

ORDINANCE NO. 2021-28

**AN ORDINANCE TO PROVIDE FOR THE REZONING OF CERTAIN  
LANDS IN PRAIRIE GROVE, ARKANSAS CURRENTLY OWNED BY POPS II,  
LLC, MODIFICATION OF THE ZONING MAP, AND AMENDMENT OF THE  
ZONING ORDINANCE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE,  
ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the 2021 Pops II Rezoning Ordinance.

Section Two: Property Rezoned. From and after the effective date hereof, the following described real estate in the City of Prairie Grove, currently owned by Pops II, LLC, is hereby changed in zoning classification from A (Agricultural) to B-2 (Business):

Tract 1

Part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section 4, Township 15 North, Range 31 West, Washington County, Arkansas, being more particularly described as follows: beginning at a found iron pin which is N88°33'22"W 574.38 feet and S30°28'38"W 221.88 feet from the Northeast corner of said 40-acre tract and running thence S57°21'20"E 252.69 feet to the proposed right-of-way of U.S. Highway 62, thence along said right-of-way S34°51'16"W 199.62 feet, thence leaving said right-of-way N57°23'14"W 237.43 feet to a found iron pin, thence N30°29'37"E 199.74 feet to the point of beginning, containing 1.12 acres, more or less.

Tract 2

Part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section 4, Township 15 North, Range 31, West, Washington County, Arkansas, being more particularly described as follows: beginning at a spike located on the West line of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section 4 that is S01°00'00"W 188.16 feet from the Northwest corner of said 40-acre tract, and running thence S88°24'05"E 641.71 feet to an iron pin, thence

S30°27'41"W 359.6 feet to an iron pin, thence N88°24'05"W 444.83 feet to a spike at the West line of said 40-acre tract, thence N01°00'00"E 314.97 feet to the point of beginning, containing 4.0 acres, more or less.[]

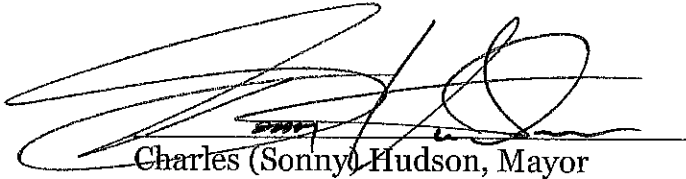
Section Four: Effective Date. This Ordinance shall become effective from and after 60 days of its posting.

Section Five: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.


Section Six: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Seven: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 20th day of September 2021.

  
Charles (Sonny) Hudson, Mayor

(Attest)

  
Christine Kelly, Clerk

ORDINANCE NO. 2021-29

**AN ORDINANCE TO AMEND FEES FOR FISHING AT PRAIRIE GROVE LAKE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE, ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the Fishing Fee Ordinance.

Section Two: Section 7.36.03B Amended. From and after the effective date of this Ordinance, Section 7.36.03B of the Prairie Grove Municipal Code is amended to read as follows:

- B. Permit Required – The City Council expressly declares that no persons shall enter the entry points of the access roads or fish from the Water Supply Lake without first obtaining a permit from the City. The cost of such permit shall be \$4.00 per person plus \$6.00 per boat daily payable in advance. The permit shall be effective from sunup to sundown during the day for which the permit is acquired. Permits may be obtained from the Lake Supervisor under rules and regulations promulgated by the Lake Supervisor.

Section Three: Effective Date. This Ordinance shall become effective from and after 60 days of its passage.

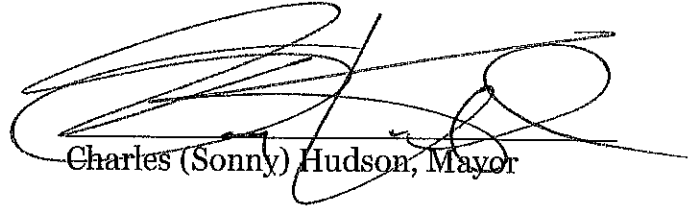
Section Four: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Five: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be


affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 20th day of September 2021.



Charles (Sonny) Hudson, Mayor

(Attest)



Christine Kelly, Clerk

ORDINANCE NO. 2021-30

**AN ORDINANCE TO AMEND PROCUREMENT POLICY.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE,  
ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the 2021 Procurement Amendment.

Section Two: Chapter 3.04 Amended. From and after the effective date of this Ordinance, Chapter 3.04 of the Prairie Grove Municipal Code shall be amended to read as follows:

3.04.01 Exempt Commodity Purchases The purchase of commodities listed in A.C.A. §14-58-104 may be purchased without soliciting bids.

3.04.02 Commodity Purchases of Thirty-five Thousand Dollars (\$35,000.00) Value or Less The Mayor, or their duly authorized representative, shall have exclusive power and responsibility to make purchases of all commodities requisite for public purposes for the City of Prairie Grove and to make all necessary contracts for work or labor to be done, or materials or other necessary things to be furnished for the benefit of the City where the amount of the commodity expenditure does not exceed the sum of Thirty-five Thousand Dollars (\$35,000.00).

3.04.03 Commodity Purchases in excess of Thirty-five Thousand Dollars (\$35,000.00) Value Where the amount of expenditure for any commodity purchase or contract exceeds the sum of Thirty-five Thousand Dollars (\$35,000.00), the Mayor, or their duly authorized representative, shall utilize competitive bidding in accordance with ACA §14-58-303 and the limits found in ACA §§19-11-229 & 19-11-234.

3.04.04 Adjustment of value limits in 3.04.02 and 3.04.03 In accordance with A.C.A. §14-58-303(b)(3) beginning January 1, 2025 and every five years thereafter, the value limits found in 3.04.02 and 3.04.03 shall be adjusted to take into account changes in the Consumer Price Index. Such calculations of the change in value will be made by the Arkansas Department of Finance and Administration and provided to the City by ADFA.

3.04.05 Public Works Projects Contracts for the major repair, alteration or erection of buildings or other structures, or for making other permanent improvements are subject to the requirements of A.C.A. Title 22, Chapter 9.

3.04.06 Local Preference

A. In accordance with A.C.A. §14-58-105, the City of Prairie Grove hereby elects to provide a percentage preference in the amount of \_\_\_\_\_ percent, not to exceed a dollar cap of \$\_\_\_\_\_, to any **firm resident in the municipality** as that term is defined in A.C.A. §14-58-105.

B. Where State or Federal law governs purchases and do not allow for the granting of local preferences, this section is not available for use.

3.04.07 Sales, exchange or disposal of materials, supplies or equipment The Sale, exchange and disposal of personal property shall be governed by A.C.A. §14-54-302.

3.04.08 Professional Services Pursuant to the authority granted by A.C.A. §19-11-801(c), the City Council of the City of Prairie Grove hereby lists the following professional services exempt from the requirements of competitive bidding:

- Legal services
- Financial advisory services
- Architectural services
- Engineering services
- Construction management services
- Land surveying services
- Appraisal services
- Land use planning services
- Economic development services
- Pooled risk management (insurance) services through the Arkansas Municipal League

3.04.09 Business disclosure Any entity, other than a publically traded corporation, conducting business with the City of Prairie Grove, prior to entering into any business agreement or transaction with the City, shall provide the following information in writing to the City:

A. The names of the individuals: serving on its board of directors, who are members of an LLC, or partners in a partnership;

B. The names of its principal officers;

C. This requirement shall only apply to purchases and sales of real estate and companies bidding on City projects and procurements.

3.04.10 Electronic Payments

A. Designated municipal employees and officials responsible for disbursements are authorized to disburse electronic fund payments directly into

payee accounts in financial institutions when necessary or convenient for payment of any expense allowed against the City.

B. Any such electronic disbursement shall include supporting documentation for the disbursement.

C. The electronic funds payment method used by the City shall provide for internal accounting controls and documentation for audit and accounting purposes.

D. The electronic funds payment method established by the City and authorized by this Ordinance shall not be implemented until and unless it has been approved by the Legislative Joint Auditing Committee.

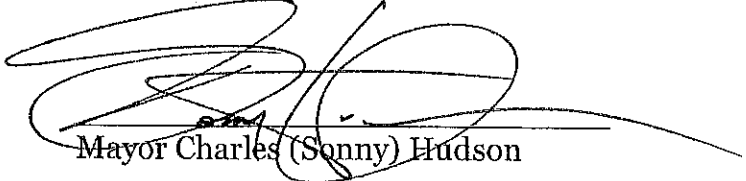
Section Three: Effective Date. This Ordinance shall become effective from and after 60 days of its posting, unless an Emergency Clause is attached hereto.

Section Four: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Five: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 20 day of September 2017

  
Mayor Charles (Sonny) Hudson

(Attest)

  
Christine Kelly, City Clerk

**MARKUP**

3.04-01-3.04.05 and 3.04.07 are a complete re-write of the previous sections. The State raised the limit on competitive bidding from \$20,000 to \$35,000 at this last legislative session and included the provision to automatically raise the limits every five years.

3.04.06 would provide for a local preference. The definition of who is eligible is detailed in the state statute using the term Firm Resident in the Municipality. It essentially says they must have a physical office in the city and must have paid taxes to Washington County benefiting Prairie Grove for the prior two years to qualify.

3.04.08 we amended recently to define additional professional services exempt from bidding. It is unchanged.

3.04.09 and 3.04.10 are unchanged.



ORDINANCE NO. 2021-31

**AN ORDINANCE TO PROVIDE FOR THE REZONING OF CERTAIN LANDS IN PRAIRIE GROVE, ARKANSAS CURRENTLY OWNED BY THE BURL & PHYLLIS ORR REVOCABLE TRUST, MODIFICATION OF THE ZONING MAP, AND AMENDMENT OF THE ZONING ORDINANCE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE, ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the 2021 Snyder Grove Rezoning Ordinance.

Section Two: Background. In 2018, the Burl & Phyllis Orr Revocable Trust submitted 3 applications to the Planning Commission, which were approved. When the Council passed Ordinance 2018-30 approving the rezones, one of the rezoned properties was omitted. This Ordinance corrects this oversight.

Section Three: Property Rezoned. From and after the effective date hereof, the following described real estate in the City of Prairie Grove, currently owned by the Burl & Phyllis Orr Revocable Trust, is hereby changed in zoning classification from A (Agricultural) and R-1 (Residential) to R-1.75 (Residential):

A PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND A PART OF THE NORTH 10 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER LYING SOUTH OF THE OZARK AND CHEROKEE CENTRAL RAILROAD, ALL BEING IN SECTION 19, TOWNSHIP 15 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N01°14'31"E 666.27 FEET AND N88°23'02"W 216.43 FEET FROM THE SE CORNER OF SAID SE/4 NW/4 AND RUNNING THENCE N88°23'02"W 1160.01 FEET TO A SET #4 REBAR ON THE WEST LINE OF SAID SW/4 NW/4, THENCE ALONG THE WEST LINE OF SAID SW/4 NW/4, N01°18'57"E 520.01 FEET, THENCE LEAVING SAID WEST LINE S88°23'02"E 118.96 FEET, THENCE N75°09'04"E 50.25 FEET, THENCE N71°44'41"E 397.54 FEET, THENCE N74°06'02"E 468.76 FEET, THENCE N70°19'07"E 51.10 FEET, THENCE N67°00'29"E 89.16 FEET, THENCE N21°53'33"W 161.57 FEET, THENCE S68°06'27"W 10.88 FEET, THENCE N21°53'33"W 116.71 FEET, THENCE N74°06'02"E 367.77 FEET, THENCE S01°25'37"W 303.86 FEET, THENCE N88°34'23"W 65.00 FEET, THENCE

S74°24'54"W 130.17 FEET, THENCE S01°18'57"W 885.11 FEET TO THE POINT OF BEGINNING, CONTAINING 20.01 ACRES, MORE OR LESS. SUBJECT TO ALL RECORD AND NON RECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND RIGHTS-OF-WAY, IF ANY. THE ABOVE DESCRIPTION BEING A PORTION OF THE SAME LAND AS DESCRIBED IN CORRECTION WARRANTY DEED FILED IN BOOK 2002, AT PAGE 72360.

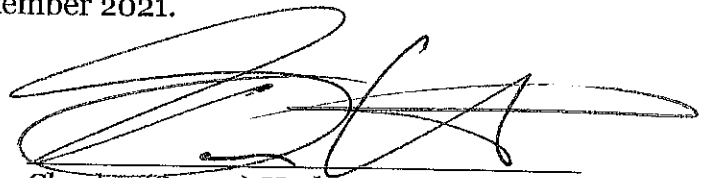
Section Four: Effective Date. This Ordinance shall become effective from and after 60 days of its posting.

Section Five: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Six: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

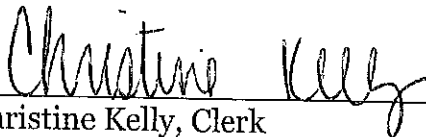
Section Seven: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 20 day of September 2021.



Charles (Sonny) Hudson, Mayor

(Attest)

  
Christine Kelly, Clerk