

**MINUTES**

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, April 24, 2007 at 7:30 p.m. The meeting was called to order by Mayor Steve Womack. The Invocation was given by William Howell, of Dayspring Worship Center. Those in attendance were led in Pledge of Allegiance.

**PUBLIC FORUM:**

Jim Rowland, 801 N. 12<sup>th</sup> Street, spoke in opposition to the proposed ordinance regarding residential parking ban.

Rowland said he owns two cars and his father has one. They live at the corner of Olive Street and 12<sup>th</sup> Street. "This neighborhood is lined with mature trees and single car driveways, some unpaved. These neighborhoods are typically older; working class neighborhoods where driveway expansions would prove tough to afford and parking on the street might not be better for some. I see the potential for safety and security problems especially if the vehicles are parked on this street. Not only do I fear for personal harm just opening up the doors is something that you do quickly and carefully especially at night. In addition if the vehicles are parked on the street, they could be broken into, vandalized or run into. My vehicles are well kept and represent a significant investment of my time and money and I'd like to keep them out of harms way. I understand the residential overcrowding or immigration issues are concerns to some, but I wonder if proponents of the ordinance would stand to be in any way burdened, inconvenienced or endangered themselves. Ultimately cars are a necessity in this age and safe secure parking is an everyday need, whether you have a large house with ample parking or not. I hope that everyone in the community doesn't take it for granted that some of us might be placed with real hardships, those of us that live in modest means. If I wanted to increase the paved area, I would have to cut down the only tree in my yard. I'd appreciate your consideration.

Eden Miller, 1004 N. “C” Street, stated she had appeared previously when the last discussion of the parking ordinance was brought up.

Miller said, “When I described the street last time, I said there were no sidewalks, there is one section of sidewalk on one side of the street for part of the length, otherwise the previous description was accurate in that our street is a two-lane street without striping, no curbs and many of the houses have unpaved driveways. Our lot does have a garage; however it is too short for my husband’s truck. Many of the people on that street and the streets in the area have nothing but grass and very little driveways, most scattered with gravel. Our house is bigger than many on the street and has been assessed at \$60K, which means that many of the houses in the area are a good deal less. Trying to add paving for driveways would be a hardship for many people in my neighborhood. These people are citizens, residents, voters, taxpayers, and just trying to get along with what they’ve got, the best way they can.”

Katie Teague, 4003 E. Mural Drive, Fayetteville, representing the Illinois River Watershed Partnership (IRWP), provided the latest information sheet listing upcoming events and activities sponsored by the IRWP.

Tom Phillips, 1306 Callahan, provided photographs of examples of vehicles parked at various locations in the city.

Phillips said, “As a school bus driver, I see vehicles parked all over the city. One of these photos shows an addition of concrete in front of the house which took place after the first discussion of the prohibition of parking in the yard. If there is any doubt in anyone’s mind, these are examples of what I see. It doesn’t look good.”

City Attorney Ben Lipscomb said, “One of the provisions of the proposed ordinance is that

paving or gravel of yard to increase parking area should not exceed the minimum open space requirement of the zoning ordinance in which the residence is located.”

Laurel Phillips, 1306 Callahan, also a school bus driver and noted that one subdivision on Old Wire Road is a disaster.

Phillips said, “There are cars parked on the street with flat tires, and debris in the street which is so bad that the bus has to drive around it. Rogers is gone downhill, as far a community. I didn’t realize it until I was on the bus. It’s in good neighborhood, bad neighborhoods, it just trashed out. I’d appreciate what you can do.”

David Ibara, 1102 Quail Terrace, said, “I just heard the comment that Rogers is going downhill. It is not, Rogers is beautiful. I’ve also brought pictures of cars parked in yards and the clown houses, and I support the parking ordinance. I think it is important that the city council consider the quality of life issues. The ordinance if adopted will send a message that Rogers will not tolerate this type of inappropriate behavior.”

Judy Humphrey, 3305 N. 2<sup>nd</sup> Street, asked, “I understand that the issue is in court, but I own two unimproved lots and will I have to pay the fee for connection of sewer service?”

Tom McAlister, Superintendent of Rogers Water Utilities, responded, “If you do not already have a building permit, then the connection fee of \$2200 per lot would be required for anyone who wants to hook up onto the sewer system.”

Humphrey suggested that the city should pass some rules and all citizens should abide by those rules.

There were no other comments from anyone in the audience.

The Public Forum hearing was declared closed.

**COUNCIL MEMBERS PRESENT:**

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

**OTHER OFFICIALS PRESENT:**

City Clerk Peggy David, City Attorney Ben Lipscomb, Police Chief Steve Helms, Fire Chief Wesley Lewis, Street Superintendent Frankie Gyll, Director of Planning and Transportation Steve Glass, Water Utilities Superintendent Tom McAlister, Water Utilities Engineer Mark Johnson, Treasurer Jerry Hudlow, Director of Code Management and Inspections James Willett, Administrative Assistant Wendy Shumate, Parks & Recreation Director Rick Stocker, and Main Street Director Marge Wolf.

**ACTION ON MINUTES:**

April 10, 2007

Motion by Hines, second by Daniel to approve the minutes of April 10, 2007 as submitted. Voice vote: Unanimous. **Motion carried.**

Motion by Hayes, second by Reithemeyer to consider Item #3 under Reports of Boards and Standing Committees as the first item and suspend the rules to consider on a single reading and by title only.

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

(Agenda Item #3)

**ORD. #07-53** Authorizing the Issuance of Limited Tax General Obligation Capital Improvement Bonds

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 introduced Bob Wright of Crew and Associates, bond underwriter, and Michael Moyers, of Friday Eldredge & Clark, bond counsel who are in attendance.

Wright provided the Final Pricing Summary to each council member and explained there is a provision that if the bonds are paid off early,

the possibility of adding another improvement project could be included. Based on tax collections historically, the city’s millage collection has increased annually 8.1% and this does not factor in that the county has not yet done an assessment of the Promenade Mall and other new commercial developments which will affect the tax collection and payoff of these bonds.

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

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

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

Motion by Kruger, second by Wright to suspend the rules and consider all of the ordinances on a single reading and by title only.  
Roll call: Unanimous. ***Motion carried.***

(Agenda Item #1)  
**ORD. #07-54** Appropriating \$49,782 from Street Fund Reserves to Acct. #200-16-70950, Street Dept. Projects

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

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

Glass explained this ordinance is the funding instrument for the approval that was that given at the last meeting for the partnered improvement with Cave Springs on Wallis Road.

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

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

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

(Agenda Item #2)

**ORD. #07-55** Authorizing a Contract with Universal Field Services, Inc, for Right-of-Way Acquisition Services for the Rogers Municipal Airport

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

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

Krutsch reported this contract would help in acquisition of property on the southwest corner of the airport, near the end of the runway.

Krutsch said Universal Field Services will assist with title services, surveys, environmental due diligence audits, appraisals, reappraisals, acquisition fees including negotiation assistance and closings services which are eligible for 90% reimbursement from the FAA.

The Mayor asked, “Shall the ordinance pass?”

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

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

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

(Agenda Item #4)

**ORD. #07-56** Prohibiting the Parking of Vehicles on Certain Areas of Properties in Residential Areas

Councilman Hines introduced the ordinance.

The ordinance was read by Lipscomb by title only.

Hines, chairman of the Community Environment & Welfare Committee reported a meeting was held with a 2 to 1 recommendation vote.

Councilmember Goodwin said, “I feel strongly that this is detrimental to property values if the vehicles continue to park on the lawn. It devastates the community, and for that reason I am going to support it.”

Councilmember Wright noted that he is sensitive to those who spoke and to the hardship that may be created for some, but feels that the gains for the city will outweigh the hardship. “It is a difficult decision, but I think it will put controls on those who are violators. I am going to support it.”

Councilmember Clark said, “I didn’t plan to say anything, but I think it is over-regulation. I think it is undo influence on people’s property rights, something I feel very strongly about. I think it will create more problems that it will correct. We are adopting a city ordinance which will be applied citywide to try to get rid of a few problems areas in the City of Rogers. I think there are other ways to do it and I don’t think we are addressing the real problem. It will make people to start parking in the streets. It will have repercussions that you don’t intend to have, and I will vote no.”

City Attorney Ben Lipscomb announced at the committee meeting the effective date was decided as September 1, 2007.

Councilmember Reithemeyer said, “I agree with Mr. Clark as far as property rights, but I will be voting in favor. I am concerned with the blanket ordinance with no type of leeway and no type of provisions for folks that don’t have a driveway.”

Lipscomb responded, “There is no way to draft an ordinance that at least to some extent doesn’t throw the baby out with the bathwater.”

Clark added, “The best lawyers in the world couldn’t produce an ordinance that would address the real issue. There is no such thing as

a perfect ordinance and this ordinance is less than a perfect. It will cause some problems.”

The Mayor asked, “Shall the ordinance pass?”  
Roll call: Daniel, Wright, Reithemeyer, Goodwin, Kruger, Hayes, Hines – Yes; Clark – No. ***The ordinance is adopted.***

Womack announced the passage of the ordinance to go into effect September 1, 2007 and suggested that the council consider a permitting process for those who may wish to expand their driveways.

Councilmember Hines announced the Community Environment & Welfare Committee will begin working on a permitting process.

Mayor Womack announced that another ordinance has been signed off by him and three council members for consideration at this time.

**Added to the Agenda:**

**ORD. #07-57** An Ordinance Appropriating \$24,000 from General Fund Reserves into the following Accounts: \$3,000 to Acct. #100-03-80100, Police Dept. Capital; \$3,000 to Acct. #100-04-80100, Fire Dept. Capital; \$3,000 to Acct. #100-08-80100, Parks Dept. Capital; \$15,000 to Acct. #100-14-80100, Code Enforcement Dept. Capital

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

Hayes, chairman of the Finance Committee reported the committee had met and recommended a “Do Pass” and recognized James Willett, Director of Code Enforcement.

Willett requested permission to purchase three travel trailers from FEMA to be used for Mobile Command Posts for the Police, Fire and Parks Departments and a Litter Vacuum to be used along the interstate and other areas of the city.

Rick Stocker, Director of Parks and Recreation reported the trailers will be used by the Parks Dept. as a reception area for tournament officials at the various parks in the city.

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

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

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

**Community Environment & Welfare Committee:**

Councilman Hines reported the Planning Office has gone out for bids for the remodel of the Planning Office and recognized Steve Glass, Director of Planning & Transportation.

Glass reported that one bid was received from Midland Construction in the amount of \$24,000 for the remodel of the Planning Office which was within the architect’s estimate and requested that the bid be accepted.

Glass reported the remodel will create a waiting area for the Planning Office.

**Accepts** low bid in the amount of \$24,000 from Midland Construction for remodel of Planning Area.

Motion by Hines, second by Daniel to accept the bid from Midland Construction for the remodel of the Planning Office.

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

**TRANSPORTATION COMMITTEE:**

Councilman Kruger recognized Mark Johnson, Rogers Water Utilities Engineer.

Johnson announced that earlier the Transportation Committee had approved the closing of a S. 28<sup>th</sup> Street from Dogwood to Osage for the construction of a 24-inch waterline.

Johnson said the contractor is moving to the site and the construction will begin. The street will be closed for through-traffic from Tuesday, May 1 for 30 days and opened for local traffic only.

Kruger recognized Steve Glass.

Glass requested permission to advertise for bids for the Signalization of the section of Dixieland Road that connects to Pleasant Grove Road.

The developer of The Grove has agreed to pay 45% cost on the traffic signals.

**Authorizes** advertisement of bids for signalization of Dixieland Road and Pleasant Grove Road.

Motion by Kruger, second by Hines to authorize the advertisement of bids for signalization at Dixieland Road and Pleasant Grove Road.

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

**OLD BUSINESS:**

**ORD. #07-58** Vacating a Portion of Persimmon, Cedar, Maple and Adjoining Alleys Lying on the E. Side of N. Arkansas and Lying on the N. Side of Chestnut Street (Final Vote)

Rob Castor, representing Pel-Freez, reported the issues had been worked out.

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

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

**NEW BUSINESS:**

(Agenda Item #1)

**ORD. #07-59** Rezone from C-2 to C-4, Approximately 11.99 Acres at 28<sup>th</sup> Street & I-540 (Bill White)

Councilman Kruger introduced the ordinance.

The ordinance was read by Lipscomb by title only.

Bill Watkins, representing the owner, requested the rezoning.

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

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

(Agenda Item #2)

**ORD. #07-60** Rezone from R-O to C-2, 6.21 acres, more or less near the Southwest Corner of Bellview and Perry Road (Rogers Retail)

Councilman Kruger introduced the ordinance.

The ordinance was read by Lipscomb by title only.

Mack Elrod, CEI Engineering, presented the rezoning request.

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

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

(Agenda Item #3)

**ORD. #07-61** Rezone from A-1 to RSF, 4506 W. Oak (Hazel Cope)

Councilman Kruger introduced the ordinance.

The ordinance was read by Lipscomb by title only.

Jerry Danehower, representing the property owner, requested the rezoning.

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

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

(Agenda Item #4)

**ORD. #07-62** Accepting the Final Plat of The Grove, Phase II

Councilman Kruger introduced the ordinance.

The ordinance was read by Lipscomb by title only.

Reid Catt, of Crafton, Tull, Sparks & Associates, presented the final plat.

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

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

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

**APPOINTMENTS:**

Womack announced at the last meeting Mike Whitmore was appointed to the Museum Commission but the term was listed as expiring 12/31/2008, it should be noted his term will expire 12/31/07.

Womack recommended the appointment of Bob Cowan to the Museum Commission to replace Glenda Rice, who resigned, term to expire 12/31/08.

**Approves** the appointment of **Bob Cowan** to the *Museum Commission*, term to expire 12/31/08.

Motion by Wright, second by Kruger to appoint Bob Cowan to the Museum Commission.  
Voice vote: Unanimous. ***Motion carried.***

**ANNOUNCEMENTS:**

Mayor Womack announced the sales tax numbers received from the state was 14% higher than last year which means that Rogers continues to show positive strength.

There being no further business, motion by Kruger, second by Hines to adjourn the meeting. Meeting adjourned at 8:40 p.m.

**ATTEST:**

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Peggy David, City Clerk

**APPROVED:**

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Steve Womack, Mayor