

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, May 11, 2010 at 7:30 p.m. The meeting was called to order by Mayor Steve Womack. The Invocation was given by Rev. Shawn Wallace, of First Christian Church. Those in attendance were led in the Pledge of Allegiance.

PUBLIC FORUM:

Joanne Hoffman, 912 S. 14th Place, stated that the release of Michael Dennis Vanvliet has not occurred yet because the paperwork has not been received.

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, City Attorney Ben Lipscomb, Water Utilities Superintendent Tom McAlister, Water Utilities Engineers Mark Johnson, Planning & Transportation Director Steve Glass, Senior Planner Derrel Smith, Police Chief Steve Hamilton, Fire Chief Tom Jenkins, Treasurer Jerry Hudlow, Director of Code Management James Willett, Director of Parks & Recreation Rick Stocker, Parks Superintendent Stan Weaver, Facilities Manager David Hook, Building Official Mike Rouse, and Assistant to the Mayor Janet Foster.

ACTION ON MINUTES:

April 27, 2010

Motion by Reithemeyer, second Wright to approve the minutes of April 27, 2010 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 and by title only.

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

**REPORTS OF BOARDS AND
STANDING COMMITTEES:**

(Agenda Item #1)

ORD. #10-48 Amending the 2010 Fire Dept. Budget Grants/Donations Acct. #100-04-45600 in the Amount of \$58,815 and Appropriating \$65,350 from General Fund Reserves to Fire Dept. Acct. #100-04-70262

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

Hayes, chair of the Finance Committee, reported the committee had met, heard a report from Fire Chief Jenkins and recommended a “Do pass” for this grant money that has been received and appropriation which will provide smoke detectors for low income residents.

Jenkins said this Federal 90/10 grant will go to smoke detectors which will improve fire prevention in the city.

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 #2)

ORD. #10-49 Amending the 2010 Fire Dept. Budget Grants/Donations Acct. #100- 04-45600 in the Amount of \$37,728 and Appropriating \$37,728 from General Fund Reserves to Fire Dept. Acct. #100-04-80100

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

Hayes, chair of the Finance Committee, reported the committee had met, heard a report from Chief Jenkins and recommended a “Do pass”.

Jenkins reported this 100% grant from the Arkansas Trauma Center will be used for the purchase of two motorized cots for the Ambulance Service which will help to prevent back injuries.

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. #R10-19 Authorizing an Interlocal Agreement with the City of Little Flock for the Provision of Ambulance Services

The resolution was introduced by Council member Goodwin and read by title only by Lipscomb.

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

Jenkins said this agreement with the City of Little Flock will provide ambulance service at a cost of \$5.50 per capita charge paid by the City of Little Flock to the City of Rogers.

Jenkins said the Little Flock City Council has approved this agreement.

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

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

(Agenda Item #4)

ORD. #10- Authorizing the Rogers Fire Department to Regulate and Permit the Digging and/or Construction of Trenches as Defined by and Pursuant to Occupational Safety and Health Act of 1980

This item has been pulled from the agenda.

(Agenda Item #5)

RES. #R10-20 Authorizing a Contract with Construmarr, Inc. of Bentonville, AR for Horsebarn Trailhead Project

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

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

Glass reported bids were received with the low bid coming in from Construmarr, Inc. for the restrooms, basketball court and gazebo at the Horsebarn Trailhead at 52nd Street.

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

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

(Agenda Item #6)

ORD. #10-50 Authorizing a Contract with Upchurch Electrical Supply of Rogers, AR for the Horsebarn Trailhead Project; Waiving Competitive Bidding

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

Kruger reported the Transportation Committee had met and recommended a “Do pass” and recognized Facilities Manager David Hook.

Hook reported that this ordinance waives competitive bidding for the lighting on the Horsebarn Trailhead project but prices were taken from three local electrical supply companies with this being the lowest of the three.

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 #7)

ORD. #10- Prohibiting the Purchase, Sale and Offering for Sale the Synthetic Cannabinoid Known as “Spice” or “K-2”

Mayor Womack announced the Committee of the Whole had met prior to the council meeting and recommended that the ordinance be amended to delete the word “*possession*”.

The amended ordinance (deleting the word *possession*) was introduced by Kruger and read by title only by Lipscomb.

Lipscomb announced that he had received word that the Benton County Quorum Court has just passed an ordinance prohibiting the Purchase, Possession, Sale and Offering for Sale the Synthetics Cannabinoid Known as “Spice” or “K-2” so this action may be moot.

Council member Hines stated he was not able to attend the committee of the whole meeting and asked why the word possession was deleted.

Lipscomb responded that Juvenile Judge Finch, at the committee of the whole meeting, had said that he has no way of testing a juvenile on probation for possession because there is no test available for the K-2.

Hines said he understands that the state crime lab is working on a test for K-2 that will take care of that.

Motion by Hines, second by Daniel to amend the ordinance to include the word “*possession*”. Roll call: Unanimous- Yes. ***Motion carried.***

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

Mayor Womack announced that since the ordinance has been amended it will now require three readings.

Councilman Kruger suggested that we proceed with caution until we know what the county has passed. We heard in the committee meeting from the Judge and Police Chief as to the difficulties of enforcement.

The ordinance was read by Lipscomb.

Council member Reithemeyer said, “We listened to Judge Finch and Chief Hamilton and now we are basically doing what they ask us not to do.”

Reithemeyer asked Hines what is the issue with the possession.

Hines said, "My responsibility is not the probationers of the county. I feel very comfortable with the ordinance that the county passed and it is an issue that I feel my constituents would want me to do."

Motion by Goodwin, second by Hines to suspend the rules and consider on a second reading.

Roll call: Daniel, Townzen, Goodwin, Hayes, & Hines – Yes; Wright, Kruger and Reithemeyer – No. ***Motion carried.***

There was no further action.

Mayor Womack announced this issue will be an item of Old Business at the next scheduled council meeting.

None.

OLD BUSINESS:

NEW BUSINESS:

Added to the Agenda
(Agenda Item #1)

RES. #R10-21 Authorizing the City of Rogers, AR to participate in Cooperative Regional Efforts to Monitor and Evaluate, and to Report, the Likely Effects that Future Proposed Changes to Stream Standards and Wastewater Discharge Requirements May Have on Northwest Arkansas

Mayor Womack announced that this item has been added to the agenda and signed off by him and three council members.

Womack said this issue is one that will affect every city in the county in the future if the total maximum daily loads (TMDL) is established.

Womack said this resolution will allow the cooperative agreement between the cities and counties of Northwest Arkansas to pool their resources to address regional issues.

Womack recognized former Mayor John Sampier.

Sampier said, as a biologist and Executive Director of Northwest Arkansas Conservation Authority, there is absolutely no credible current scientific research on this region that supports this action from District 6 of the EPA and it is an unfunded mandate.

Sampier said this cooperative agreement will allow for the region to provide evidence to the EPA. If these TMDL are required, it will be an economic Armageddon to the small cities.

Mayor Womack said the amount that each entity will pay into the pool will be determined, but it looks to be somewhere around \$20,000 of which the Rogers Water Utilities and the City of Rogers will split that cost.

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

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

ANNOUNCEMENTS:

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

ATTEST:

APPROVED:

Peggy David, City Clerk

Steve Womack, Mayor