

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, February 9, 2010 at 7:30 p.m. The meeting was called to order by Mayor Steve Womack. The Invocation was given by Carness Vaughn of Central United Methodist Church. Those in attendance were led in the Pledge of Allegiance by Boy Scouts Isaac Mannella and Jacob Carrol of Troop #81.

PUBLIC FORUM:

There were no 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, Water Utilities Engineer Mark Johnson, Senior Planner Derrel Smith, Planning & Transportation Director Steve Glass, Parks Superintendent Stan Weaver, Director of Code Management & Inspection James Willett, Police Chief Steve Hamilton, Fire Chief Tom Jenkins, Treasurer Jerry Hudlow, Emergency Management Coordinator Marshal Watson, Facilities Manager David Hook, Assistant City Planner Lori Stone, and Assistant to the Mayor Janet Foster.

ACTION ON MINUTES:

January 26, 2010

Motion by Kruger, second Reithemeyer to approve the minutes of January 26, 2010 as submitted.

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

Motion by Hines, second by Wright 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. #10-17 Adopting for the Purposes of Codification, Changes in the Schedule of Uses Contained in the City Zoning Ordinance as Promulgated by the Rogers Planning Commission since January 2009

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

Hines, chair of the Community Environment & Welfare Committee, reported the committee had met 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 #2)

ORD. #10-18 Appropriating \$1,141,123 from General Fund Reserves to Parks Dept. Acct. #100-08-80110

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

Hayes, chair of the Finance Committee, reported the committee had met, recommended a “Do pass” and recognized Treasurer Jerry Hudlow.

Hudlow said this appropriation would pay for the design work for the new aquatic and sports parks which was approved last year. When the design work is completed, the project will be shovel-read when the bond issue is passed.

Council member Daniel asked, “When will the design work be finished?”

David Swearingen, of Crafton, Tull, Sparks and Associates, responded, “Early summer”.

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 #3)

ORD. #10-19 Appropriating \$6,800 from General Fund Reserves to the following Fire Dept. Accounts: Acct. #100-04-70005 in the Amount of \$1000; Acct. #100-04-70145 in the Amount of \$1,000; Acct. #100-04-70170 in the Amount of \$400; and Acct. #100-04-70205 in the amount of \$4,400

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

Hayes, chair of the Finance Committee, reported the committee had met and recommended a "Do pass" to move this money into the Emergency Management accounts for supplies and training.

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 #4)

ORD. #10-20 Authorizing a Contract with Don Spann, AIA, Architect, of Rogers, AR to Provide Architectural Services for the Design Work for Renovation of the Emergency Training Center for the Rogers Fire Department; Appropriating \$34,500

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

Hayes, chair of the Finance Committee, reported the committee had met, recommended a "Do pass" and recognized Facilities Manager David Hook.

Hook reported that Spann will be doing the design work for the renovation of the Emergency Training Center.

Hook said when the ETC was built the roof was not installed correctly and without insulation which has resulted in leaks, rusting of metal studs and mold.

Hook said with the design work for the ETC the interior will be reorganized to better utilize the space.

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. #10-21 Authorizing a Memorandum of Understanding with the Municipal Separate Storm Sewer System of Northwest Arkansas and the Northwest Arkansas Regional Planning Commission

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

Kruger reported the Transportation Committee reviewed the plan and recommended a “Do pass” and recognized Director of Planning & Transportation Steve Glass.

Glass reported this is an ongoing contract with the Regional Planning for education and training of the Stormwater system program.

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. #10-22 Authorizing the Mayor and City Clerk to Enter into an Amended Interlocal Agreement with the Ozark Transit Authority

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

Kruger reported the Transportation Committee reviewed the plan and recommended a “Do pass” and recognized Assistant City Planner Lori Stone.

Stone reported this amended agreement will not affect any financial obligations to the Ozark Regional Transit Authority but is the organizational agreement where terms are

staggered and elected officials are encouraged to appoint representatives to the board.

Stone reported that the ridership for the bus service is growing.

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 #7)

ORD. #10- Authorizing a Contract with Grand Truck Equipment Co., LLC of Afton, OK for the Purchase of a Stainless Steel Salt Spreader for the Rogers Street Department; Appropriating the Sum of \$40,000 from Street Fund Reserves; Waiving Competitive Bidding

Mayor Womack announced that items #7 & #8 have been withdrawn from the agenda.

(Agenda Item #8)

ORD. #10- Authorizing the Mayor and City Clerk to Convey Certain Real Property Interests by Quit Claim Deed to Francis Bonds

OLD BUSINESS:

(Agenda Item #1)

ORD. #10-23 Rezone from R-DP to O, 1100 N. 8th Street (Giovanni Rice) (Final vote)

Mayor Womack announced that this ordinance was read at the last meeting and all that is left is the final vote.

Christian Sanchez was present to represent the rezoning.

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. #10-24 Vacate All of So. “F” Street (Third and Final Reading)

Councilman Kruger introduced the ordinance for the third and final reading. The ordinance was read by title only by Lipscomb.

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***

NEW BUSINESS:

(Agenda Item #1)

ORD. #10-25 Rezone from C-2 to C2-CU, 10.07 Acres more or less at the Southeast Corner of 13th Street and Walnut, Formerly St. Mary’s Hospital (The Jones Trust d/b/a NWA Center for Nonprofits)

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

Bill Watkins, representing the NWA Center for Nonprofits, reported this rezoning to Condominium will allow for Benton County to own the space they will occupy rather than renting the space within the Center for Nonprofits.

The Mayor asked, “Shall the ordinance pass?”

Roll call: Goodwin, Kruger, Hayes, Hines, Daniel, Wright, Townzen – Yes; Reithemeyer – abstains. ***The ordinance is adopted***.

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

Roll call: Goodwin, Kruger, Hayes, Hines, Daniel, Wright, Townzen – Yes; Reithemeyer – abstains. ***The emergency clause is adopted***

APPOINTMENTS

Mayor Womack announced his recommendation for the appointment of Bob Clinard to the Board of Appeals on Building Codes, to replace Vance Puttkammer, whose term expired. Clinard's term will expire 12/11/2014.

Approves the appointment of *Bob Clinard* to the **Board of Appeals on Building Codes**, term to expire 12/11/2014.

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

ANNOUNCEMENTS:

Raymond Burns announced the annual Rogers-Lowell Chamber of Commerce Banquet will be held on Thursday, February 11 at Embassy Suites.

Womack expressed appreciation to city staff for great work during the recent winter weather events.

There being no further business, motion by Kruger second by Wright to adjourn the meeting. Meeting adjourned at 7:48 p.m.

ATTEST:

APPROVED:

Peggy David, City Clerk

Steve Womack, Mayor