

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, April 10, 2018 at 6:30 p.m. The meeting was called to order by Mayor Greg Hines. The Invocation was given by Rev. James Longmate of New Hope Assembly of God. Those in attendance were led in the Pledge of Allegiance.

PUBLIC HEARING:

Notice of Razing and Removal of Certain Structure Located at 304 Glenwood Avenue

Martha Rye, owner, said she has been sick and requested more time to make the needed repairs.

There were no other comments from anyone in the audience.

The Public Hearing was declared closed.

PUBLIC HEARING:

Notice of Razing and Removal of Certain Structure Located at 1001 S. 1st Street

There were no comments from anyone in the audience either for or against the razing and removal of the structure at 1001 S. 1st Street.

The Public Hearing was declared closed.

PUBLIC FORUM:

Raymond Burns, CEO of Rogers-Lowell Chamber of Commerce, provided economic development news and said recently that U.S. News & World Reports recognized Rogers as the fifth fastest growing area in the country, up from eight, two years ago, but it wasn't reported locally.

Burns explained the Metropolitan Statistical Area (MSA) consists of Benton, Washington and Madison Counties in Arkansas and McDonald County in Missouri. The MSA is based on population and when a report comes out it lists the cities with highest population first, then second, then third.

Burns said, "The economic growth is a regional success that Rogers is a part of and we expect more to come. The downtown is going fabulously with eight new businesses opening up and twenty more opening by the end of the year. We are leading the way in quality of life.

Rogers is ready to do business and we appreciate the Community Development Department and Mayor's office which is making a difference. We think regionally, before we speak locally and the recognition comes to the region. What is good for the region is good for Rogers."

Dr. John Pappas, a resident of Hyland Park, spoke in regard to the deer population in that area which has the potential for vehicle accidents.

Pappas introduced Ralph Meeker of the Arkansas Game and Fish Commission.

Meeker said he was State Biologist for deer population and there are currently eight cities that are implementing an organized urban hunt to reduce the deer population. Last year Benton County ranked sixth in the state in number of deer harvested and is the second most populace in the state, so the two go together. The Arkansas Game and Fish Commission is responsible for wisely managing wildlife populations and use regulated hunting to manage the deer population. One problem is the Chronic Wasting Disease that has been found in Carroll County and the western part of Benton County and Arkansas has one of the highest rates of tick-borne diseases in the nation. High deer density creates a lot of problems and we would ask for support to allow neighborhoods or property owners associations who would like to organize an urban hunt within their neighborhood.

David Leehans, 3907 W. Easy Street, spoke in regard to the proposed Master Street plan saying that he had learned of the proposed extension of Easy Street which would be behind his house.

Leehans said he is concerned with the buffer, noise and how this will affect his property.

Mayor Hines responded that the Easy Street extension appears on the map as a high priority project from a technical point, but other issues like how it will affect private property, schools and how much it will take to build it are factors too. This would be a city funded project and until it is determined how it is to be funded and a priority, it is just a line on the map.

Hines encouraged Mr. Leehans to ask questions and discuss the plans with the Community Development Department.

There were no other comments.

The Public Forum was declared closed.

COUNCIL MEMBERS PRESENT:

Mark Kruger, Buddy Wright, Gary Townzen, Marge Wolf, Clay Kendall, Jerry Carmichael, and Barney Hayes were present. Betsy Reithemeyer was absent.

OTHER OFFICIALS PRESENT:

City Clerk-Treasurer Peggy David, City Attorney Andrew Hatfield, Senior Staff Attorney Jennifer Waymack, Director of Parks & Recreation Jim White, Police Chief Hayes Minor, Community Development Director John McCurdy, Public Relations Specialist Ben Cline, Parks Superintendent Stan Weaver, Airport Manager David Krutsch, Project Engineer Nathan Becknell, Main Street Director Shay Bland, and Assistant to the Mayor Carey Anderson.

ACTION ON MINUTES:

(March 27, 2018)

Motion by Wright, second by Hayes to approve the minutes of March 27, 2018 as submitted. Voice vote: Unanimous -Yes. ***Motion carried.***

Approves the suspending of rules for the meeting.

Motion by Kruger, second by Wolf to suspend the rules to consider all items on the agenda by title only and on a single reading. Roll call: Unanimous – Yes. ***Motion carried***

**REPORTS OF BOARDS AND
STANDING COMMITTEES:**

(Agenda Item #1)

ORD. # _____ Ordering the Razing and Removal of a Certain Structure Within the City of Rogers, AR, Located at 304 W. Glenwood Avenue

The ordinance was introduced by Councilmember Wolf and read by title only by City Attorney Andrew Hatfield.

Wolf recognized Senior Staff Attorney Jennifer Waymack.

Waymack reported that previously the Fire Department and Risk Reduction had not been able to reach Ms. Rye regarding the needed repairs, but since she has attended the committee meeting tonight and asked for more time to make the repairs, it is possible that some Community Development Block Grant funds could be used to help her with the repairs.

Waymack recommended that the ordinance be withdrawn or denied. The legal process would have to begin again if the repairs are not made.

Motion by Hayes, second by Kruger to pull the ordinance.

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

(Agenda Item #2)

ORD. #18-20 Ordering the Razing and Removal of a Certain Structure Within the City of Rogers, AR, Located at 1001 S. 1st Street

The ordinance was introduced by Councilmember Wolf and read by title only by Hatfield.

Wolf, chair of the Public Safety Committee, reported the committee had met, recommended a “Do pass” and again recognized Waymack.

Waymack reported that Risk Reduction and Fire Department have done many inspections of the 1001 S. 1st Street property owned by Leopolda & Lourdes Diaz, where it has been determined to be a health and safety issue. Repairs have begun on the property and if not completed after 30 days, the city will clean it and place a lien on it for the cost of the clean-up.

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. #18-21 Amending the Master Street Plan for the City of Rogers

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

Kruger, chair of the Transportation Committee, reported the committee had met, recommended a “Do pass” and recognized Director of Community Development John McCurdy.

McCurdy made the following statement:
“In the spring of last year we began working with Crafton, Tull and Associates to conduct what we believe to be the most comprehensive infrastructure study in Rogers’ history. Our work began with a deep-dive review of every study that has been conducted over the past several years either for or by the city. I’d like to specifically note, the announcement that Wal-Mart will soon relocate its corporate headquarters from west Bentonville to near I-49 played a significant role in our thinking about future infrastructure needs. Meanwhile, Transportation Engineering Consultants of Oklahoma City conducted a broad traffic count of all major city roads and intersections. We combined these traffic counts with Arkansas Department of Transportation traffic counts that were conducted during 2017 to create a fairly comprehensive, accurate and current picture of traffic flows, congestion, and general levels of service throughout the city. Since publishing our initial public draft nearly a month ago, we have had multiple meetings with the public, we have responded to dozens of comments on our website, and have made several significant changes as a result of public interaction.

In addition to public engagement, the infrastructure study and proposed master street plan have been reviewed by the Planning Commission Plans and Policies committee twice, and we have met one-on-one with Planning Commissioners, city department heads and each member of the City Council. Last week the Planning Commission unanimously recommended the Master Street Plan to the City Council for adoption, and tonight the update received unanimous support from the transportation committee. If we discover changes that need to be made going forward, we can easily bring those changes back to the Council for approval by a simple majority. With that, I'm happy to take your questions and comments."

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. #18-22 Amending Chapter 14, Chapter 50, and Appendix B of the Code of Ordinances, City of Rogers, Arkansas; Providing for the Installation and Regulation of Small Cell Wireless Facilities

The ordinance was introduced by Carmichael, and read by Hatfield by title only.

Carmichael, chair of the Community Environment & Welfare Committee reported the committee had met, recommended a "Do pass" and recognized Waymack and McCurdy.

Waymack reported that Community Development Department has been in conversation with wireless services and utilities for the installation of small cell wireless facilities, which is a next generation of wireless technology. The small cell facilities are not big like a cell tower, but are on poles up to 35' because they cannot go underground like other utilities. Because of federal law that restricts

the way cities enforce wireless technology, we have worked with AT&T and other wireless companies to come up with what is a workable plan. Some restrictions include that poles must not higher than 35’, must be fiberglass or metal, no new wooden poles would be installed, co-location is encouraged where possible and there is a variance provision for those exception that may come up.

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:

None.

APPOINTMENTS:

Mayor Hines recommended the reappointment of Bob Crafton to the Airport Commission with a new term to expire March 11, 2023.

Approves the reappointment of ***Bob Crafton*** to the **Airport Commission**, term to expire on March 11, 2023.

Motion by Hayes, second by Kruger to approve the reappointment of Bob Crafton as recommended.

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

ANNOUNCEMENTS:

Kruger announced for the benefit of the residents of Hyland Park, who are attending the meeting, that he understands their concerns regarding the deer population.

Kruger said because guns are not allowed for hunting in the city, he has allowed people to bow hunt on his property, but unfortunately the deer sometimes don’t die where they are shot

and this causes other issues with surrounding neighbors. “I don’t feel comfortable with the city promoting a hunt. If the Property Owners Association or Home Owners Association wants to have an urban hunt and needs assistance from the city, then, I would be happy to help facilitate that.”

Councilmember Wright said, “I agree with Kruger because where I live there are as many as 15 to 20 deer in his backyard at any one time. I support Mr. Kruger’s statement.”

There being no further business, motion by Kruger, second by Wolf to adjourn the meeting. Meeting adjourned at 6:28 p.m.

ATTEST:

APPROVED:

Peggy David, City Clerk-Treasurer

C. Greg Hines, Mayor