

## MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, June 22, 2010 at 7:30 p.m. The meeting was called to order by Mayor Steve Womack. The Invocation was given by Deacon John Pate, of the St. Vincent DePaul Church. Those in attendance were led in the Pledge of Allegiance.

### **PUBLIC FORUM:**

Greg Lindley, 702 Rochelle Court, spoke in favor of the trail system in Rogers saying that the trails can be and are being used by many people which includes athletes, young, old, physical rehab patients as well as the casual user and is a benefit to anyone who uses them.

Lindley said the Northwest Arkansas Planning Commission is working on preparing plans for a regional trail system that will extend from Bella Vista to Fayetteville. The important link of this plan will include the section from Walnut Street south to Home Depot on New Hope Road.

Lindley provided a map showing the proposed trail from Bella Vista to Fayetteville and said that the council has previously supported the trail system in Rogers and would like to see that support continued especially for this important section of the trail.

Lindley said there was several in attendance that support the trail system and asked those in attendance to stand to show their number.

Approximately 20 people stood in support of the trail system.

Joanne Hoffman, 912 S. 14<sup>th</sup> Place, stated she has a brief due in July in Federal Court and is in need of constitute services.

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, Senior Planner Derrel Smith, Planning & Transportation Director Steve Glass, Police Chief Steve Hamilton, Director of Parks & Recreation Rick Stocker, Director of Code Management James Willett, Water Utilities Engineer Earl Rausch, Building Official Mike Rouse, Project Engineer Lance Jobe and Assistant to the Mayor Janet Foster.

**ACTION ON MINUTES:**

June 8, 2010

Motion by Hayes, second Reithemeyer to approve the minutes of June 8, 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. #10-56** Authorizing a Contract with RJR Enterprise, Inc. of Rogers, AR for the Purchase and Installation of Playground Equipment for the Horsebarn Trailhead Portion of the Rogers Greenway and Trail System; Waiving the Requirements of Competitive Bidding

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

Wright, chair of the Community Services Committee, reported the committee had met, heard a report from Director of Parks and Recreation Rick Stocker and recommended a “Do pass”.

Wright recognized Stocker.

Stocker reported that historically the city has found that bidding out playground equipment was difficult because each company has its own configuration of heights and sizes.

Stocker said he, parks staff and the planning staff have found a playground system that they like from Little Tikes. RJR, is the local distributor, and will sell the equipment to the City at catalog price plus shipping and handling and will install the equipment at no cost.

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. #10-57** An Ordinance Whereby Arkansas Western Gas Company, or It's 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 Kruger and read by title only by Lipscomb.

Kruger, chair of the Transportation Committee, reported the committee had met, recommended a "Do pass", and recognized Senior Planner Derrel Smith.

Smith reported the franchise agreement with Arkansas Western Gas that was approved in April of this year had been reviewed by their attorneys who found a conflicting section, which have been removed. This action will approve the corrected franchise agreement.

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. #10-58** Authorizing the Mayor and City Clerk to Enter into an Agreement Of Understanding with the Arkansas Highway Transportation Department to Facilitate Construction of an Overpass Across Interstate 540 on West Fir Street in Rogers Arkansas; Appropriating the Funds Necessary for Same

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

Kruger reported the Transportation Committee had recommended a “Do pass” and there was some discussion about the appropriation.

Kruger recognized Project Engineer Lance Jobe.

Jobe said AHTD requires a review of the plan which will be an initial \$5000.00 deposit. Once the review has been completed, the city may receive a refund of part of that \$5000.00 or more money may be required depending on the time it takes for their review. Another \$5000.00 will be required for the construction administration.

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.***

None.

**OLD BUSINESS:**

**NEW BUSINESS:**

(Agenda Item #1)

**ORD. #10-59** Rezoning from A-1 to RSF, 928 S. 28<sup>th</sup> Street, (Phillip Reznicek)

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

Phillip Reznicek 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:**

Mayor Womack announced the City's annual fireworks show will be held on Saturday, July 3 at Veterans Park for free watermelon and entertainment.

Council member Townzen announced a Public Forum will be held on Monday, June 28, 2010 at 6:00 p.m. in the Council Chambers to discuss the solid waste contract.

Council member Kruger recognized Senior Planner Derrel Smith.

Smith announced that the intersection at Second and Walnut will be closed on July 7 for approximately 5 weeks for the downtown enhancement improvements to the intersection. A notice of the closing and alternate route will be published in the newspaper.

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

**ATTEST:**

**APPROVED:**

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Peggy David, City Clerk

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Steve Womack, Mayor