

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, April 13, 2010 at 7:30 p.m. The meeting was called to order by Mayor Steve Womack. The Invocation was given by Rev. Danny Cheney of Rogers Assembly of God Church. Those in attendance were led in the Pledge of Allegiance.

PUBLIC FORUM:

Joann Hoffman, 912 S 14th Place states that Michael Dennis Vanvliet has been cleared of all charges in the State of California.

Jan Muetzel, 95 Rivercliff Rd. states that she would like to see an indoor pool in Rogers. There were several Bentonville, Springdale and Fayetteville students recognized for there swimming and diving competition but no Rogers students. She feels an indoor pool would give our young students the same opportunity.

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, Betsy Reithemeyer and Gary Townzen were present.

OTHER OFFICIALS PRESENT:

Deputy City Clerk Dena Laney, City Attorney Ben Lipscomb, Water Utilities Superintendent Tom McAlister, Water Utilities Engineers Mark Johnson, Planning & Transportation Director Steve Glass, Senior Planner Derrel Smith, Parks Superintendent Stan Weaver, Police Chief Steve Hamilton, Fire Chief Tom Jenkins, Airport Manager David Krutsch, Main Street Director Kerry Jensen, Street Superintendent Frankie Gyll, Treasurer Jerry Hudlow, Director of Code Management James Willett and Assistant to the Mayor Janet Foster.

ACTION ON MINUTES:

March 23, 2010

Motion by Wright second Kruger to approve the minutes of March 23, 2010 as submitted.

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

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

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

(Agenda Item #1)

ORD. #10-38 An Ordinance Appropriating \$59,221.00 from Street Fund Reserves to Development Trust Refund Account 200-16-70975

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

Kruger reported the committee had met, heard a report from Senior Planner Derrel Smith recommended a “Do pass”.

The Mayor asked, “Shall the ordinance pass?”

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

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

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

(Agenda Item #2)

RES. #R10-19 Authorizing a Contract with Garver, LLC, of Fayetteville, AR for Design, Bidding and Construction Phase Services Pursuant to a Runway, Taxiway and Apron Maintenance Project at the Rogers Municipal Airport

The resolution were introduced by Council member Kruger and read by title only by Lipscomb.

Kruger, chair of the Transportation Committee, reported the committee had met, heard a report Airport Manager David Krutsch and recommended a “Do pass”.

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

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

(Agenda Item #3)

ORD. #10-39 Amending the 2010 Fiscal Year Appropriating \$33,850 from Airport Reserves into Acct. #315-15-80100 Budget of the City of Rogers Airport

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

Kruger reported the committee had met, heard a report Airport Manager David Krutsch and recommended a “Do pass”.

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

(Agenda Item #4)

ORD. #10-40 Granting to Coxcom, Inc., a Delaware Corporation, Its Successors and Assigns, the Right, Privilege and Franchise to Use and Occupy for Its Cable System the Streets, Avenues, Alleys, Roads, Highways, and Other Public Places of the City for the Purpose of Erecting, Constructing, Owning, Leasing, or Otherwise Acquiring, Maintaining, or Operating Television Cable Lines within the Corporate Limits of the City Of Rogers, Together with all Business Incidental to or Connected with Said System, Providing that Cox Communications, Shall Pay to the City of Rogers a Municipal Franchise Fee

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

Kruger reported the committee had met, heard a report from Senior Planner Derrel Smith and recommended a “Do pass”.

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

The Mayor asked, “Shall the emergency clause pass?”
Roll call: Unanimous - Yes. ***The emergency clause is adopted.***

(Agenda Item #5)

ORD #10-41 An Ordinance Whereby Southwestern Bell Telephone Company and the City of Rogers, Arkansas, Agree that Southwestern Bell Telephone shall have and shall continue to Operate Its Telecommunications System and all Business Incidental to or Connected With the Conducting of a Telecommunications Business and Said System in Said Limits of the City of Rogers, Arkansas, Including the Erection and Maintenance of its Plant and Appurtenances Thereto, Along, Across, On, Over, Through, Above and Under the Public Ways Within Said Operating Areas, and that Southwestern Bell Telephone Company Shall Pay to the City of Rogers a Municipal Franchise Fee

The ordinance was introduced by Council member Daniel and read by title only by Lipscomb.

Daniel reported the committee had met, heard a report from Senior Planner Derrel Smith and recommended a “Do pass”.

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

The Mayor asked, “Shall the emergency clause pass?”
Roll call: Unanimous - Yes. ***The emergency clause is adopted.***

(Agenda Item #6)

ORD. #10-42 An Ordinance Whereby Arkansas Western Gas Company, or its Successors, the Right, Privilege, and Franchise to Construct, Maintain and Operate a Natural Gas System, and to Lay Gas Mains, Along, Over and Across and Under Streets, Avenues, Alleys, Roads, Highways, and Other Public Ways for the Purpose of Distributing and Selling Natural Gas and Providing for the Regulation of the Conduct of Said Gas Distribution System

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

Kruger reported the committee had met, heard a report from Senior Planner Derrel Smith and recommended a “Do pass”.

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

The Mayor asked, “Shall the emergency clause pass?”
Roll call: Unanimous - Yes. ***The emergency clause is adopted.***

ADDED TO THE AGENDA

(Agenda Item #7)

ORD. #10-43 Amending the 2010 Fire Dept. Budget Grants/Donations Acct. in the Amount of \$103,067 and Appropriating \$103,067 from General Fund Reserves into the Following Accounts: Salaries & Wage Acct. #100-04 - 60105 in the Amount of \$72,838; FICA Acct. #100-04-61150 in the Amount of \$1,056; Retirement Expense – LOPFI Acct. #100-04-61165 In the Amount of \$14,568; and Health Insurance Acct. #100-04-61175 in the Amount of \$14,605.

The ordinance which was added to the agenda and signed off by the Mayor and three council members was introduced by Hayes and read by title only by Lipscomb.

Hayes reported the committee had met, heard a report regarding the grant money received from the Homeland Security from Fire Chief Tom Jenkins and Treasurer Hudlow and recommended a “Do pass”.

Hayes recognized Chief Tom Jenkins.

Jenkins said the two-year 100% grant will fund new firefighters for two years with the stipulation that for the third year the firefighters will remain on the force for one year.

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

The Mayor asked, “Shall the emergency clause pass?”
Roll call: Unanimous - Yes. ***The emergency clause is adopted.***

OLD BUSINESS:

None.

NEW BUSINESS:

(Agenda Item #8)

ORD. #10-44 Rezoning from A-1 to R-DP, 2918 S. Old Wire Road (Clint Bowles).

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

Phil Swope, of Gray Rock Engineering, was present to represent the rezoning request.

The Mayor asked, "Shall the ordinance pass?"
Roll call: Unanimous - Yes. ***The ordinance is adopted.***

The Mayor asked, "Shall the emergency clause pass?"
Roll call: Unanimous - Yes. ***The emergency clause is adopted.***

ANNOUNCEMENTS:

City Attorney Lipscomb reported that a settlement offer has been proposed regarding the lawsuit against the city filed by former employee Tom Jeudevine. Lipscomb advised that if any of the council would like the details to contact him.

Treasurer Jerry Hudlow reported that he had received information that the ratings for the 2003, 2005 & 2006 Bond Issues were recently upgraded from AA- to AA.

Councilman Kruger announced the Transportation Committee had approved the request for closing of streets on April 24, 2010 for the Susan Komen Race for the Cure.

There being no further business, motion by Kruger second by Townzen to adjourn the meeting. Meeting adjourned at 7:58 p.m.

ATTEST:

APPROVED:

Peggy David, City Clerk

Steve Womack, Mayor