

MINUTES

The **Rogers City Council** met for a *regular session* in the Council Chambers of the City Administration Building on Tuesday, June 13, 2006 at 7:30 P.M. The meeting was called to order by Mayor Steve Womack. Councilman Buddy Wright gave the Invocation. Those in attendance were led in the Pledge of Allegiance.

PUBLIC FORUM:

There were no comments from anyone in the audience.

The Public Forum was declared closed.

MEMBERS PRESENT:

Councilmen Bob Goodwin, Barney Hayes, Greg Hines, Larry Daniel, Buddy Wright, Jack McHaney, Mark Kruger and Jim Clark were present.

OTHER OFFICIALS PRESENT:

City Clerk Peggy David, City Attorney Ben Lipscomb, Director of Parks & Recreation Rick Stocker, Superintendent of Water Utilities Tom McAlister, Museum Director Gaye Bland, Water Utilities Engineer Mark Johnson, Director of Planning and Transportation Steve Glass, Senior Planner Derrel Smith, Fire Chief Wesley Lewis, Police Chief Steve Helms, Director of Code Management and Inspections James Willett, Assistant to the Mayor Wendy Shumate, Main Street Director Marge Wolf, Street Superintendent Frankie Gyll, Animal Shelter Manager Kelly Gilbert, Treasurer Jerry Hudlow.

ACTION ON MINUTES:

(May 23, 2006)

APPROVED

Motion by Hines, second by Kruger to approve the minutes of the May 23, 2006 meeting as submitted.

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

**REPORTS OF BOARDS AND
STANDING COMMITTEES**

(Agenda Item #1)

RES. R06-19: Fixing a Hearing Date for a Petition to Vacate a Portion of a Street

Kruger introduced the resolution.

Lipscomb read the resolution.

Councilman Kruger, chairman of the Transportation Committee, reports the committee has met and recommended a “Do Pass” and set the time of the Public Hearing date as July the at 7:30 p.m.

Motion by Kruger second by Hayes to adopt the resolution.

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

(Agenda Item #2)

RES. R06-20 Authorizing a Change Order With CEI Engineering & Associates, of Bentonville, Arkansas, To Provide For Increased Observation Time for the Old Wire Road Construction

Kruger introduced the resolution

Lipscomb read the resolution

Councilman Kruger, chairman of the Transportation Committee, reports the committee has met and recommended a “Do Pass” and recognized Director of Planning & Transportation Steve Glass.

Glass states the time frame of the contract has expanded due to the utilities being behind on their work. This will cause CEI to increase the time of observation for the project.

Motion by Kruger second by Hines to adopt the resolution.

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

(Agenda Item #3)

RES. R06-21: Authorizing a Change Order In The Contract with APAC Arkansas, for Additional Concrete Work Associated with the Construction of Islands Around the Traffic Signals at the Intersection of New Hope and Old Wire Roads

Kruger introduced the resolution.

Lipscomb read the resolution.

Councilman Kruger, chairman of the Transportation Committee, reports the committee has met and recommended a “Do Pass” and recognized Director of Planning & Transportation Steve Glass.

Glass states due to the location of the traffic signals APAC Arkansas will need put some curbing around the signals to protect them.

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

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

(Agenda Item #4)

RES. R06-22: A Resolution Authorizing a Change Order with CEI Engineering & Associates for the Pleasant Grove Road Construction Project

Kruger introduced the resolution.

Lipscomb read the resolution.

Councilman Kruger, chairman of the Transportation Committee, reports the committee has met and recommended a “Do Pass” and recognized Director of Planning & Transportation Steve Glass.

Glass states the original contract with CEI was based on a percentage of the actual contract cost. When the bids came in this cost increased. The change order request for CEI reflects the same percentage of the bid cost.

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

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

(Agenda Item #5)

ORD. 06-98 : Amending the 2006 Police Dept. Budget and Appropriating \$14,592 from General Fund Reserve to Police Dept. Acct. #100-03-70270

Motion by Kruger, second by Wright to suspend the rules and consider all agenda items on a single reading.

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

Goodwin introduced the ordinance.

Lipscomb read the ordinance.

Councilman Goodwin, chairman of the Public Safety Committee, reports the committee has met and recommended a “Do Pass.” and recognized Police Chief Helms.

Helms states this is a 100% grant that was applied for and approved. There will be no cost to the City of Rogers.

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 #6)

ORD. 06-99 : Transferring \$2010 from Animal Shelter Kennel Fund to Animal Shelter Kennel Fund Misc. Acct.

Hines introduced the ordinance.

Lipscomb read the ordinance.

Councilman Hines, chairman of the Community Environment & Welfare Committee, reports the committee has met and recommended a “Do Pass.” and recognized Director of Code Management & Inspections James Willett.

Willett states the money will be used to purchase two hundred microchips to place in animals that are adopted out of our shelter.

This will increase the return rate for getting the pets back to their owner. Each microchip is \$10.80. The amount we are asking to be transferred was received through donations.

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 #7)

ORD. 06-100: Regulating the Containment of Fowl and Other Animals in the Corporate Limits of the City of Rogers.

Hines introduced the ordinance.

Lipscomb read the ordinance.

Councilman Hines, chairman of the Community Environment & Welfare Committee, reports the committee has met and recommended a "Do Pass." and recognized Director of Code Management & Inspections James Willett.

Willett states there will be an application for a fowl permit that the owner will have to apply for through the City Clerk. Code Enforcement will go to the residence and inspect to assure they comply with the ordinance. If they are in compliance the code enforcement officer will sign the application and return it to the City Clerk office and they will issue the fowl permit.

The Mayor asked, "Shall the ordinance pass?"

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

(Agenda Item #8)

RES. R06-23: Acknowledging the Policy of the Rogers Historical Museum Vis a Vis Capitalization of Items in its Permanent Collection

Wright introduced the resolution.

Councilman Wright, chairman of the Community Service Committee, reports the committee has met and recommended a “Do Pass.” and recognized Museum Director Gaye Bland.

Bland states this is a housekeeping measure. We do not capitalize on the museums collections. Under accepted museum ethics museum collections are held in trust for the public for uses of education. They are not depreciating assets or assets that should be encumbered by loans and so forth. GASB allow this as long as all incomes from collections go only for purchase of new collections. It is recommended to have a resolution from the city council to make the point to auditors that not capitalizing on these collections is not an oversight but a matter of museum ethics and policy.

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

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

(Agenda Item #9)

RES. R06-24: Dictating the Procedures Used by the Rogers Historical in its Collection and Maintained of Accessioned Items.

Wright introduced the resolution.

Lipscomb read the resolution.

Councilman Wright, chairman of the Community Service Committee, reports the committee has met and recommended a “Do Pass.” and recognized Museum Director Gaye Bland.

Bland states this allows us to sell items that are not relevant to local history and allows Treasurer Jerry Hudlow to establish a special fund for income from those sales and

later purchase items from this account.
Approval from Council is required to set up such an account.

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

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

(Agenda Item #10)

RES. R06-25: Authorizing an Interlocal Agreement with Certain Cities and Incorporated Towns in Benton County, Arkansas to Provide for the Distribution of Sales Tax Funds Generated by Fuel Sales at the Northwest Arkansas Regional Airport.

McHaney introduced the resolution.

Lipscomb read the resolution.

Councilman McHaney, chairman of the Finance Committee, reports the committee has met and recommended a “Do Pass.”

McHaney states the Regional Airport Authority has discovered that some cities in the county have been a beneficiary of sales tax revenue from fuel sales. By state statute we are not entitled to these funds. They are not asking for a refund but from this day forward we will no longer receive these funds.

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

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

(Agenda Item #11)

Request for Waterline Extension Outside of City of Rogers for Edgewater Subdivision in Benton County, Arkansas.

Councilman Clark, chairman of the Public Works Committee, reports the committee has met and recommended a “Do Pass.”

Motion by Wright, second by Clark to approve the water line extension outside of the City of Rogers for Edgewater Subdivision.

Voice vote: Unanimous. **The water line extension is approved.**

(Agenda Item #12)

ORD. 06-101: Amending Rogers City Code Section 10-111.

Wright introduced the ordinance.

Lipscomb read the ordinance.

Councilman Hayes, chairman of the Resource & Policy Committee, reports the committee has met and recommended a “Do Pass” and introduced Main Street Director Marge Wolf.

Wolf states she originally brought this ordinance to committee to cover the Historic District and Frisco Park. This is a necessity not only in the Historic District but all over the city as well. We have had many calls and emails supporting the ordinance by the citizens.

Mayor Womack states his concern is how this ordinance will be enforced. It will be almost impossible to prove the animal defecated unless it is witnessed by an officer. This will take many man hours and could pull officers away from very important calls to take reports from citizens. Code enforcement is on duty 8:00 am to 5:00 pm Monday through Friday and they are stretched thin enforcing code issues. This leaves our City Police Department to pickup issues of this kind when code officers are not available.

Kruger suggests amending the ordinance to cover Frisco Park and the Historic District. There are many events in the downtown area and people bring their animals. I can see where this could become a problem.

Motion by McHaney, second by Goodwin to amend the ordinance to its original form to protect the Historic District and Frisco Park. Roll call: Unanimous. **Motion carried.**

Kruger introduced the amended ordinance.

Lipscomb read the amended ordinance.

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 #13)

RES. R06-26: Authorizing a Contract with Crafton Tull & Associates for Engineering Services for the 45th Street Bridge Project.

Kruger introduced the resolution.

Lipscomb read the resolution.

Councilman Kruger, chairman of the Transportation Committee, reports the committee has met and this comes before the council without a recommendation from committee.

Mayor Womack states we have learned in the last several years some very valuable lessons about critical pieces of infrastructure and the length of time many of them take to complete due to design of infrastructure, easement acquisition and the movement of utilities. We need to get ahead of change. If we know a project of absolute significance we need to get the ball rolling early involving those projects to shorten the time frame. The 45th Street Bridge is critical to the movement of traffic in and around Walnut, New Hope, Perry Road, Interstate 540, Horsebarn and Champions area. We are asking to consider appropriating the dollars now to commission the design work so if and when you choose to call for an election that allows us to issue bonds tied to current taxes without a tax increase, this city can move straight from voter approval to construction. I had a meeting with several developers this

afternoon. If we say to them we are not ready to develop until we have voter approval and further delay this project, one or more of these developers may move to another project which will delay another 3 to 9 months or more for the needed infrastructure. These developers will be responsible for building what will become 45th St.

Glass states the packets he is handing to the council have an update of play by play transformation of the bond projects, how we started originally and new projects that have been added. It gives you some scenarios for cash flow to consider.

Clark asks if anything that we have committed to is being deferred.

Glass states there are deferrals in the scenarios for you to consider.

Clark asks if the construction of 1st St. is being deferred.

Glass states no.

Kruger states he would prefer the money come out of the general fund or street fund reserves instead of bond money. This project was not included in the bond issue.

Womack states it is important to cash flow because we have a spend down requirement on the bond issue. He feels street projects need to be cash flowed out of bonds because we have to spend 80% of the money within 3 years. We can replenish out of the general fund as needed.

Hayes states that we are all aware of the traffic problem areas in our city and he feels the sooner we can get more on a fast track is needed. He thinks we need to support the project.

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

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

TRANSPORTATION COMMITTEE:

Councilman Kruger, chairman of the Transportation Committee, reports the committee has met and approved a street closing for a block party at 22nd Street and Seminole on July 4th from 12:00 pm through 11:00 p.m.

OLD BUSINESS:

(Agenda Item #1)

ORD. 06-102: Accepting the Final Plat of Lakewood Subdivision Phase 1.

(Final Vote)

Nathan Young of Crafton Tull & Associates presented the Lakewood Final Plat. The Final Plat was tabled at last meeting due to not having water. We now have water.

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. 06-103: Correcting Scriveners Error in ORD. #03-30

Kruger introduced the ordinance.

Lipscomb read ordinance.

John Wary of Morrison Shipley Engineers presented the correction request.

The Mayor asked, "Shall the ordinance pass?"

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

(Agenda Item #2)

ORD. #06-104: Rezone from R-DP to RSF, 1223 North "B" Street (Jose Chavez).

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

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

Kruger introduced the ordinance.

Lipscomb read the ordinance.

Jose Chaves presents the rezone 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. #06-105 Rezone from RMF-7.5A and RDP to RAH, 18.67 Acres of Southeast Corner of 1st Street and New Hope Road (Northstar Holdings LLC)

Kruger introduced the ordinance.

Lipscomb read the ordinance.

Kim Fugitt presented the rezone request.

The Mayor asked, "Shall 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. #06-106 Accepting the Final Plat of Arbor Glen, Lots 1 through 55

Kruger introduced the ordinance.

Lipscomb read the ordinance.

John Wary of Morrison Shipley presented the Final Plat.

The Mayor asked, "Shall 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.***

There being no further business, motion by Kruger, second by Wright to adjourn the meeting.
Meeting adjourned at 8:50 P.M.

ATTEST:

APPROVED:

Peggy David, City Clerk

Steve Womack, Mayor