred thirty-six thousand two hundred fifty dollars (\$336,250.00) to account #200-16-80134, Downtown Alleyways;

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: John McCurdy, Director Community Development
Prepared By: Bonnie Bridges, Staff Attorney
For consideration by: Finance Committee

RESOLUTION NO. R20 _____

A RESOLUTION AUTHORIZING THE CITY OF ROGERS' ANNUAL APPLICATION FOR THE BUREAU OF JUSTICE ASSISTANCE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Annually participates in the Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant Program; and

WHEREAS, the allocation for the 2020 Edward Byrne Memorial Justice Assistance Grant Program will be twenty-two thousand two hundred ten dollars (\$22,210.00).

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

Section 1: That the City of Rogers' 2020 Application for the Bureau of Justice Assistance Edward Byrne Memorial Grant is hereby authorized;

Section 2: Severability Provision- If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Provisions- All resolutions or orders of the City Council, or parts of the same, in conflict with this resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2020.

APPROVED:

C, GREG HINES,
Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Hayes Minor, Chief of Police
Prepared By: Bonnie Bridges, Staff Attorney
For consideration by: Finance Committee

ORDINANCE NO. 20-_____

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH BLACK HILLS ENERGY ARKANSAS, INC., OF FAYETTEVILLE, ARKANSAS, IN THE AMOUNT OF ONE HUNDRED TWENTY-TWO THOUSAND FIVE HUNDRED THIRTY-EIGHT DOLLARS AND SEVENTY-EIGHT CENTS (\$122,538.78), FOR UTILITY RELOCATION AND INSTALLATION NECESSARY FOR PUBLIC SAFETY RELATED TO THE CONSTRUCT TAXILANE, RECONSTRUCT TAXIWAY PROJECT (PHASE II); WAIVING COMPETITIVE BIDDING; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Executive Airport, working with Black Hills Energy has determined that the relocation of utility lines, is necessary for the public safety of the citizens of Rogers due to the Construct Taxilane, Reconstruct Taxiway project (phase II);

WHEREAS, this relocation is not for the direct benefit of particular customers of the utility in their capacity as customers; and

WHEREAS, Black Hills Energy Arkansas, Inc. is the appropriate company to provide this service as the lines being relocated are theirs; therefore, competitive bidding should be waived.

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 hereby authorized to enter into a contract with Black Hills Energy Arkansas, Inc., of Fayetteville, Arkansas, for utility relocation work associated with the Rogers Executive Airport Construct Taxilane and Reconstruct Taxiway project, in the amount of one hundred twenty-two thousand five hundred thirty-eight dollars and seventy-eight cents (\$122,538.78);

Section 2: That this sum shall be paid out of grant and airport reserve funds;

Section 3: That the requirements of competitive bidding are neither practical nor feasible and the City Council waives the requirements of competitive bidding;

Section 4: The need to enter into said contract is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 5 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 6 - 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 _____, 2020.

APPROVED:

C. GREG HINES,
Mayor

Attest:

JESSICA RUSH, CITY CLERK

Requested by: David Krutsch, Airport Manager
Prepared by: Bonnie Bridges, Staff Attorney
For consideration by: Transportation Committee

RESOLUTION NO. R20-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH BLACK HILLS ENERGY ARKANSAS, INC., OF FAYETTEVILLE, ARKANSAS, TO GRANT AN EASEMENT FOR THE RELOCATION OF UTILITY LINES REQUIRED FOR THE CONSTRUCT TAXILANE; RECONSTRUCT TAXIWAY (PHASE II- CONSTRUCTION) PROJECT OF THE ROGERS EXECUTIVE AIRPORT, PURSUANT TO AND AUTHORIZED BY A.C.A. 14-54-302; AND FOR OTHER PURPOSES.

WHEREFORE, Black Hills Energy will have to move its utility lines due to the Construct Taxilane, Reconstruct Taxiway (Phase II) project at the Rogers Executive Airport; and

WHEREFORE, a new easement needs to be executed in order for the utility lines to be relocated and accessed.

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

Section 1: That the property interests described in the Right of Way Grant, attached hereto as Exhibit "A" and incorporated by reference as if set out word for word herein, are needed by Black Hills Arkansas, Inc., for the relocation of utility lines for the Construct Taxilane; Reconstruct Taxiway (Phase II- Construction) Project at the Rogers Executive Airport, to protect and enhance the health, safety, and welfare of the citizens of the City of Rogers;

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

Section 3: That the Mayor and City Clerk are hereby authorized to enter into an agreement to grant a Right of Way Easement to Black Hills Energy Arkansas, Inc., as shown in Exhibit "A", their approval of the terms of said Agreement to be evidenced by their signatures;

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:

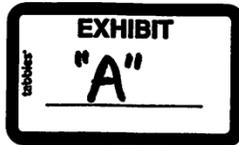
C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: David Krutsch, Airport Manager

Prepared By: Bonnie Bridges, Staff Attorney



KNOW ALL MEN BY THESE PRESENTS:

That the **City of Rogers**, Arkansas, an Arkansas municipal corporation, ("Grantor"), whose address is 301 W Chestnut, Rogers, AR 72756, for itself, its heirs, successors and assigns, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, does hereby grant, convey and confirm unto **Black Hills Energy Arkansas, Inc. d/b/a Black Hills Energy**, an Arkansas corporation whose address is 655 E. Millsap Rd., Suite 104, Fayetteville, AR 72703, its successors assigns, and licensees ("Grantee"), a right-of-way and easement to survey, construct, install, inspect, maintain, renew, repair, remove, replace and operate pipeline(s) and appurtenances, including all above-ground structures associated therewith, for the transportation of natural gas or any other substance which can be transported by pipeline, in, on, over, under, upon and through the following described lands:

Parcel #02-00643-000 and #02-00655-004 in Benton County, Arkansas.

The right-of-way and easement shall consist of:

A 15-foot Gas line Easement of equal and uniform width being within a part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) and a part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) and a part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) and a part of the Southwest Quarter (SW1/4) of the Southeast Quarter (SW1/4) of Section Thirty (30), Township Twenty North (T-20-N), Range Twentynine West (R-29-W), Benton County, Arkansas, being more particularly described as follows:

COMMENCING at the Southeast corner of said Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) thence N 02°37'15" E along the East line of said Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) a distance of 299.34 feet; thence leaving said East line N 87°22'45" W a distance of 84.38 feet to the Centerline of a Fifteen-foot Gas Easement being the **POINT OF BEGINNING** of said Centerline; thence along said Centerline S 16°32'07" W a distance of 49.04 feet; thence S 20°23'02" W a distance of 76.95 feet; thence S 70°15'27" E a distance of 224.64 feet; thence S 20°30'36" W a distance of 232.15 feet; thence S 51°00'48" E a distance of 218.05 feet; thence S 39°44'48" W a distance of 330.19 feet; thence S 17°04'54" W a distance of 337.88 feet; thence N 88°35'53" W a distance of 22.51 feet to the end of said Centerline, containing 22,371 square feet or 0.51 acres, more or less as shown on Exhibit A.

See attached Exhibit for a drawing of the above described right-of-way.

(the "Subject Lands")

In addition, Grantor is hereby granting to Grantee a temporary construction easement thirty (30) feet in width located along the east side of the boundary line of the above described permanent easement for the installation of the pipeline within the permanent easement.

(the "TCE")

This Right-of-Way Grant is subject to any and all other easements, rights-of-way, variances, memorandums and/or agreements currently of record.

TO HAVE AND TO HOLD said right-of-way and easement unto Grantee so long as such pipelines and appurtenances, or any part thereof, shall be maintained, together with the right of ingress to and egress from the Subject Lands and TCE for the purposes herein stated, at the will of Grantee. Grantor retains the right to use and enjoy the Subject Lands, subject only to the right of Grantee to use the same for the purposes herein expressed, and subject to the limitations contained herein.

Grantor hereby binds itself, its, successors, and assigns to warrant and forever defend all and singular the right-of-way and easement herein conveyed unto Grantee, its successors and assigns, against every person whomsoever lawfully claims the same or any part thereof.

Grantor hereby acknowledges that the consideration received herewith is full consideration for the right-of-way and easement granted herein, and also for damages to both the Subject Lands and growing crops occasioned by the initial installation of Grantee's facilities. Grantor reserves the right to cultivate, use and occupy the Subject Lands for any purpose consistent with the rights and privileges herein granted, and which will not interfere with or, in the sole judgment of Grantee, endanger any of the facilities thereon or Grantee's use thereof. Such reservation by Grantor shall in no event include the right: (i) to construct any buildings or structures of any kind; (ii) to impound, retain, collect or store any water; or (iii) to plant any trees or shrubs upon the right-of-way and easement granted herein without the express written consent of Grantee.

Grantee agrees to lay all pipelines at a sufficient depth to avoid interfering with cultivation of the soil, and to pay Grantor for damages to growing crops, fences or other improvements which may arise from the operations of Grantee. Any such damage, if not mutually agreed upon, shall be ascertained and determined by three disinterested persons, one appointed by Grantor, one by Grantee, and the third chosen by the two persons so appointed. The written award of a majority of such three persons shall be final and conclusive upon Grantor and Grantee.

Grantee shall not be required to remove any abandoned pipeline(s) from the Subject Lands.

It is agreed by Grantor that any payment of consideration due under the terms hereof may be made jointly to Grantor and any mortgagees of record at the time such payment becomes due. This Right-of-Way Grant and the duties and obligations created herein shall run with the land and shall be binding upon Grantor, Grantee and their respective heirs, devisees, successors and assigns.

[Signature Page to Follow]

IN WITNESS WHEREOF, Grantor has hereunto set its hand this ____ day of _____, 2020.

**City of Rogers, Arkansas,
A municipal corporation**

By: _____
C. Greg Hines, Mayor

ATTEST:

Jessica Rush, City Clerk

[Seal]

ACKNOWLEDGEMENT

STATE OF ARKANSAS }

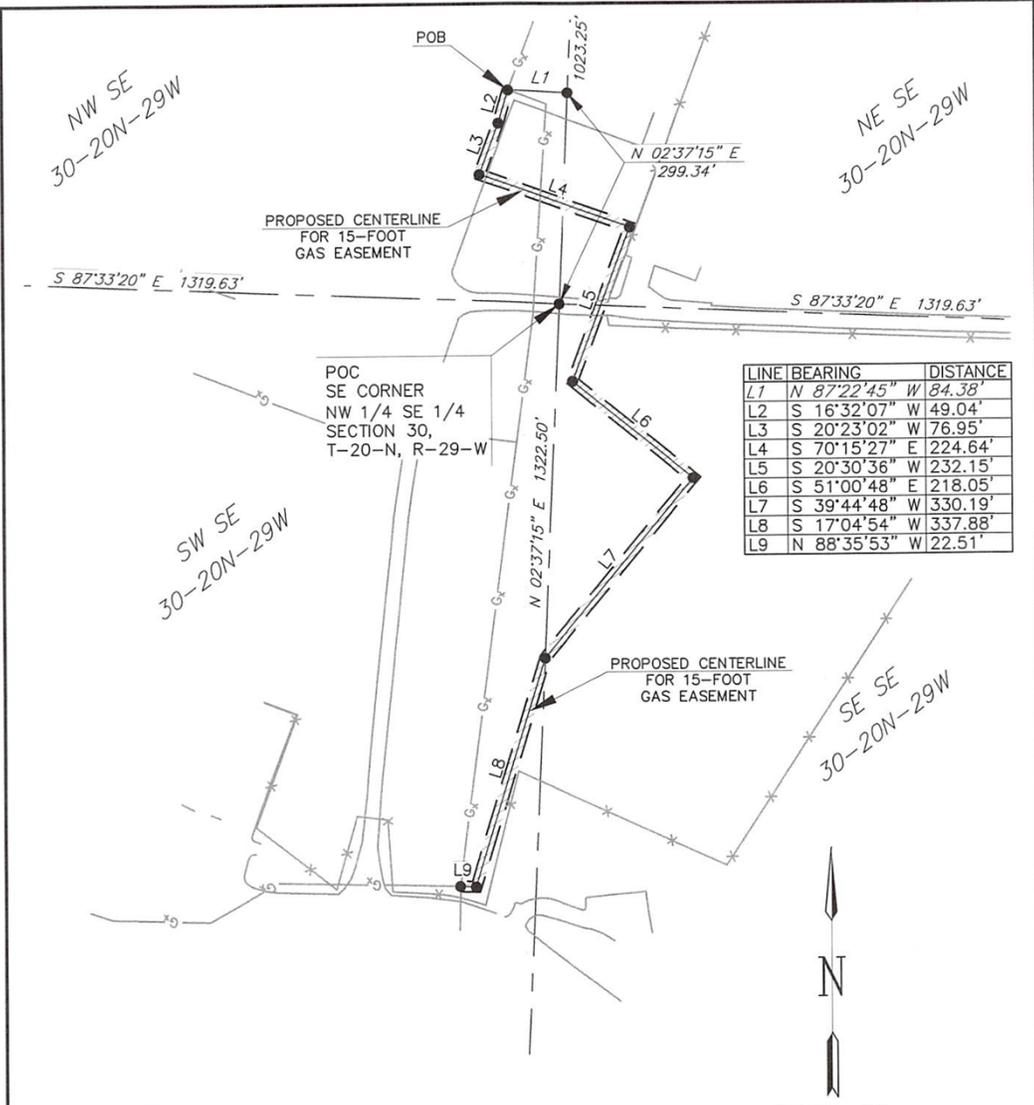
COUNTY OF BENTON }

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Greg Hines and Jessica Rush, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the Mayor and City Clerk of the City of Rogers, Arkansas, a municipal corporation, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, _____.

Notary Public

My Commission Expires: _____

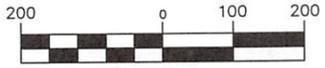


LINE	BEARING	DISTANCE
L1	N 87°22'45" W	84.38'
L2	S 16°32'07" W	49.04'
L3	S 20°23'02" W	76.95'
L4	S 70°15'27" E	224.64'
L5	S 20°30'36" W	232.15'
L6	S 51°00'48" E	218.05'
L7	S 39°44'48" W	330.19'
L8	S 17°04'54" W	337.88'
L9	N 88°35'53" W	22.51'

AREA CALCULATIONS	SQ. FT.	ACRES
PROPOSED UTILITY EASEMENT	22,371	0.51

BEARINGS - GRID
 ARKANSAS NORTH ZONE
 QUARTER SECTIONS CALCULATED
 FROM AHTD JOB# 090064

GRAPHIC SCALE



(IN FEET)
 1 inch = 200 ft.

LEGEND
 - - - - - PROPOSED EASEMENT LINE
 ———— QUARTER SECTION LINES

THIS EXHIBIT IS A SKETCH DESCRIPTIVE ONLY OF THE SIZE, SHAPE AND LOCATION OF THE PROPOSED EASEMENTS AND DOES NOT CONSTITUTE A PLAT OR SURVEY OF THE GRANTOR'S PROPERTY.

 2049 EAST JOYCE BOULEVARD SUITE 400 FAYETTEVILLE, ARKANSAS 72704 479 527-9100	GAS LINE EASEMENT FOR BLACK HILLS ENERGY ROGERS AIRPORT, ARKANSAS		JOB NO. 19A13201	DATE JULY 02, 2020
			"EXHIBIT A"	TRACT 1

RESOLUTION NO. R20-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AND ACCEPT A FEDERAL GRANT AGREEMENT FOR THE CONSTRUCT TAXILANE; RECONSTRUCT TAXIWAY (PHASE II-CONSTRUCTION) PROJECT AT THE ROGERS EXECUTIVE AIRPORT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Executive Airport anticipates receipt of a grant from the Federal Aviation Administration;

WHEREAS, the anticipated amount of said grant is three million four hundred eight thousand four hundred thirty-two dollars (\$3,408,432.00) with the exact amount to be determined by the FAA based on available funding; and

WHEREAS, the grant will be used to reconstruct the existing taxiway and construct a new taxi-lane and has been given the tentative FAA project identification number 3-05-0055-038-2020.

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 authorized to enter into and accept an Airport Improvement Program (AIP) grant agreement with the Federal Aviation Administration (FAA), with tentative identification number 3-05-0055-038-2020, for the Construct Taxilane; Reconstruct Taxiway (Phase II- Construction) project at the at the Rogers Executive Airport;

Section 2: Severability Provision- If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions- All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: David Krutsch, Airport Manager
Prepared by: Bonnie Bridges, Staff Attorney
For consideration by: Transportation Committee

RESOLUTION NO. R20 _____

A RESOLUTION AMENDING THE 2020 BUDGET; RECOGNIZING A FEDERAL GRANT IN THE AMOUNT OF THREE MILLION FOUR HUNDRED EIGHT THOUSAND FOUR HUNDRED THIRTY-TWO DOLLARS (\$3,408,432.00) INTO ACCOUNT #315-15-48050, FEDERAL GRANT REVENUE; RECOGNIZING A STATE GRANT IN THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) INTO ACCOUNT #315-15-48060, STATE GRANT REVENUE; APPROPRIATING THE SUM OF THREE MILLION TWO HUNDRED FIFTY-TWO THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$3,252,840.00) FROM GRANT PROCEEDS AND AIRPORT FUND RESERVES INTO ACCOUNT #315-15-81138, CONSTRUCT TAXIWAY; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH APAC-CENTRAL, INC. OF FAYETTEVILLE, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Executive Airport anticipates receipt of grant funds from the Federal Aviation Administration for the Construct Taxilane; Reconstruct Taxiway (Phase II-Construction) project at the Rogers Executive Airport;

WHEREAS, the Rogers Executive Airport has received grant funds from the Arkansas Department of Aeronautics for various elements of the project;

WHEREAS, bids for construction were received and APAC-Central, Inc., was the lowest qualified bidder; and

WHEREAS, the Rogers Airport Commission has reviewed the construction bids and recommended approval by unanimous vote.

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

Section 1: The 2020 Budget is amended to recognize Federal grant revenue in the amount of Three Million Four Hundred Eight Thousand Four Hundred Thirty-Two Dollars (\$3,408,432.00) into Revenue Account #315-15-48050, Federal Grant Revenue;

Section 2: The 2020 Budget is amended to recognize State grant revenue in the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) into account #315-15-48060, State Grant Revenue;

Section 3: The 2020 Budget is amended to appropriate the sum of Three Million Two Hundred Fifty-Two Thousand Eight Hundred Forty Dollars (\$3,252,840.00) from Grant Proceeds and Airport Fund Reserves into Expense Account #315-15-81138, Construct Taxiway;

Section 4: That the Mayor and City Clerk should be, and hereby are, authorized to enter into a contract with APAC-Central, Inc., in the amount of three million one hundred twenty-eight thousand one dollar and four cents (\$3,128,001.04) for construction of the Construct Taxilane; Reconstruct Taxiway (Phase II- Construction) project;

Section 5: The execution of both contracts is subject to the receipt of FAA grant funding for the referenced project and further subject to FAA review and approval;

Section 6: 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 7: 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: David Krutsch, Airport Manager
Prepared by: Bonnie Bridges, Staff Attorney
For consideration by: Transportation 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

ORDINANCE NO. 20-_____

**AN ORDINANCE ACCEPTING THE FINAL PLAT OF CRESCENT VIEW
SUBDIVISION ROGERS, BENTON COUNTY, ARKANSAS,
THE DEDICATION OF UTILITY EASEMENTS AND OTHER PUBLIC WAYS
THEREIN; AND DECLARING AN EMERGENCY**

WHEREAS, the Final Plat has been submitted for Crescent View Subdivision, Rogers, Benton County Arkansas which is more particularly described as follows, to-wit:

THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4) AND PART OF THE SOUTHEAST QUARTER (SE/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE S86°59'36"E 1350.09'; THENCE S03°24'16"W 1232.61'; THENCE N87°24'04"W 1088.21'; THENCE S03°36'31"W 300.05'; THENCE N87°24'04"W 226.47'; THENCE N02°20'01"E 300.00'; THENCE N02°04'27"E 1242.15' TO THE POINT OF BEGINNING, CONTAINING 39.52 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN WEST SHORES AVENUE RIGHT-OF-WAY ON THE NORTH SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

WHEREAS, the City Council finds that said Final Plat is in conformance with the Ordinances of the City of Rogers, Arkansas; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Rogers, Arkansas that said Final Plat be approved and the dedication of the utility easements and other public ways be accepted and confirmed;

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

SECTION 1: The Final Plat of Crescent View Subdivision, Rogers, Benton County, Arkansas, as described in the Plat thereof, is hereby accepted, approved and confirmed.

SECTION 2: All dedication of utility easements and other public ways as set forth in the Plat are hereby accepted by the City. The Mayor and City Clerk are authorized and directed to certify the aforesaid approval and acceptance upon the face of the Plat.

SECTION 3: As the facilities to be constructed within this subdivision will promote the economy of the City and will promote the public health and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

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: _____, 2019

CITY OF ROGERS, ARKANSAS

APPROVED:

C. GREG HINES, MAYOR

ATTEST:

JESSICA RUSH, CITY CLERK

Requested by: Geoff Bates
Prepared by: Community Development