

## MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, October 10, 2006 at 7:30 p.m. The meeting was called to order by Mayor Steve Womack. The Invocation was given by Councilman Barney Hayes. Those in attendance were led in Pledge of Allegiance.

### **PUBLIC HEARING:**

Proposed Issuance of Water Revenue Improvement Bonds in the Amount of \$16,900,000 for the purpose of Costs, Extensions, Betterments and Improvements to the City's Water System.

Michael Lindsey, of Morgan Keegan, explained this public hearing is required because the amount on the previous ordinance that was approved has changed; the maturity and interest rates will be the same. The correction of the amount of the bond issue is due to the issuance of a surety bond for the debt service and the rating on the bonds.

Lindsey said a surety bond issued by an insurance company on the debt service would mean that the debt service amount would not have to be kept in reserve and the rating on the bonds were upgraded which also affected the amount.

There were no comments from anyone in the audience either in favor or against the proposed water revenue improvement bonds.

The Public Hearing was declared closed.

### **PUBLIC FORUM:**

Dave Reynolds, 1519 W. Center, Fayetteville, representing Smith Two-Way Radio spoke in support of the proposed Cellular Tower ordinance.

Reynolds said originally there were some concerns, but after consulting with the Planning staff felt that this ordinance could be supported.

Clarice Moore, 3 Mission Hills Circle, expressed thanks from the over fifty group for the wonderful Adult Wellness Center.

Moore also noted that the crown jewel of historic downtown Rogers "Applegate Drug Store" is for sale. Moore described the building

designed by A. O. Clark of St. Louis, Mo. and is on the historic register. Moore proposed a feasibility study to find some way to acquire this 100 year-old building on S. 1<sup>st</sup> Street, in honor of the city's 125th birthday.

Tony Lundquist, 2215 W. Lazy L, expressed concern that funding from the Arbors developers Fritz Steiger and Jim Von Grep for the construction of sidewalks and widening of S. 21<sup>st</sup> Street had been diverted and used for drainage improvements east of 21<sup>st</sup> Street along New Hope Road.

Lundquist said there are a number of students that walk on S. 21<sup>st</sup> Street from the high school to their homes in the afternoon. There are no sidewalks, the road is narrow, and now there is a danger for those kids who will be walking at night to the high school to attend basketball games.

Steve Glass, Director of Planning & Transportation explained that with the widening of New Hope Road, the money was diverted to help with an ongoing drainage problem along S. 21<sup>st</sup> Street and New Hope.

Glass said the Arbors developer did not create the drainage problem and had paid for the widening of S. 21<sup>st</sup> Street, but due to the continuous drainage problems that have flooded homes in the area; the money was used to correct the preexisting drainage problem.

Mayor Womack noted that this was a collective decision of the staff made to protect those homes that had previously been flooded. The safety of students is important and he was not aware of any serious issues, and noted that the widening of 21<sup>st</sup> Street and sidewalks were only for the length of the Arbors property, not the entire street. It will be the responsibility of the city to install the sidewalks and widening 21<sup>st</sup> Street.

Ruby Ball, 2039 S. Dixieland Road, spoke in favor of the rezoning for Agenda Item #4 under New Business.

Ball said the neighbors have met with the developer and feel that this will be a good development for the neighborhood and for the City of Rogers.

The Public Forum was declared closed.

**COUNCIL MEMBERS PRESENT:**

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

**OTHER OFFICIALS PRESENT:**

City Clerk Peggy David, City Attorney Ben Lipscomb, Police Chief Steve Helms, Superintendent of Water Utilities Tom McAlister, 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, Street Superintendent Frankie Gyll, Director of Parks and Recreation Rick Stocker, Water Utilities Engineer Mark Johnson, and Assistant to the Mayor Wendy Shumate, Human Resource Director Gina Kincy and Project Manager Johnie Long.

**ACTION ON MINUTES:**

(September 26, 2006)

Motion by Wright, second by Daniel to approve the minutes of September 26, 2006 as submitted. Voice vote: Unanimous. ***Motion carried.***

Motion by Hayes, second by Hines to suspend the rules and 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. #06-166** Authorizing Issuance of Water Revenue Bonds

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

Clark reported the Public Works Committee had met and recommended a “Do pass” and noted that Mr. Lindsey had given the explanation prior to the public hearing.

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. #06-167** Amending Rogers Code Section 130 Et Seq (Zoning Ordinance) By Adding a Section Regulating the Placement and Construction of Cellular Antenna Towers

City Attorney Lipscomb advised that this item was introduced at the last meeting and tabled, and should actually be considered Old Business; the only action needed is the vote.

Councilman Hines, chairman of the Community Environment & Welfare Committee, reported there were no changes made to the ordinance and the committee had met and recommended a “Do pass” as recommended by the Planning Commission and Planning staff.

The Mayor asked, “Shall the ordinance pass?”  
Roll call: Unanimous. ***The ordinance is adopted.***

The ordinance will go into effect in 30 days.

(Agenda Item #3)

**RES. #R06-42** Setting a Date for a Public Hearing on the Issue of the Annexation of Certain Property Located in Benton County and Completely Surrounded by the City of Rogers

Councilman Hines introduced the resolution.

Lipscomb read the resolution by title only.

Hines, chairman of the Community Environment & Welfare Committee, reported the committee had met and recommended a “Do pass” and said this is an area that was omitted on an existing development. The public hearing date was for November 14<sup>th</sup> as requested by the attorney requesting the annexation.

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

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

(Agenda Item #4)

**ORD. #06-168** Authorizing an Offer and Acceptance with James H. Clark & Sharon K. Clark for Purchase of Certain Real Estate

Councilman Wright introduced the ordinance.

Lipscomb read the ordinance by title only.

Wright, chairman of the Community Service Committee, reported the committee had met and recommended a “Do pass” and recognized Museum Director Gaye Bland.

Bland noted this property which is directly across the alley from the Museum is owned by Councilman Jim Clark. In the past the Museum had tried to purchase the property, but the appraisal did not match the seller’s price. This time, the appraisal came in at an agreeable price and the Museum’s foundation will be purchasing the property and then turned over to the city.

The Mayor asked, “Shall the ordinance pass?”  
Roll call: Hines, Daniel, Wright, McHaney, Goodwin, and Hayes – yes; Clark disqualified.  
***The ordinance is adopted.***

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

Roll call: Hines, Daniel, Wright, McHaney, Goodwin, and Hayes – yes; Clark disqualified.

***The emergency clause is adopted.***

(Agenda Item #5)

**ORD. #06-169** Authorizing the Mayor and City Clerk to Enter into a Contract with M-B Companies, Inc. for Purchase of a Runway Snow Broom for the Rogers Municipal Airport; Appropriating the Sum of \$35,509.68 from Airport Reserve into Capital Expenditures Project Account #315-15-80100

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

Councilman Hines of the Transportation Committee reported the committee had met and recommended a “Do pass” and recognized Airport Manager David Krutsch.

Krutsch reported the Airport Commission had recommended the purchase which will attach to a tractor that was purchased earlier in the year.

Hines said the difference in the purchase price is because of the \$10,000 was already in the budget.

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. #06-170** Authorizing the Appropriation of \$27,940.00 from Street Fund Account #200-16-45610 into Street Department #200-16-70950 for the “D” Street Drainage Project

Councilman Hines introduced the ordinance.

Lipscomb read the ordinance.

Hines, of the Transportation Committee, reported the committee had met and recommended a “Do pass” and noted this will acquire right-of-way for the drainage project which is being paid for by CDBG funds.

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. #06-171** Authorizing a Contract with J-Quad and Associates, Inc. of Dallas, TX to Identify Impediments to Fair Housing and Prepare a Plan to Submit to the Department of Housing and Urban Development; Appropriating Funds to Pay for Same

Councilman McHaney introduced the ordinance.

Lipscomb read the ordinance by title only.

McHaney, chairman of the Finance Committee, reported the committee had met and recommended a “Do pass” and recognized Community Development Block Grant Administrator Donna Johnston.

Johnston reported the five-year consolidated plan will expire in 2007. In order to continue to qualify for CDBG funds, in the amount of \$487,000 per year, another consolidated plan for years 2008, 2009, 2010, 2011 & 2012 must be submitted by November 2007. In addition to the consolidated plan an additional plan must also be submitted by the city showing that housing is available for low income and homeless.

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.***

**COMMUNITY SERVICE COMMITTEE:**

Councilman Wright, chairman of the Community Service Committee, reported the committee had met and reviewed the bids for the Cambridge Park Trail project and recommended the low bid from Midland Construction be accepted.

Wright recognized Rick Stocker, Director of Parks and Recreation.

Stocker noted that three bids were received for the project with the low bid from Midland Construction, in the amount of \$837,368.00. “This is not just a sidewalk; there are bridges, culverts, boardwalks, and retaining walls that have to be installed for this trail.”

Stocker introduced Steve Zimmerman of Midland Construction and Dwight Heasley of CEI Engineering who explained that special wetland permits are required and FEMA approval for sections of the trail.

Zimmerman estimated the completion at March 2007.

Mayor Womack explained that the trail system is funded with city money and matched with a 3-year grant from the Walton Family Foundation.

**Accepts** low bid from *Midland Construction* for the Cambridge Park Trail project in the amount of \$837,368.00.

Motion by Clark, second by Hayes to accept the low bid from Midland Construction for the Cambridge Park Trail project  
Voice vote: Unanimous. ***Motion carried.***

**TRANSPORTATION COMMITTEE:**

Councilman Hines recognized Steve Glass.

Glass introduced the newest member of the Planning Staff, Johnie Long.

Glass said Long, formerly of CEI Engineering, will be Project Manager and be doing Subdivision Review.

Councilman Hines announced that the Transportation Committee had approved a street closing for S. 1<sup>st</sup> Street, south of Post Road for eight weeks for drainage and ditch improvements.

None.

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

Mayor Womack noted this is the reallocation of the ad valorem taxes which is required each year. The numbers have not changed. This will not be an increase in taxes.

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

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

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

Sammie May, of Morrison Shipley, 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.***

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

Kim Fugitt presented the rezoning request.

The Mayor asked, “Shall the ordinance pass?”  
Roll call: Unanimous. ***The ordinance is adopted.***

**OLD BUSINESS:**

**NEW BUSINESS:**

(Agenda Item #1)

**RES. #R06-43** Authorizing the Rate of Property Tax for the City of Rogers for the Year 2006 to be collected in 2007

(Agenda Item #2)

**ORD. #06-172** Accepting the Final Plat for Habitat Trails, Lot 1 through 18

(Agenda Item #3)

**ORD. #06-173** Rezone from W-O to C-2, South side of New Hope Road, East of Centerline of New Hope Road and 1<sup>st</sup> Street extending East and then South (Northstar Holdings)

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

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

(Agenda Item #4)

**ORD. #06-174** Rezone from A-1 to RMF-6A, Approximately 4.03 Acres located at 2011 S. Dixieland (Don Myers & Associates)

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

Tony Noblin, representing the owner Don Myers, 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 #5)

**ORD. #06-175** Accepting the Final Plat of Foxbriar Subdivision, Phase 1

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

Jason Ingalls, of Northstar Engineering, 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 #6)

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

This item has been withdrawn.

(Agenda Item #7)

**ORD. #06-176** Accepting the Final Plat of Sohosky Commercial Subdivision

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

Matt Castor 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.***

**APPOINTMENTS:**

Mayor Womack recommended the appointment of Ed McClure to the Historic District Commission, term to expire 10/10/09 to replace Julie Fryauf, whose term expired.

**Approves** the appointment of ***Ed McClure*** to the **Historic District Commission**, term to expire 10/10/09

Motion by Hines, second by Goodwin to approve the appointment of Ed McClure to the Historic District Commission, term to expire 10/10/09.

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

**ANNOUNCEMENTS:**

Mayor Womack announced that this week is Homecoming at Rogers High School and encouraged everyone to attend the football game Friday night. The Homecoming Parade will begin at 4:00 p.m. Friday afternoon.

Womack expressed thanks to the Police Department, Fire Department, Inspections, Code Enforcement, and Streets for the cooperative efforts as expressed from the General Growth people for the opening of the Pinnacle Promenade.

Womack said the reports coming in from the stores at the Promenade are that sales are meeting or beating expectation.

There being no further business, motion by Hayes, second by Wright to adjourn the meeting. Meeting adjourned at 8:20 p.m.

**ATTEST:**

**APPROVED:**

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Peggy David, City Clerk

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Steve Womack, Mayor