

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, November 10, 2009 at 7:30 p.m. The meeting was called to order by Mayor Steve Womack. The Invocation was given by Rev. Louis Threeton, of Glorious Grace Church. Those in attendance were led in the Pledge of Allegiance.

PUBLIC FORUM:

Mayor Womack presented a proclamation to Kermit Womack in recognition of KURM Radio's 30th anniversary of on-air service.

State Representative Debra Hobbs presented a Citation to Mayor Womack in recognition of his retirement for 30 years of Service with the Arkansas Army National Guard.

Bryon Black, 3702 Lehman Court, spoke in regard to the proposed trail system saying he is totally in support of the trail system, but expressed concern that the trail as shown on the proposed map will be only 40-ft. from his house.

Black requested that some consideration be made for the location of the trail in his neighborhood.

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, Street Superintendent Frankie Gyll, Senior Planner Derrel Smith, Planning & Transportation Director Steve Glass, Director of Parks & Recreation Rick Stocker, Parks Superintendent Stan Weaver, Director of Code Management & Inspection James Willett, Police Lt. Jim Haskins, Fire Chief Tom Jenkins, Airport Manager David Krutsch, CBDG Administrator Donna Johnston, District Judge Brad Karren,

Adult Wellness Director Kerri Wilkinson,
Librarian Judy Casey, Main Street Director
Kerry Jensen, Human Resource Director Angela
Brewer, Facilities Manager David Hook and
Assistant to the Mayor Janet Foster.

ACTION ON MINUTES:

October 27, 2009

Motion by Wright, second Reithemeyer to
approve the minutes of October 27, 2009 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. #09-86 Amending the 2009 Fiscal Year
Budget of the City of Rogers, Increasing
Administration Grant Revenue Acct. #100-01-
45600 by \$250,000 and Appropriating \$250,000
from General Fund Reserves into Acct. #100-
01-70270, Admin. Miscellaneous

The ordinance was introduced by Council
member Barney Hayes and read by City
Attorney Ben Lipscomb.

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

Hudlow reported that the Center for Non-Profits
had received a grant from the State of Arkansas
of which the city is the receiver of the funds that
is then distributed to the Center for Non-Profits.

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.***

(Agenda Item #2)

ORD. #09-87 Amending the 2009 Fiscal Year Budget of the City of Rogers, Increasing Administration Grant Revenue Acct. 100-01-45600 by \$549,700; Appropriating from General Fund Reserves the following Amounts: \$250,000 into Acct. #100-01-79025, Admin. Recovery Construction Project and \$299,700 into Acct. #100-06-79025, Library Recovery Construction Project; Authorizing a Contract with Clear Energy Contracting, LLC, of Fayetteville, Arkansas; Waiving the Requirements of Competitive Bidding

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

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

Hudlow reported that a Department of Energy grant has been received in the amount of \$549,700 of which \$250,000 will go to the Center for Non-Profits for retrofit of lighting and \$299,700 will go to the Library for repairs of HVAC and retrofit of lighting.

Hudlow said the amount going to the Library will need to be supplemented with another appropriation after the total amount has been determined probably in early 2010.

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.***

(Agenda Item #3)

ORD. #09-88 Appropriating \$33,400 from Court Automation Reserves to Acct. #100-12-70251, District Court, Court Automation Expense

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

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

Hudlow reported that at the beginning of the year with the new district judge the amount that was needed for the court automation had not

been determined. This amount represents what has been spent since the first of the year for the courts.

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.***

Mayor Womack asked the council if Agenda Item #10 could be consider now before the other items, so that Jerry Mitchell with the Area Agency on Aging could get back to Harrison tonight.

Motion by Kruger, second by Daniel to take Agenda Item #10 out of order as the next item for consideration.
Voice vote: Unanimous. ***Motion carried.***

(Agenda Item #10)

ORD. #09-89 Authorizing the Mayor and City Council to Convey Certain Real Property Adjacent to the Adult Wellness Center to the Area Agency on Aging for the Construction of Low Income Housing

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

Hines, chair of the Community Environment & Welfare Committee, reported the committee did not hear a formal presentation, but is very familiar with the existing facilities in Rogers and consider this to be another successful partnership with the Area Agency on Aging and recommended a "Do pass".

Jerry Mitchell, director of the Area Agency on Aging, explained that originally this property was planned to be used as tax-credit properties but because of the higher incomes of Rogers, there is currently no interest. Because there is a two-and-a-half year waiting list for low income senior housing and the property is available, it was decided to proceed with this project.

Kerri Wilkinson, Director of the Adult Wellness Center, stated this project will enhance what is already in place because some of those residents of the senior housing volunteer on a daily basis in the garden area at the Adult Wellness Center.

Mitchell said 20 units with the possibility of 24 could be available in about a 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.***

(Agenda Item #4)

ORD. #09-90 Authorizing a Transfer of \$45,621 from Rogers Police Dept. 2009 Budget to the Rogers District Court 2009 Budget

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

Hayes reported the Finance Committee had met, heard a short report from Treasurer Hudlow and recommended a “Do pass”.

Hayes recognized Hudlow.

Hudlow reported that at the beginning of the year because of the new district judge we knew there would be some adjustments to the courts budget. This transfer is all of the costs as the result of a bailiff’s position that was originally in the Police Department’s budget being moved to the District Courts budget.

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. #09-91 Authorizing Change Order to the Contract with APAC-Arkansas, Inc., for the Construction of a Turn Lane for Northbound Traffic on Bellview as it Approaches Pleasant Grove Road

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

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

Glass explained that since the improvement have been made to Bellview Road and Pleasant Grove Road traffic is now stacking up south around Bellview Elementary School. To remedy the problem, school and city officials agree that this turn lane will help to relieve the traffic that is trying to get into the school.

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. #09- Adopting the Master Trail Route for the City of Rogers

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

Kruger reported the Transportation Committee had met and been made aware of some of the concerns of the property owners and recommended that the item be tabled until the issues with the trail route can be worked out.

Motion by Hines, second by Hayes to table this item.

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

(Agenda Item #7)

RES. #R09-37 Authorizing a Contract with Rhythm Engineering and Associates of Lenexa, KS

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

Kruger reported the Transportation Committee had met to hear a report regarding the synchronizing of traffic lights and recommended a “Do pass” and recognized Steve Glass.

Glass reported that this item is included in the 2010 budget, but because there is money available this year, it was decided to go ahead and begin the project now.

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

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

(Agenda Item #8)

ORD. #09-92 Regulating the Placement of Solid Waste Containers

The ordinance was introduced by Councilman Townzen and read by title only by Lipscomb.

Lipscomb explained that this is a housekeeping item in that the guidelines were previously tied to the previous solid waste franchise holder. This will keep the guidelines in place no matter who the franchise holder is in the future.

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. #09-__ Restricting the Use of Cellular Phones and Other Communications Devices in Designated School Zone

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

Mayor Womack noted he was not in the committee meeting when it was discussed but wanted to make sure that when the ordinance is adopted when someone who is talking on their cell phone and has been in stop and go traffic while in a school zone and the driver has their

foot on the brake they will be in violation of the ordinance.

Lipscomb said in his opinion, if the driver is on the phone, in stop and go traffic and the traffic comes to a stop, with the phrase “while the vehicle is in motion” in the ordinance, it would not be in violation of this ordinance.

Womack explained the original intent of the ordinance was that in the confines between the marked blinking lights for school zones would be the areas designated to limited cell phone usage for the safety of pedestrians.

Womack asked Police Lt. James Haskins to comment for the Police Department regarding this ordinance.

Haskins said the way the ordinance was written in its simplest form initially, but now it would be left up to interpretation by the officer when the citation is issued and eventually the judge when in court.

Discussion followed between the Mayor, City Attorney, Council, and Police Lt. James Haskins as to the appropriate wording to be included in the ordinance.

Motion by Hayes, second by Kruger to table this item to allow the City Attorney the opportunity to rewrite the ordinance to address the concerns that have been brought up. Voice vote: Unanimous – Yes. ***Motion carried.***

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

Mayor Womack recommended the reappointment of David Hale to the Parks and Recreation Commission, term to expire 12/31/2014.

Approves the reappointment of *David Hale* to the **Parks & Recreation Commission**, term to expire 12/31/2014.

Motion by Hayes, second by Daniel to approve the reappointment of David Hale to the Parks & Recreation Commission as recommended. Voice vote: Unanimous. ***Motion carried.***

ANNOUNCEMENTS:

Mayor Womack announced the city offices will be closed tomorrow, Wednesday, November 11th for Veterans Day.

Councilman Kruger, on behalf of the Rogers City Council, presented a Resolution commending Mayor Steve Womack for his 30 years of service and retirement with the rank of Colonel from the Arkansas Army National Guard.

There being no further business, motion by Kruger, second by Reithemeyer to adjourn the meeting. Meeting adjourned at 8:25 p.m.

ATTEST:

APPROVED:

Peggy David, City Clerk

Steve Womack, Mayor