

MINUTES

The **Rogers City Council** met for a *regular session* in the Council Chambers of the City Administration Building on Tuesday, August 8, 2006 at 7:30 P.M. The meeting was called to order by Mayor Steve Womack. The Invocation was given by Councilman Buddy Wright. The Pledge of Alliance was led by Boy Scouts Nathan Bishop and Matthew Bishop of Troop 122.

PUBLIC FORUM:

Dennis Betz, 402 N. 33rd Street, spoke in regard to the removal of a “For Sale by Owner” sign by a city employee.

Betz said the sign was on another piece of private property with the owner’s permission.

Betz said other real estate signs were allowed similarly and asked that the code be uniformly enforced.

James Willett, Director of Code Enforcement, said the sign was removed because it was an off-premise sign and not allowed by city code, and that all real estate signs are also removed.

Councilman Wright said he had experienced the same thing with a sign and understood Mr. Betz frustration.

Councilman Clark noted that every weekends, signs pop-up advertising “Open House”, and they are a violation too if this is a violation.

Councilmen agreed that the code should be reviewed for owners who are trying to sell their property on their own.

Councilman Hines, Chairman of the Community Environment & Welfare Committee, announced his committee would meet to review the current code and schedule a committee meeting prior to the next council meeting.

There were no other comments from anyone in the audience.

The public hearing was declared closed.

COUNCIL MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

City Clerk Peggy David, City Attorney Ben Lipscomb, Director of Parks & Recreation Rick Stocker, Superintendent of Water Utilities Tom McAlister, Police Chief Steve Helms, Fire Chief Wesley Lewis, Treasurer Jerry Hudlow, Director of Planning and Transportation Steve Glass, Senior Planner Derrel Smith, Director of Code Management and Inspections James Willett, Street Superintendent Frankie Gyll, Human Resource Director Gina Kincy, and Assistant to the Mayor Wendy Shumate.

Motion by Hines second by Wright approve the minutes of July 25, 2006 as submitted. Voice vote: Unanimous. **Motion carried.**

Motion by Kruger, second by Hines to suspend the rules and consider each item on the agenda on a single reading and by title only. Roll call: Unanimous. **Motion carried.**

REPORTS OF BOARDS AND STANDING COMMITTEES

Motion by Daniel, second by Hayes to consider Agenda Item #3 as the first item of business so that out-of-town guest can get on the road. Roll call: Unanimous. **Motion carried.**

(Agenda Item #3)

ORD. #06-131 Authorizing the Issuance of Sales and Use Tax Bonds, Series 2006 for the Purpose of Financing All or a Portion of the Cost Of Capital Improvements; Pledging Collections Of a 1% Sales and Use Tax to Pay the Principal of and Interest on the Bonds

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

Hayes, a member of the Finance Committee, reported the committee had met and

recommended a “Do Pass” and recognized Jim Fowler.

Jim Fowler, of Morgan Keegan, introduced those also attending the meeting as Michael Lindsey of Morgan Keegan, and Dennis Hunt and Kevin Faught of Stephens, Inc., co-managers of the fund.

Fowler also introduced Shep Russell and Erin Cullum, of Friday, Eldredge & Clark, Bond Counsel.

Fowler said bonds were sold last week which is the third and final series of the bond issue as approved in the election of 2003.

Fowler said the bonds sold for \$15,400,000 with the final maturity date set for September 1, 2017. The net proceeds to the Street and Fire funds will be \$15,100,000 and the projected average life of the bond will be 4.65 years based on the historical to-date sales, which would mean these bonds will payoff on September 1, 2014.

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.***

Mayor Womack announced as was stated in the Finance Committee meeting, the administration is planning to bring before the council an ordinance at the August 22nd meeting that would call for an election to retire bonds based on a dedication of general fund millage.

Womack said he had proposed a reduction of millage of property tax in his State of the City Address, but had received limited support for this. Since that time, consideration has been made to designate what would be the proceeds of the decreased millage be committed to important projects that are currently on hold until funding could be obtained.

Womack listed two important projects as identified by the TIF task force as the Pleasant Grove Overpass project and the 45th Street Bridge.

Womack said if the ordinance is passed at the August 22nd council meeting, it would meet the 60-day deadline to get an item on the General election ballot in November for the voters to approve the projects.

Womack asked Bond Counsel Shep Russell to explain the process.

Russell said the ordinance would have to be adopted which will contain the ballot title for the voters to consider. The ballot will contain three items: (1) the purpose – Street projects; (2) the maximum rate of property tax; (3) the maximum amount of bonds.

Womack estimated the cost of the 45th Street Bridge at \$5 million and the Pleasant Grove Overpass at \$7.5 million, and noted that these projects are currently in the design phase.

Womack said timing is very important because of the 60-day time limit and this will not be a tax increase, but will dedicate millage tax to be paid for the projects.

RES. #R06-36 Fixing a Hearing Date for a Petition to Vacate a Portion of a Street

Kruger introduced the resolution.

Lipscomb read the resolution by title only.

Councilman Kruger, chairman of the Transportation Committee, reported the committee had met and recommended a “Do Pass” and set the public hearing date for August 22, 2006.

Kruger recognized Director of Planning & Transportation Steve Glass.

Glass explained this would vacate a portion of a right-of-way going into the Home Depot parking lot on 46th Street.

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

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

(Agenda Item #2)

RES. #R06-37 Authorizing a Contract with Carter and Burgess of Fayetteville, AR to Provide Design Services for the Price Lane Project.

Kruger introduced the resolution.

Lipscomb read the resolution by title only.

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

Glass explained this contract will allow for the design of the continuation of Price Lane from the new Junior High School to the west to Hwy. 71B.

Glass said there were about 10 property owners involved and when the financing is obtained, the project can begin.

Glass said the funding for the design is paid for through the CDBG money and will include a signal warrant study at Hwy. 71B.

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

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

(Agenda Item #4)

ORD. #06-132 Amending **ORD. #05-82**
(Water Conservation)

Councilman Clark introduced the ordinance.

Lipscomb read the ordinance by title only.

Clark, chairman of the Public Works Committee, reported the committee had met and recommended a “Do pass” and noted this ordinance will give the Mayor the authority and power to declare an emergency to invoke mandatory conservation measures when the situation is needed in concert with Bentonville’s administration.

Womack explained this ordinance gives the two mayors of Rogers and Bentonville the authority to require the mandatory conservation, but gives an additional stage for irrigation systems to use the even-odd system for watering. We are still asking for even-odd system on a voluntary basis, but this will allow for mandatory measures to be implemented if needed.

The Mayor asked, “Shall the ordinance pass?”

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

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

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

OLD BUSINESS:

NEW BUSINESS:

(Agenda Item #1)

ORD. #06-133 Rezone from I-2 to C-2, 7.5 Acres on West side of N. 24th Street North of Railroad Tracks and the Second Tract South of Hudson Road (John David Lindsey)

Kruger introduced the ordinance.

Lipscomb read the ordinance by title only.

Fred Wanger, representing the owner, 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 #2)

ORD. #06-134 Accepting the Final Plat of Greenfield Place

Kruger introduced the ordinance.

Lipscomb read the ordinance by title only.

Kevin McClafin, of Freeland, Kaufman and Fredeen, 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.***

(Agenda Item #3)

ORD. #06-135 Rezone from A-1 to RSF, 7.70 Acres on Shores Road, West of Mt. Hebron Road (Ivey's Subdivision LLC)

Kruger introduced the ordinance.

Lipscomb read the ordinance by title only.

Patrick Hargus presented 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 #4)

ORD. 06-136 Accepting the Final Plat of The Greens at Blossom Way

Kruger introduced the ordinance.

Lipscomb read the ordinance by title only.

Al Harris, of Crafton, Tull and 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.***

Councilmen discussed the current requirement of posting cash bonds or accepting a letter of credit for streets not completed when the final plat is submitted for acceptance, and the continued rising cost to the city to building those streets and paying the additional cost.

Senior Planner Derrel Smith explained the process for determining the cost to build a street is that the developer’s engineer estimates the cost per linear foot based on today’s price.

Councilmen discussed the possibility of creating an escalating scale for cost of building streets that are bonded.

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No action was taken.

ANNOUNCEMENTS:

Mayor Womack announced the dedication of the new City Hall, located at 301 W. Chestnut will be on Sunday, August 13, 2006 beginning at 2:00 p.m.

The Planning Commission will meet in the new building on August 15, and the next City Council meeting on August 22 will be in the new building.

Womack also announced the Adult Wellness Center will be opening tentatively the middle of September, the expanded Animal Shelter will be completed within the next month, and the new fire station should be ready in October. Dates will be announced.

There being no further business, motion by Kruger, second by Wright to adjourn the meeting. Meeting adjourned at 8:23 P.M.

ATTEST:

APPROVED:

Peggy David, City Clerk

Steve Womack, Mayor