

## MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, December 8, 2009 at 7:40 p.m. The meeting was called to order by Mayor Steve Womack. The Invocation was given by Rev. Alan Johnson, of 1<sup>st</sup> Church of the Nazarene. Those in attendance were led in the Pledge of Allegiance.

### **PUBLIC FORUM:**

Joanne Hoffman, no address given, reported that she had provided documentation to Council member Reithemeyer for distribution showing an affidavit of denial that was filed using a future date for Michael VanVleit. "How can we put people in jail using a future date, by crystal ball?"

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:**

City Clerk Peggy David, City Attorney Ben Lipscomb, Water Utilities Superintendent Tom McAlister, Engineer Mark Johnson, Senior Planner Derrel Smith, Street Superintendent Frankie Gyll, Planning & Transportation Director Steve Glass, Director of Parks and Recreation Rick Stocker, Director of Code Management & Inspection James Willett, Police Chief Steve Hamilton, Fire Battalion Chief David Whitlow, Treasurer Jerry Hudlow, Main Street Director Kerry Jensen, Jennifer Bonner, Engineering Tech, Assistant to the Mayor Janet Foster, Rogers Parks & Recreation Commissioner Greg Lindley, and Planning Commissioner Susan Mills.

### **ACTION ON MINUTES:**

November 24, 2009

Motion by Reithemeyer, second Daniel to approve the minutes of November 24, 2009 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)

**RES. #R09-39** Authorizing a Contract with Danny Robinson Construction LLC of Garfield, AR

The resolution was introduced by Council member Mark Kruger and read by title only by City Attorney Ben Lipscomb.

Kruger reported the Transportation Committee had met and recommended a “Do pass” and recognized Engineering Tech Jennifer Bonner.

Bonner said this contract is for \$30,000 for construction of this section of the trail system.

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

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

(Agenda Item #2)

**ORD. #09-94** Authorizing a Contract with CH Office Development Properties 2, LLC of Rogers, AR for the Purchase of Certain Real Property

The Ordinance was introduced by Hayes and ready by title by Lipscomb.

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

Glass reported these 7.5 acres being purchased will be used as a trail head for the trail that Danny Robinson (previous action) is building.

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.***

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

Hayes reported the Finance Committee had met and recommended a “Do pass” for the appropriation which will finalize the drainage manual.

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

(Agenda Item #3)

**ORD. #09-95** Appropriating \$120,147 from General Fund Reserves to Planning Expense Acct. #100-18-70335 and Transferring \$50,000.00 from Acct. #100-18-80100 to Planning Expense Acct. #100-18-70335

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

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

(Agenda Item #4)

**RES. #R09-40** Authorizing a Contract with Crafton, Tull, Sparks & Associates, of Rogers, AR for Engineering Services for the Proposed Construction of a Municipal Aquatic Park and Municipal Sports Park

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

Mayor Womack announced this was discussed at the Committee of the Whole meeting prior to the council meeting.

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

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

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

(Agenda Item #1)

**ORD. #09-96** Rezone from R-O to O, 618 W. Poplar (David Arlon Coker)

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

David Coker, owner, was present to answer questions.

There were no questions from the council.

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)

**ORD. #09-97** Rezone from I-1 to C-2, 402 W. Hudson (Ray Eagle)

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

Ray Eagle, owner, was present to answer any questions.

There were no questions from the council.

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.***

**APPOINTMENTS:**

Mayor Womack announced his recommendations for reappointments to the following boards and commissions:

***Ron Hudnall & David Swearingen*** to the **Board of Appeals on Fire Codes**, terms to expire 12/11/2013.

***Lisa (Swapnila) S. Das and Jennifer Parker*** to the **Library Board of Trustees**, terms to expire 12/31/2014.

***Kathleen Dickerson and John Sampier*** to the **Museum Commission**, terms to expire 12/31/2012.

***Miguel Purdy*** to the **Parks and Recreation Commission**, term to expire 12/31/2014.

*Jerry Carmichael* to the **Public Facilities Board**, term to expire 11/25/2014.

**Approves** the reappointment of *Ron Hudnall & David Swearingen* to the **Board of Appeals on Fire Codes**, terms to expire 12/11/2013.  
*Lisa (Swapnila) S. Das and Jennifer Parker* to the **Library Board of Trustees**, terms to expire 12/31/2014.  
*Kathleen Dickerson and John Sampier* to the **Museum Commission**, terms to expire 12/31/2012.  
*Miguel Purdy* to the **Parks and Recreation Commission**, term to expire 12/31/2014.  
*Jerry Carmichael* to the **Public Facilities Board**, term to expire 11/25/2014.

Motion by Hines, second by Kruger to approve the appointments as recommended and listed.  
Voice vote: Unanimous. ***Motion carried.***

**ANNOUNCEMENTS:**

Mayor Womack announced that long time Chairman of the Airport Commission Alan King passed away this morning. Arrangements will be announced.

Womack recognized Main Street Director Kerry Jensen.

Jensen announced that a new event, Winterfest, will be held in downtown on Saturday, December 12 from 10:00 a.m. to 4:00 p.m. where stores will remain open and non-profits will be located on Elm Street between 1<sup>st</sup> and 2<sup>nd</sup> Street, (which will be closed for the event) for their fund raising projects.

Womack recognized Marshall Watson, who will begin work on Monday, December 14 as the Emergency Services Coordinator for the City of Rogers.

Council member Gary Townzen, Chair of the Public Works Committee, announced that since there will only be one meeting in December a committee meeting will be set for January 12, 2010 (time to be announced) for a financial update from Rogers Water Utilities.

Transportation Committee chair, Mark Kruger, announced that the committee approved the closing of Elm Street from 1<sup>st</sup> to 2<sup>nd</sup> Street for Winterfest and recognized Rogers Water Utilities Engineer Mark Johnson.

Johnson reported last month a concrete sewer line that services Tillery Elementary collapsed causing backflow into homes in the area. As the line was being repaired, the remainder of the concrete line on Poplar Street from 7<sup>th</sup> Street to 9<sup>th</sup> Street was evaluated. Johnson said it is in bad shape and proposed to replace the line as a maintenance issue rather than an emergency repair. Johnson said the repair to the sewer line would require that Poplar Street and S. 8<sup>th</sup> Street be reduced to two-way traffic with a turn lane and the work would occur while schools are closed for Christmas.

There being no further business, motion by Hayes second by Wright to adjourn the meeting. Meeting adjourned at 8:00 p.m.

**ATTEST:**

**APPROVED:**

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Peggy David, City Clerk

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Steve Womack, Mayor