

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, March 27, 2007 at 7:30 p.m. Due to the absence of the Mayor, the meeting was called to order by Mayor Pro Tem Bob Goodwin. The Invocation was given by Councilman Buddy Wright. Those in attendance were led in Pledge of Allegiance.

PUBLIC FORUM:

Phil Pumphrey, General Manager of Ozark Regional Transit, presented the annual report to the council and provided a 2006 Transit Evaluation Report.

Eden Miller, 1004 N. "C" Street, spoke in regard to the proposed "Parking on the Grass" ordinance.

Miller said, "I'd like to point out that not all neighborhoods are the same. North "C" Street is bunch of older, small houses, on a quiet two-lane street, with no sidewalks, and most have no garages and very little driveway. Most of the driveways on the street are scattered gravel. If the people who live on this street are prohibited from parking on anything other than concrete or gravel driveways the only other option would be for them to park on the street. It seems to me that this would be a cure worse than the disease. I know this is not the only neighborhood like this in Rogers and urge the council to consider neighborhoods like this in this debate. I know that Rogers already has ordinances in place dealing with non-running vehicles parked in yards. I am talking about people who need to park a vehicle or two, which are running, driving and a part of their working lives."

The Public Forum was declared closed.

COUNCIL MEMBERS PRESENT:

Bob Goodwin, Barney Hayes, Greg Hines, Larry Daniel, Buddy Wright, Jim Clark and Betsy Reithemeyer were present. Mark Kruger absent.

OTHER OFFICIALS PRESENT:

City Clerk Peggy David, City Attorney Ben Lipscomb, Police Chief Steve Helms, Water & Sewer Superintendent Tom McAlister, Fire Chief Wesley Lewis, Street

Superintendent Frankie Guyll, Director of Planning and Transportation Steve Glass, Senior Planner Derrel Smith, Treasurer Jerry Hudlow, Director of Code Management and Inspections James Willett, Airport Manager David Krutsch, Administrative Assistant Wendy Shumate, Adult Wellness Center Director Keri Wilkinson, and Parks & Recreation Operations Manager Larry Williams,

ACTION ON MINUTES:

March 13, 2007

Motion by Wright, second by Daniel to approve the minutes of March 13, 2007 as submitted.

Voice vote: Unanimous. ***Motion carried.***

Motion by Hines, second by Clark to suspend the rules and consider all items on a single reading and by title only.

Roll call: Unanimous. ***Motion carried.***

REPORTS OF BOARDS AND STANDING COMMITTEES:

(Agenda Item #1)

ORD. #07-39 Appropriating \$2,221 from General Fund Reserves to Acct. #100-08-70205, Parks Dept. Small Tools & Equipment

Councilman Wright introduced the ordinance.

The ordinance was read by City Attorney Ben Lipscomb by title only.

Wright reported the Community Service Committee had met and recommended a “Do pass” and recognized Keri Wilkinson, Director of the Adult Wellness Center.

Wilkinson reported that the Walton Family Foundation has donated \$2,500 to the Adult Wellness Center which will be used to purchase a blood pressure machine for the 5000 patrons of the Adult Wellness Center to use.

The Mayor Pro Tem asked, “Shall the ordinance pass?”

Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor Pro Tem asked, “Shall the emergency clause pass?”

Roll call: Unanimous. ***The emergency clause is adopted.***

(Agenda Item #2)

ORD. #07-40 Adopting an Airport Master Plan Update for the City of Rogers, Arkansas

Councilman Hines introduced the ordinance.

The ordinance was read by City Attorney Ben Lipscomb by title only.

Hines, of the Transportation Committee, reported the committee had met and recommended a “Do pass” and recognized Airport Manager David Krutsch.

Krutsch reported this is the last step of a two- year process to approve the updated Airport Master Plan. The plan was presented and approved by the Transportation Committee on March 13th and approved by the Airport Commission on March 21st. The updated plan will be forwarded to the FAA for review.

Krutsch said the goal of the Master Plan is to provide framework needed to guide future airport development that will satisfy aviation demand in a safe and efficient manner and to insure that the airport remains a positive impact to the city.

The Mayor Pro Tem asked, “Shall the ordinance pass?”

Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor Pro Tem asked, “Shall the emergency clause pass?”

Roll call: Unanimous. ***The emergency clause is adopted.***

(Agenda Item #3)

RES. #R07-09 Fixing a Hearing Date for a Petition to Vacate a Portion of a Street

The ordinance was introduced by Councilman Hines and ready by title by Lipscomb.

Hines reported the Community Environment & Welfare Committee had met and recommended a “Do pass” and set the public hearing date for April 10, 2007 at 7:30 p.m.

Motion by Hayes, second by Daniel to adopt the resolution.

Voice vote: Unanimous. ***Motion carried.***

(Agenda Item #4)

ORD. # _____ Authorizing a Change Order in the Contract with NEC, Inc., of Lowell, Arkansas for the Pleasant Grove Road Project

The ordinance was introduced by Councilman Hines and read by title only by Lipscomb.

Hines, of the Transportation Committee, reported the committee had met regarding this item and made no recommendation.

Hines recognized Steve Glass, Director of Planning & Transportation.

Glass explained this change order was requested by the contractor NEC, Inc. to revise the contract to retain 10% until 50% of the project is completed.

Glass said NEC has requested that we reduce the required retainage to 5% at 50% complete and continue to hold 5% retainage.

Councilmember Clark noted the contractor knew the terms of the contract when they entered into the contract.

Councilmember Daniel added, “My concern is that if we approve this change in the contract, isn’t every other contractor going to come in and ask us to do the same thing? We made an agreement up front that we were going to do this and I think we should stick to our agreement. If we need to change the rules going forward on the next go around, let’s change them then.”

The Mayor Pro Tem asked, “Shall the ordinance pass?”

Roll call: Unanimous. ***The ordinance is defeated.***

(Agenda Item #5)

ORD. #07-41 Amending Rogers Code Section 130-204 (Pertaining to Cell Towers)

Councilman Hines introduced the ordinance.

Lipscomb read the ordinance by title only.

Hines, chairman of the Community Environment & Welfare Committee, reported the committee had met and recommended a “Do pass”, and recognized Derrel Smith, Senior Planner.

Smith reported the original ordinance was vague on how the plan was to be submitted and when. This ordinance requires a conditional use permit has be approved before construction plans can be submitted. An additional change included is the number of days that the Planning Commission has to approve a plan from 45 days to 60 days to take into account if an item was tabled there would be enough time for consideration.

The Mayor Pro Tem asked, "Shall the ordinance pass?"

Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor Pro Tem asked, "Shall the emergency clause pass?"

Roll call: Unanimous. ***The emergency clause is adopted.***

(Agenda Item #6)

ORD. #07-42 Appropriating \$2,642 from General Fund Reserves to Acct. #100-01-70140, Administration Telephone Expense

The ordinance was introduced by Councilman Hayes and read by Lipscomb by title only.

Hayes, chairman of the Finance Committee, reported the committee had met and recommended a "Do pass" and recognized Treasurer Jerry Hudlow.

Hudlow reported this appropriation will finalize payment for an outstanding cellular phone bill from 2006. Hudlow said the issue has been resolved with a substantial amount negotiated out.

Hudlow introduced Steve Goetze, company representatives to explain the delay.

Goetze explained that the delay in resolving the billing was due to some issues internally on the billing and misrepresentation which was identified and finally resolved with the city.

The Mayor Pro Tem asked, "Shall the ordinance pass?"

Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor Pro Tem asked, "Shall the emergency clause pass?"

Roll call: Unanimous. ***The emergency clause is adopted.***

Motion by Hines, second by Hayes to introduced the ordinances and consider items #7 & #8 together.

Voice vote: Unanimous. ***Motion carried***

(Agenda Item #7)

ORD. #07-43 Appropriating \$30,000, Plus Reimbursable Expenses, from General Fund Reserves to Acct. #100-07-80100, Cemetery Capital

(Agenda Item #8)

ORD. #07-44 Appropriating \$30,000, Plus Reimbursable Expenses, from Street Fund Reserves to Acct. #200-16-80100, Street Department Capital

The ordinances were read by Lipscomb by title only.

The Mayor Pro Tem asked, "Shall the ordinances pass?"

Roll call: Unanimous. ***The ordinances are adopted***.

The Mayor Pro Tem asked, "Shall the emergency clauses pass?"

Roll call: Unanimous. ***The emergency clauses are adopted***.

TRANSPORTATION COMMITTEE:

Councilman Hines reported a request was made and approved to close S. 6th Street from Ash to Olrich for construction projects of Rogers School System until August 10, 2007.

OLD BUSINESS:

None.

NEW BUSINESS:

(Agenda Item #1)

ORD. #07-45 Rezone from A-1 to R-O, 900 S. 45th Street (Hazel Cope)

The ordinance was introduced by Councilman Hines and read by Lipscomb by title only.

Jerry Danehower presented the rezoning request which was unanimously approved by the Planning Commission.

The Mayor Pro Tem asked, "Shall the ordinance pass?"

Roll call: Unanimous. ***The ordinance is adopted***.

The Mayor Pro Tem asked, "Shall the emergency clause pass?"

Roll call: Unanimous. ***The emergency clause is adopted***.

Councilman Clark commended the people for expressing their opinions on the

proposed parking ordinance and encouraged residents to continue the public input.

Councilman Hines agreed that comments from citizens are what are needed so that the council will know how to proceed.

There being no further business, motion by Wright, second by Hines to adjourn the meeting. Meeting adjourned at 8:05 p.m.

ATTEST:

APPROVED:

Peggy David, City Clerk

Bob Goodwin, Mayor Pro Tem