

## MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, January 23, 2007 at 7:30 p.m. The meeting was called to order by Mayor Steve Womack. The Invocation was given by Councilman Buddy Wright. Those in attendance were led in Pledge of Allegiance.

The State of the City Address was given by Mayor Womack. (text included with the minutes)

### **PUBLIC HEARING:**

Proposed Issuance of Sewer Revenue Improvement Bonds in the amount of \$22,000,000 and a Debt Service Reserve Surety Bond in the Maximum Principal Amount of \$1,700,000 for Extensions Betterments, and Improvements to the City's Sewer System

The Public Hearing was opened by Mayor Womack.

There were no comments from anyone in the audience either for or against the proposed issuance of sewer revenue improvement bonds and debt service reserve surety bond.

The Public Hearing was declared closed.

### **PUBLIC FORUM:**

Annette Roller, 3132 Perry Road spoke against the rezoning from A-1 to C-2 & R-O (New Business Agenda Item #1) and said her property borders directly to this property to the east.

Roller made the following three points regarding this rezoning:

1. At a previous meeting, Bellview was designated as the dividing line for commercial use. Sometime later, on the west side of Bellview Road a strip of R-O was designated to buffer the residential area from the commercial. Now the request is to bring the R-O across the street toward her house.
2. According to the Rogers website the Master Street Plan map shows that Bellview is not going to be a major thoroughfare and the comprehensive growth map shows this area shows low to medium density residential.
3. The issued was discussed at length and the Planning Commission voted 5 to 4 in favor the rezoning, so it wasn't overwhelming approved.

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, 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, Water Utilities Superintendent Tom McAlister, Museum Director Gaye Bland, Adult Wellness Director Keri Wilkinson, Parks & Recreation Director Rick Stocker, Senior Planner Derrel Smith, Director of Planning and Transportation Steve Glass, Treasurer Jerry Hudlow, Director of Code Management and Inspections James Willett, Water Utilities Engineer Mark Johnson, Human Resource Director Gina Kincy, Street Superintendent Frankie Guyll, Main Street Director Marge Wolf, Animal Shelter Manager Rhonda DiBasilio and Assistant Animal Shelter Manager Colby Miser.

**ACTION ON MINUTES:**

January 9, 2007

Motion by Daniel, second by Wright to approve the minutes of January 9, 2007 as submitted.

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

Motion by Hines, second by Hayes to suspend the rules and consider all items, including the ordinance dealing with the bond issue, on a single reading and by title only.

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

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

(Agenda Item #1)

**ORD. 07-11** Authorizing Improvements to the Sewer System of the City of Rogers, Arkansas; Authorizing the Issuance of Sewer Revenue Bonds; Providing for the Payment of Principal and Interest on the Bonds

Councilman Clark introduced the ordinance. The ordinance was read by City Attorney Ben Lipscomb by title only.

Clark, Chairman of the Public Works Committee, reported the committee had met and recommended a “Do pass” and recognized Tom McAlister, Superintendent of Rogers Water Utilities.

McAlister explained this is the last step in order to get the \$22 million for funding of the expansion of the treatment facility, which will double the capacity of the facility.

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. #07-12** Appropriating \$180,032 from Street Fund Reserves to Drainage Construction Acct. #200-16-70935 the amount of \$123,107; and to Street Projects Acct. #200-16-70950 the amount of \$56,925

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

Hayes, chairman of the Finance Committee, reported the committee had met and recommended a “Do pass” and recognized Treasurer Jerry Hudlow.

Hudlow reported this appropriation is carry over from street project not completed in 2006.

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. #07-13** Appropriating \$393,790 from General Fund Reserves to City Admin. Acct. #100-01-70170 the amount of \$5,000; to Fire Dept. Acct. #100-04-80100 the amount of \$137,000; to City Hall Acct. #100-05-80120 the amount of \$34,544; and to Parks Dept. Acct. #100-08-80100 the amount of \$217,246

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

Hayes, chairman of the Finance Committee, reported the committee had met and recommended a “Do pass” and recognized Treasurer Jerry Hudlow.

Hudlow reported these appropriations are also carry overs from 2006, with one exception in that \$15,570 in the City Hall account, is a cost overrun for fire suppression, but it is include in this appropriation.

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. #07-14** Appropriating \$273,691 from Airport Fund Reserves to Capital Project Acct. #315-15-81119 the amount of \$42,760 and to Capital Project Acct. #315-15-81123 the amount of \$230,931

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

Hayes, chairman of the Finance Committee, reported the committee had met and recommended a “Do pass” and recognized Treasurer Jerry Hudlow.

Hudlow reported these appropriations are for ongoing airport projects not completed in 2006 and carried over into 2007.

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 #5)

**RES. #R07-05** Authorizing a Contract with Crafton Tull & Associates to Provide Engineering Services for the Intersection of Pleasant Grove Road and Dixieland Road

The resolution was introduced by Councilman Kruger and read by Lipscomb.

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 with Crafton, Tull & Associates will be for the design of the south part of the intersection of Dixieland and Pleasant Grove Road. The developer is responsible for designing the north part of the intersection.

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

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

(Agenda Item #6)

**ORD. #07-15** Authorizing a Change Order in the Contract with M. J. Lee Construction for the Perry Road Interchange

Councilman Kruger introduced the ordinance.

Lipscomb read the ordinance by title only.

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 change order is requested due to the increase in the amount of asphalt needed for the project according to AHTD.

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)

**RES. #R07-06** Supporting the Northwest Arkansas Housing Coalition’s Efforts In Drafting at Ten-Year Plan to Reduce to Homelessness in Northwest Arkansas

The resolution was introduced by Councilman Hines and read by Lipscomb by title only.

Councilman Hines, Chairman of the Community Environment & Welfare Committee, reported the committee had met and recommended a “Do pass” and explained this is a coalition made up of all cities in Northwest Arkansas which would be better than each city trying to do something on their own to combat homelessness.

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

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

**OLD BUSINESS:**

(Agenda Item #1)

**ORD. #07-16** Rezone from I-1 to R-DP, 322 E. Poplar Street (Kelly & Mike Samuel)  
(Final vote)

Kelly Samuel, owner of the property, was present to represent this item.

Mayor Womack announced the ordinance has been introduced and read and the only matter left is to vote on the issue.

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. # \_\_\_\_\_** Rezone from A-1 to C-2 & R-O, 10 Acres Northeast Corner of Bellview Road and Ajax Avenue (Sunday Partners, LLC)

The ordinance was introduced by Councilman Kruger.

Lipscomb read the ordinance by title only.

Tom Hopper, of Crafton, Tull & Associates, presented the rezoning request.

Hopper said the original proposal was to zone more of the property to C-2, but during the planning commission meeting agreed to rezone the north five acres to R-O and the south five acres to be zoned C-2.

Councilman Kruger said he thought he remembered that the area south of Perry Road was designated as R-O to buffer between the residential and the commercial.

Councilmen discussed the request and location of Ms. Roller's property.

Kruger expressed concern for the remaining property if this property is rezoned to C-2.

Hopper said there was some discussion at the Planning Commission meeting regarding the remainder of the property to the north and that it should stay R-O. There wasn't a lot of discussion about the property to the east.

Councilman Hines asked, "Would the size of the property qualify for a PUD?"

Hopper responded, "There is ten acres."

Councilman Clark stated he remembers as Mr. Kruger that there was suppose to be some R-O as buffer.

Hines said he thinks a PUD creates an atmosphere that is more acceptable by those that want to continue living in the area.

Councilman Daniel stated, “As we have seen before property is rezoned and then is sold to become something totally different that what we thought. We have to look at this as strictly a rezone.”

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

Hopper asked for suggestions on what this property should be rezoned.

Councilmen stated they might look more favorably at a PUD.

(Agenda Item #2)

**ORD. #07-17** Accepting the Final Plat of The Grove, Phase I.

The ordinance was introduced by Councilman Kruger.

Lipscomb read the ordinance by title only.

Steven Beam, of Crafton, Tull & 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.***

(Agenda Item #3)

**ORD. #07-18** Rezoning from A-1 to C-4, 2000 Block of S. 26<sup>th</sup> Street (Luther & Joy Black Family Revocable Trust)

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

Howard Slinkard, representing the property 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.*

**ANNOUNCEMENTS;**

Mayor Womack recognized Boy Scout Nick Rea of Troop 122 who was attending the meeting.

Womack announced the following resignations of board and commissions:  
Larry Yarborough has resigned from the Library Board of Trustees; Ron Hudnall has resigned from the Historic District Commission; James Hammons has resigned from the Museum Commission.

Womack announced a vacancy for these positions and that anyone interested in serving on these commissions should send an application to the Mayor’s Office for consideration.

Womack also announced there will be a vacancy on the Rogers Water Utilities Commission effective February 28, 2007 and persons interested in serving should apply at the Rogers Water Utilities office. The appointment will have to be approved by the City Council, but is recommended by RWU.

There being no further business, motion by Kruger, second by Wright to adjourn the meeting. Meeting adjourned at 8:15 p.m.

**ATTEST:**

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Peggy David, City Clerk

**APPROVED:**

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Steve Womack, Mayor