

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, January 12, 2010 at 7:30 p.m. The meeting was called to order by Mayor Steve Womack. The Invocation was given by Mayor Womack. Those in attendance were led in the Pledge of Allegiance.

PUBLIC FORUM:

Mayor Womack presented the City Medallion to Gary Carter and the smaller version, the Mayor's Coin, to Carter's nephews and niece Trent and Lexi Carter and Josh and Austin Howard for their service on Saturday, January 9th at the Adult Wellness Center.

Womack reported that Carter who was celebrating his 49th birthday on Saturday spent the day cooking and serving soup and sandwiches at the Warming Center that was set up during the extreme cold weather.

Womack said about 130 people were served by Carter and his family and, "We are moved by their generosity to the community".

Carter said, "I wanted to do this to help others and to involve the children. It was a day they will never forget."

Carter said the day also proved beneficial to the Adult Wellness Center because his time and the time for those who helped who work for Wal-Mart qualified for a grant in the amount of \$500.00 for the Adult Wellness Center.

Kevin Boyd, 917 Westridge Drive, requested that legislation be considered changing the city ordinance to raise the allowed height of accessory or storage buildings.

Boyd said he had checked with both Home Depot and Lowes, who sells storage buildings, and there is only one that falls within the height requirement as allowed by the current code.

There were no other comments from anyone in the audience.

The Public Forum was declared closed.

COUNCIL MEMBERS PRESENT:

Bob Goodwin, Mark Kruger, Barney Hayes, Greg Hines, Larry Daniel, Buddy Wright, Betsy Reithemeyer and Gary Townzen were present.

OTHER OFFICIALS PRESENT:

City Clerk Peggy David, Deputy City Attorney Jim Clark, Water Utilities Superintendent Tom McAlister, Water Utilities Engineer Mark Johnson and Earl Rausch, Senior Planner Derrel Smith, Street Superintendent Frankie Guyll, Planning & Transportation Director Steve Glass, Parks Superintendent Stan Weaver, Director of Parks and Recreation Rick Stocker, Director of Code Management & Inspection James Willett, Police Chief Steve Hamilton, Fire Chief Tom Jenkins, Treasurer Jerry Hudlow, Main Street Director Kerry Jensen, Project Engineer Lance Jobe, Emergency Management Coordinator Marshal Watson, Building Official Mike Rouse, Assistant to the Mayor Janet Foster.

ACTION ON MINUTES:

December 8, 2009

Motion by Wright, second Reithemeyer to approve the minutes of December 8, 2009 as submitted.

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

Motion by Hines, second by Kruger to suspend the rules and consider all items on a single reading, by title only and to package items #3, #4 & #5 together.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

(Agenda Item #1)

RES. #R10-01 Authorizing a Contract with Fochtman Enterprises, Inc. of Fayetteville, AR for the "C" Street Improvement Project; Accepting the Low Bid

The resolution was introduced by Council member Mark Kruger and read by title only by Deputy City Attorney Jim Clark.

Kruger reported the Transportation Committee had met and recommended a "Do pass" and recognized Project Engineer Lance Jobe.

Jobe explained this is for improvements to “C” which will include curb/guttering and storm drains from Hwy. 12 to Union Street.

Motion by Kruger, second by Reithemeyer to adopt the resolution.

Voice vote: Unanimous. ***The resolution is adopted.***

(Agenda Item #2)

ORD. #10-01 Authorizing a Contract with Arkoma Services, Inc. of Arkoma, OK for Railroad Crossing Replacements at S. First Street and Cherry Street; Waiving Competitive Bidding

The ordinance was introduced by Kruger and read by title by Clark.

Kruger reported the Transportation Committee had met, recommended a “Do pass” and recognized Director of Planning & Transportation Steve Glass.

Glass reported that this improvement to the railroad crossing at Cherry Street is in conjunction with the intersection improvements downtown and this company is the one that the railroad uses in which we do not have any choice.

The Mayor asked, “Shall the ordinance pass?”
Roll call: Unanimous - Yes. ***The ordinance is adopted.***

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

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

(Agenda Item #3)

RES. #R10-02 Authorizing a Contract with Beaver Lake Concrete, Inc. of Springdale, AR

The resolutions were introduced by Kruger and read by title only by Clark.

Kruger reported the Transportation Committee had met to review these items that deal with the trail system and recommended a “Do Pass”

(Agenda Item #4)

RES. #R10-03 Authorizing a Contract with APAC-Central, Inc. of Fayetteville, AR

Motion by Kruger, second by Reithemeyer to adopt the resolutions.

(Agenda Item #5)

RES. #R10-04 Authorizing a Contract with Big R Bridge of Greeley, CO

Voice vote: Unanimous. ***The resolutions are adopted.***

(Agenda Item #6)

RES. #R10-05 Fixing a Hearing Date for a Petition to Vacate S. "F" Street from Greenfield Road north to Oak Street

The resolution was introduced by Kruger and read by title only by Clark.

Kruger reported the Transportation Committee reviewed the plan and recommended a "Do pass" and recognized Senior Planner Derrel Smith.

Smith explained the area to be vacated is located on the north side, east of the Amis Road subdivision. It is platted, but the road has never been built. This resolution sets the public hearing date.

Kruger announced the Public Hearing has been set for January 26, 2010 at 7:30 p.m.

Motion by Hayes, second Kruger to adopt the resolution.

Voice vote: Unanimous. ***The resolution is adopted.***

(Agenda Item #7)

ORD. #10-02 Appropriating \$55,000 from Disaster Relief Reserve Acct. to Acct. #100-01-70980

The ordinance was introduced by Hayes and read by title only by Clark.

Hayes, chair of the Finance Committee, reported the committee had met and recommended a "Do pass" so that this money will be available for an emergency should one occur.

The Mayor asked, "Shall the ordinance pass?"
Roll call: Unanimous - Yes. ***The ordinance is adopted.***

The Mayor asked, "Shall the emergency clause pass?"
Roll call: Unanimous - Yes. ***The emergency clause is adopted.***

(Agenda Item #8)

ORD. #10-03 Appropriating \$73,500 from ACT 988 Reserves Fund to Capital Expenditure Acct. #339-39-80100 for the Purchase of Vehicles and Related Equipment and Accessories for the Rogers Fire Department

The ordinance was introduced by Hayes and read by title only by Clark.

Hayes reported the Finance Committee had met to consider this appropriation and recommended a “Do pass” and recognized Fire Chief Tom Jenkins

Jenkins said the ACT 988 fund is for public safety vehicles. These funds will purchase two Chevy Tahoes from the state purchasing program which will be used as command vehicles and stationed at the central Fire Station downtown.

The Mayor asked, “Shall the ordinance pass?”
Roll call: Unanimous - Yes. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clause pass?”
Roll call: Unanimous - Yes. ***The emergency clause is adopted.***

(Agenda Item #9)

ORD. #10-04 Authorizing a Contract with Braun Industries, Inc. of Van Wert, OH for the Purchase of an Ambulance, Waiving Competitive Bidding

The ordinance was introduced by Goodwin and read by title only by Clark.

Goodwin, chair of the Public Safety Committee, reported the committee had met and recommended a “Do pass”.

Jenkins said the expected date of arrival for the ambulance will be April or May, 2010.

Jenkins said by waiving competitive bidding will allow the ambulance units to be identical to what we have and the paramedics can focus on the patient rather than the equipment.

The Mayor asked, “Shall the ordinance pass?”
Roll call: Unanimous - Yes. ***The ordinance is adopted.***

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

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

(Agenda Item #10)

ORD. #10-05 Adopting and Enacting a New Code for the City of Rogers; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing for a Penalty for Violation Thereof; Providing for the Manner of Amending Such Code

The ordinance was introduced by Reithemeyer and read by title only by Clark.

Reithemeyer, chair of the Resources and Policy Committee, reported the committee had met and recommended a "Do pass" on this housekeeping item.

Deputy City Attorney Jim Clark reported that in the process of the review of the city code, there were some chapters that were deleted because they were obsolete, such as railroads. As an example of the changes in the new code book the fees are now found in the appendix rather than in the specific chapter where they were found in the older edition.

Clark said in order to eliminate any doubt that this was editors changing the laws; we felt that this ordinance would be in order for the council to adopt.

The Mayor asked, "Shall the ordinance pass?"
Roll call: Unanimous - Yes. ***The ordinance is adopted.***

OLD BUSINESS:

None.

NEW BUSINESS:

(Agenda Item #1)

RES. #R10-06 Authorizing a Contract with Rogers-Lowell Economic Development Corporation

The resolution was introduced by Kruger and read by title only by Clark.

Raymond Burns, of Rogers-Lowell Chamber of Commerce, said he appreciated the council’s support in creating jobs and building businesses.

Motion by Hayes, second Kruger to adopt the resolution.

Voice vote: Unanimous. ***The resolution is adopted.***

(Agenda Item #2)

RES. #R10-07 Authorizing a Contract with Main Street Rogers

The resolution was introduced by Kruger and read by title only by Clark.

Kerry Jensen, Main Street Rogers Director, said this contract will allow for Main Street to continue working with downtown Rogers.

Motion by Hines, second Townzen to adopt the resolution.

Voice vote: Unanimous. ***The resolution is adopted.***

(Agenda Item #3)

ORD. #10-06 Rezone from R-DP to O, 615 W. Chestnut (Terry Johnson)

The ordinance was introduced by Kruger and read by title only by Clark.

Terry Johnson, owner of the property, was present to answer questions.

No questions were asked.

The Mayor asked, “Shall the ordinance pass?”
Roll call: Unanimous - Yes. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clause pass?”
Roll call: Unanimous - Yes. ***The emergency clause is adopted.***

(Agenda Item #4)

RES. #R10-08 Certifying Local Government Endorsement of Business to Participate in the Tax Back Program (Southeast Poultry Inc.)

The resolution was introduced by Kruger and read by title only by Clark.

Raymond Burns, Rogers-Lowell Chamber of Commerce, reported the Tax Back Program is a state incentive program for new businesses.

Burns introduced Grant Turner, of Southeast Poultry Co., who will be operating the business in the facility on Town West Drive.

Turner said the facility is now being remodeled with operation to begin in March as a deboning facility. We anticipate that at the end of the 2010 we will have 100 employees and in the second year we anticipate 200 employees.

Motion by Wright, second by Kruger to adopt the resolution.

Voice vote: Unanimous. ***The resolution is adopted.***

(Agenda Item #5)

ORD. #10-07 Rezone from R-O to C-2, 10.02+- Acres at the Northwest Corner of 13th Street and Hudson Road, 1225 W. Hudson (Hudson Plaza, LLC)

Bill Watkins, representing the owner, requested that an error be corrected before the ordinance is considered and asked that Section 3 be deleted and Section 4 renumbered to Section 3.

Motion by Hines, second by Reithemeyer to amend the ordinance as requested.

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

The ordinance was introduced by Kruger and read by title only by Clark.

The Mayor asked, "Shall the ordinance pass?"
Roll call: Unanimous - Yes. ***The ordinance is adopted.***

The Mayor asked, "Shall the emergency clause pass?"
Roll call: Unanimous - Yes. ***The emergency clause is adopted.***

Councilman Hines, chair of the Community Environment & Welfare Committee reported that the annual 2009 Board of Adjustment

report has been distributed to the council as required by city ordinance.

ANNOUNCEMENTS:

Mayor Womack announced that he will be giving the State of the City Address on January 26th at 7:00 p.m. The Rogers-Lowell Chamber of Commerce will host a reception beginning at 6:00 p.m. prior to the State of the City Address in the City Hall lobby.

Womack also announced that Hank's Fine Furniture will begin building a 92,000 sq. ft. store behind Wal-Mart at Exit 81 on Pleasant Grove Road.

Womack further announced that he, Councilman Townzen, chair of the Public Works Committee, and City Attorney will begin the discussions for the negotiations of solid waste franchise contract, bid preparations, etc. for later in the year.

Womack also reminded everyone that the ordinance prohibiting the use of a cell phone in a school zone is now in effect.

APPOINTMENTS

Mayor Womack announced his recommendations for the appointment of Mark Secker to the Board of Adjustment to fill the unexpired term of Jim Bryant, term to expire 3/10/2011 and the appointment of Gary Jackson to the Rogers Airport Commission to fill the unexpired term of the late Alan King, term to expire 3/11/2011.

Approves the appointment of Mark Secker to the Board of Adjustments, term to expire 3/10/2011 and the appointment of Gary Jackson to the Rogers Airport Commission, term to expire 3/11/2011.

Motion by Kruger, second by Hines to approve the appointments as recommended and listed.
Voice vote: Unanimous. ***Motion carried.***

Council member Bob Goodwin expressed appreciation for the exceptional professional service that he had received in the past few

months from the Ambulance services at his home.

Council member Barney Hayes expressed appreciation on behalf of the Rogers School District for the city's assistance from street crews, water crews, and Mayor's office with the recent waterline break at Eastside School.

Council member Kruger expressed appreciation to the street crews for clearing the roads during the recent snow storm.

There being no further business, motion by Hayes second by Wright to adjourn the meeting. Meeting adjourned at 8:07 p.m.

ATTEST:

APPROVED:

Peggy David, City Clerk

Steve Womack, Mayor