

Mayor Hines presented the State of the City Address at 6:30 p.m. in the Council Chambers.
(Included with the minutes)

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, February 22, 2011 at 7:30 p.m. The meeting was called to order by Mayor Greg Hines. The Invocation was given by Rev. Gary Chaney of First Assembly Church. Those in attendance were led in the Pledge of Allegiance.

PUBLIC FORUM:

Mike Gilbert, 1226 W. Ash reported he was impressed, as a new resident of Rogers, with the street crews and administration on the job they did during the recent snow storms compared to what other cities in the area did. There was a significant difference. Thank you.

Ron Frey, 5607 S. 43rd Street asked, as a homeowner, what should be expected in the case of a snowstorm like we received last week? The mail didn't even get delivered because postal service couldn't get down the streets. Do we not need to plan for the unforeseeable?

Ben Lipscomb responded, "As a citizen, I thought the Street Department did the job and went above and beyond. It would be fiscally irresponsible to buy enough equipment and salt for a storm that will go down as historic in nature."

Council member Mark Kruger noted that even Wal-mart plans for the unforeseeable, but did not plan for a 20 to 24 inch snowfall and had a multitude of problems. They dealt with the problems with the resources available as best they could as did the city.

Mayor Hines said the responsibility of the citizens falls on his shoulders, and the employees who were available worked diligently to respond to citizens needs. We have a plan in place and there were a lot of things going on behind the scenes. Fortunately, we did not have ice with power outages which would have required the opening of warming centers and shelters. The city owns six spreaders, five snow plows, two road graders, three front-end

loaders, and over four-hundred miles of road one way. Our response to the storm, which was categorized by the governor as a disaster, our folks did yeomen’s work.

There were no comments from anyone in the audience.

The Public Forum was declared closed.

COUNCIL MEMBERS PRESENT:

Bob Goodwin, Mark Kruger, Larry Daniel Buddy Wright, Betsy Reithemeyer, Gary Townzen, Marge Wolf, and Dan Brown were present.

OTHER OFFICIALS PRESENT:

City Clerk Peggy David,, City Attorney Ben Lipscomb, Senior Planner Derrel Smith, Planning & Transportation Director Steve Glass, Water Utility Superintendent Tom McAlister, Water Utility Engineer Mark Johnson, Treasurer Jerry Hudlow, Police Chief Steve Hamilton, Fire Chief Tom Jenkins, Director of Parks Barney Hayes, Director of Recreation Rick Stocker, Parks Superintendent Stan Weaver, Project Engineer Lance Jobe and Administrative Assistant to the Mayor Lynn Keith.

ACTION ON MINUTES:

February 8, 2011

Motion by Kruger, second by Wright to approve the minutes of February 8, 2011 as submitted.

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

Motion by Kruger, second by Daniel to suspend the rules and consider all items on a single reading, by title only and to package agenda items #5, #6 & #7 to be considered together.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

(Agenda Item #1)

ORD. # _____ Establishing Access Fees and Development Impact Fees for Low Income Housing

The ordinance were introduced by Council member Townzen and read by title only by City Attorney Ben Lipscomb.

Townzen, Chair of the Public Works Committee, reported the committee had met, heard from Water Utilities Superintendent Tom McAllister and RWU attorney and recommended that the item be tabled until March when minutes could be obtained and the City Attorney could be consulted.

Tabled.

Motion by Townzen, second by Wright to table this item until the next regular council meeting. Voice vote: Unanimous. ***Motion carried.***

(Agenda Item #2)

ORD. #11-22 Authorizing a Contract with ETI for the Installation of Equipment Furnished by Rhythm Engineers, Waiving Competitive Bidding

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

Kruger, chair of the Transportation Committee, reported the committee had met, heard a report, recommended a “Do Pass and recognized Director of Planning & Transportation Steve Glass.

Glass reported at the last meeting a contract with Rhythm Engineers was approved, of which their contract included purchase and installation, but did not include bonding for the installation. It was agreed by Rhythm to separate out the purchase from installation with a separate company who would do the work for Rhythm.

This ordinance authorizes the contract with ETI for the installation of the equipment and will include the required bonding.

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 were introduced by Kruger and read by title only by Lipscomb.

(Agenda Item #3)

ORD. #11-23 Accepting for Maintenance Portions of Interstate 540 Frontage Road into the Street System for the City of Rogers, Benton Co, AR from the Arkansas State Highway Commission

Kruger reported the Transportation Committee had met, recommended a “Do pass” and recognized Steve Glass.

Glass reported when the city and state highway department partnered for the improvements on Horsebarn Road it was agreed that the city would take over some of the right-of-way when the improvements were completed. This ordinance will give the city 200-ft. in each direction, north and south of the intersection at New Hope Road as city right-of-way.

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

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

(Agenda Item #4)

RES. #R11-04 Designating the Section of Walnut from 8th Street to 2nd and the Section of 2nd Between Walnut and Locust as “Old Scenic Hwy. 12”

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

Kruger reported the Transportation Committee had met and recommended a “Do pass” and recognized Steve Glass.

Glass reported that when the Street Department exposed an additional two blocks of brick street under the asphalt in the downtown area, the Arkansas Highway Department required the city to take ownership for that section of Walnut. In doing so, the signage at the intersection of 8th and Walnut was changed to direct people trying to get to Hwy. 12 north to Hudson Road, then east to Second, then south to Locust to get to Hwy. 12. This caused confusion from people who are from out of town and relying on the highway signage to get to them to War Eagle or Prairie Creek.

Glass said by designating this section as “Old Scenic Hwy. 12” signage can be put up to direct people who are trying to get to Prairie Creek and War Eagle through downtown Rogers, which will help downtown merchants.

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

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

(Agenda Item #5)

RES. #R11-05 Authorizing a Contract with McGoodwin, Williams & Yates, Inc. of Fayetteville, AR to Provide Engineering Services for the Monte Ne Road Project

The resolutions were introduced by Kruger and read by title only by Lipscomb.

Kruger reported the Transportation Committee had met and recommended a “Do pass” and recognized Project Engineer Lance Jobe.

(Agenda Item #6)

RES. #R11-06 Authorizing a Contract with Garver, LLC of Fayetteville, AR for Engineering Design Services on the Monte Ne Improvements Project

Jobe reported that this project was brought up because not enough was being done on the east side of town. This project was identified to bring 1st Street up to collector standards and Monte Ne up to minor arterial standards and the project was split in three sections. Each engineering firm will be working on their section of the project.

(Agenda Item #7)

RES. #R11-07 Authorizing a Contract with CEI Engineering and Associates, of Bentonville, AR to Provide Engineering Services for the 1st Street and Veterans Park Improvements Project

Motion by Wright, second by Kruger to adopt the resolutions.

Voice vote: Unanimous. ***The resolutions are adopted.***

(Agenda Item #8)

ORD. #11-24 Authorizing a Change Order to the Contract with APAC – Center, Inc., for the Olive/28th Street Bridge and Approach Improvements Project

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

Kruger reported the Transportation Committee had met, recommended a “Do pass” and recognized Jobe.

Jobe said this is the final reconciliation change order for the Olive/28th Street project. Because this is a joint project with the City of

Bentonville, the approach on the Bentonville side required more B-stone. The Rogers side came in under budget and this amount will be reimbursed by the City of Bentonville when their side is completed.

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 #9)

ORD. #11-25 Appropriating \$40,000 from Airport Reserves to Acct. #315-15-70270

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

City Attorney Ben Lipscomb reported this appropriation is for the settlement of a lawsuit involving the Airport Commission and Lemore Industries.

Lipscomb advised that the council should approve the appropriation and settlement to avoid going to trial and to possibly being required to pay more because of a jury decision.

Kruger reported the Transportation Committee had met, 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 #10)

ORD. #11-26 Appropriating \$121,501 from General Fund Reserves to Fire Acct. #100-04-80100

The ordinance was introduced by Daniel and read by title by Lipscomb.

Daniel, chair of the Finance Committee, reported the committee had met, recommended a “Do pass” and recognized Fire Chief Tom Jenkins.

Jenkins said this appropriation is the amount of money received from the insurance company for the repair of the ambulance that was involved in an accident in July 2010. The repairs have been completed and the ambulance is now in service at Station 6.

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 #11)

ORD. #11-27 Authorizing the Rogers Fire Chief to Convey a Reserve Ambulance to the NEBCO Volunteer Fire Dept.

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

Goodwin, chair of the Public Safety Committee reported the committee had met and recommended a “Do “Pass”.

Lipscomb said state statute allows for cities to give away used police and fire equipment to other cities.

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 #1)

ORD. #11-28 Accepting and Annexing Certain Real Property to the City of Rogers, AR, Zoning Said Property, Assigning Said Property to a City Ward, Zoning Certain Lands RSF

Bill Watkins, attorney representing the property owner, requested the annexation and zoning to RSF.

Watkins said the location has been used for the last year by the owners as a church and they now want to build a church on this property. There were no comments at the Planning Commission meeting other than the neighbor who said their presence there has been good for the neighborhood.

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:

Approves the appointment of ***Raymond Burns*** to the **Northwest Arkansas Regional Airport Authority Board**, term to expire in 2017.

Mayor Hines recommended for appointment Raymond Burns to the Northwest Arkansas Regional Airport Authority Board, term to expire 2017.

Motion by Kruger by Wright to approve the appointment of Raymond Burns to the Northwest Arkansas Regional Airport Authority Board as recommended.
Voice vote: Unanimous – Yes. Motion carried.

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

ATTEST:

APPROVED:

Peggy David, City Clerk

C. Greg Hines, Mayor