

## MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, October 24, 2006 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.

### **PUBLIC FORUM:**

Mayor Womack presented Tearle Byers an Arkansas Commemorative Daisy Air Rifle for his personal efforts of promoting and raising money for a non-profit agency.

Womack said Byers, a member of the wait-staff at Bonefish Grill, had approached him to help determine a non-profit group in which the money that would be raised would benefit.

Womack said after consideration he suggested the Children's Advocacy Center of Benton County as a beneficiary of Byers efforts.

Womack said because of Byers' association with several restaurants he received several 8-place dinners donated from Bonefish, Outback and Abuelo restaurants which were sold for donations to the Children's Advocacy Center for an opportunity to win the meals in a drawing which was held on the "Sweetest Day".

Womack reported the Byers' initial goal was \$500.00 but had raised \$2,800.00 and congratulated Byers for his efforts.

Byers explained he first heard of "The Sweetest Day" from his friend and then learned more about it from the internet which prompted him to begin planning a philanthropic event to culminate on the "Sweetest Day", which is always the third Saturday of October.

Mayor Womack also acknowledged Beverly Engle, of the Children's Advocacy Center, who also thanked Byers for his work.

Engle said she was excited to hear from Tearle and that he came to visit the Child Advocacy Center and then proceeded with his plan.

Engle expressed appreciation to Tearle and also to the Rogers Police Dept. for their support of the Children's Advocacy Center.

Jeff Moser, 5926 Southgate Road, spoke in regard to the Agenda Item #3, Master Street Plan.

Moser said he represents this area as a Cave Springs Councilman, and is against the splitting of an 80-acre tract to put in a road.

Moser suggested that the proposed road would be better served by putting in a road by splitting the property along the property line rather than going through the middle of it.

Gwen Rakes, 2369 Champions, also spoke against the Master Street Plan.

Rakes said her husband and his family has lived on the property for 70+ years. Cattle need to be moved from pasture to pasture and a road through that area would not work. There are plenty of adequate roads in that area.

Rick Stocker, Parks and Recreation Director, announced that one month ago, the Adult Wellness Center opened.

Stocker reported the first week of operation, a new member signed up every 3 minutes. The current membership is 2243. The enrollment has slowed down to only 50 per day, an enrollment every 14 minutes. The building is being used and the size of the water aerobics classes is being limited due to the demand.

The Public Forum 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, Police Chief Steve Helms, Fire Chief Wesley Lewis, Senior Planner Derrel Smith, Director of Planning and Transportation Steve Glass, Treasurer Jerry Hudlow, Director of Code Management and Inspections James Willett, Director of Parks and Recreation Rick Stocker, Water Utilities Engineer Mark Johnson, and Assistant to the Mayor Wendy Shumate.

**ACTION ON MINUTES:**

(October 10, 2006)

Motion by Hines, second by Wright to approve the minutes of October 10, 2006 as submitted. Councilman Kruger abstained from the vote. Voice vote: Unanimous. ***Motion carried.***

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

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

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

(Agenda Item #1)

**ORD. #06-177** Authorizing a Contract with Texoma Ford of Dennison, TX for the Purchase of Police Cars for the Rogers Police Department

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

Goodwin, Chairman of the Public Safety Committee, reported the Public Works Committee had met and recommended a “Do pass” to replace a couple of cars that were lost in the line of duty.

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.***

Councilman Goodwin asked Police Chief Steve Helms to explain why we are going out of state to get these cars.

Helms said the company that is being used in Texas is the same one that we have used for the last few years. It is a turn-key operation and the amount of money spent per car for the vehicle and installation of equipment is less than what the state contract can get it for.

(Agenda Item #2)

Request for Water Service on Two Lots outside the City Limits, Hardy Subdivision, Lots 25B & 25C

City Attorney Lipscomb advised that this is a request and only requires a motion.

Councilman Clark, Chairman of the Public Works Committee, reported the committee had recommended approval and recognized Mark Johnson, Water Utilities Engineer.

Johnson explained the request came to the Water Utilities Commission who approved the request contingent on approval of the City Council.

Johnson said the water is available but the request is for two meters. The resolution passed by the council in 1989 requires approval by the city council for anything more than a single meter outside the city limits.

Motion by Clark, second by Kruger to approve the request.

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

(Agenda Item #3)

**ORD. #06-178** Adopting an Amended Street Master Plan and Capital Improvement Plan for the City of Rogers.

Councilman Kruger introduced the ordinance.

Lipscomb read the ordinance by title only.

Kruger, chairman of the Transportation Committee, reported the committee had met and the meeting was attended by Cave Springs Mayor Thekla Wallis who expressed concern for the section of the street that runs through Cave Springs.

Kruger said the committee assured Mayor Wallis that when and if this particular street is ever built that Cave Spring's property owners and potential developers will be involved at that time. "The Master Street Plan is somewhat like a budget, it is a working document and until such time that we can move forward, all it is a line on a map."

Kruger said the Transportation Committee recommended a "Do pass" and recognized Senior Planner Derrel Smith.

Smith explained the move the major arterial road away from present Champions and put it 600-ft. further to the east in an open field and then tie it into the southern alignment and would eventually go through Cave Springs and back to Mt. Hebron and then to Hwy. 264.

Smith said this plan showing the road through Cave Springs was previously approved by this council and the only change is the move of the major arterial to the east away from Champions.

Kruger also noted that development of this street would be developer driven rather than city.

Mayor Womack said in order for anything to happen in Cave Springs, the developer and property owners would have to have some kind of agreement. The private land owners hold the title to that property and the city has no plans to condemn property.

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. #06-179** Authorizing a Contract Entering into the Illinois River Watershed Partnership; Appropriating the Sum of \$5,000 from General Fund Reserve into the Illinois River Watershed Partnership Account #100-01-70170.

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

Councilman Hayes of the Finance Committee reported the committee had met and recommended a “Do pass” and recognized Luanne Diffin, Lab Director and Pretreatment Coordinator for Rogers Pollution Control Facility.

Diffin explained as president of the Illinois River Watershed Partnership, that phosphorus has been in an issue of what to do with our watershed. For the last twenty years unfortunately, the federal and state regulators have tried to tell us what to do.

Diffin displayed a map showing the Illinois River watershed area, which includes 2 states, 7 counties, 31 incorporated areas and 10 municipalities. “There is not any one person, entity or agency that does not face a lawsuit; all that is within the watershed.”

In September 2005, a group got together to create a partnership to work collectively to unify what is happening in this watershed and to increase public education for the watershed area. This group includes representatives from Agriculture, Business, Conservation and Government.

Diffin said by becoming a member of the partnership and with the financial support will provide educational information. The funding will be matched one-to-one by the Walton Family Foundation up to \$100,000 per year for the next three years.

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.***

Added to the Agenda  
(Agenda Item #5)

**ORD. #06-180** Authorizing a Change Order in the Contract with Garver Engineer, of Fayetteville, Arkansas for the Pleasant Grove Road Overpass Project Previously Entered Into

The ordinance which was signed off by the Mayor and three councilmen was introduced by Kruger and read by Lipscomb by title only.

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

Glass explained that the original contract with Garver Engineers for the Pleasant Grove Overpass lane width was to be 11-ft. Since then the Master Street Plan was adopted, which required 12-ft. wide lanes. The 11-ft. width is the Arkansas Highway and Transportation Department standard, but the Transportation Committee agreed that the lanes should meet our standard of 12-ft. This change order would allow that change.

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.***

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

(Agenda Item #1)

**ORD. #06-181** Accepting the Revised Final Plat for The Plantation, Phase 2

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

Chuck Anderson, of Engineering Services, presented the revised final plat.

Councilmen discussed this revised plat and whether it had created a property owner’s association to maintain the areas in the flood plain.

Senior Planner Derrel Smith explained this plat was approved prior to that requirement.

Councilman Kruger requested that the developer provide as much landscaping as possible for this area.

Anderson responded he would advise the developer of that 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.** \_\_\_\_\_ Rezone A-1 to R-O 3.52 Acres on the Eastside of 40<sup>th</sup> St., South of Oakley Chapel Cemetery. (Oakley Chapel UMC)

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

Bill Watkins, representing Oakley Chapel UMC, requested the rezoning be tabled until the next meeting.

**TABLED**

Motion by Hines, second by Hayes to table the request until the next meeting.  
Voice vote: Unanimous. ***Motion carried.***

(Agenda Item #3)

**ORD. #06-182** Annex and Zone to C-2, 1.39 Acres on the North Side of Ridout Lumber between the Lumber Yard and the Railroad Right Of Way. (Wayne E & Robbie L. Ridout)

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

Bill Watkins presented the annexation and zoning 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. \_\_\_\_\_** Accepting the Final Plat of Brentwood Subdivision.

This item was withdrawn from the agenda

(Agenda Item #5)

**ORD. \_\_\_\_\_** Accepting the Final Plat of Hearthstone Subdivision Phase III, Lots 1 through 95.

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

Brett Watts, of Engineering Design Associates, presented the final plat.

Councilmen noted that no Final Plats were available for review.

Smith announced that to his knowledge no letters of credit had been submitted.

**TABLED**

Motion by Clark, second by Kruger to table until the next meeting.

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

**ANNOUNCEMENTS:**

Steve Glass announced a public meeting will be held on Thursday, October 26<sup>th</sup> at Bellview Elementary School beginning at 6:30 p.m. to discuss the proposed alignment of Pleasant Grove Road from I-540 to Champions.

Treasurer Jerry Hudlow reported the most recent sales tax check had been received in the

amount of \$1.4 million, which represents a 10.5% increase in city sales tax and 4.5% in county sales tax.

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

**ATTEST:**

**APPROVED:**

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Peggy David, City Clerk

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Steve Womack, Mayor