

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, May 26, 2020 at 6:42 p.m. The meeting was called to order by Mayor Greg Hines. The Invocation was given by Robert Haynes of Joppa House.

PUBLIC HEARING:

Vacating An Alley Between West Willow Street And West Birch Street
Amy Eddy of 1015 S. 9th Street, resident since 1974 at the property. Under impression the 3 lots Max Russell owned needed to develop before the property in question would be able to develop & inquire if the alley will now stretch to 9th Street.

PUBLIC FORUM:

George Rozzell of Miller, Butler, Schneider, Pawlik & Rozzell, Law Firms of 224 S. 2nd Street representing A to Z Fireworks & Robert Carter. Regarding fireworks ordinance in front of council; inquires include not allowing sales after July 5th which can affect payable credit notes and lack of ability to liquidate inventory & method of measurement for set up of stand; requesting more clarity to abide by rules.

The Public Forum was declared closed.

COUNCIL MEMBERS PRESENT:

Mark Kruger, Betsy Reithemeyer, Gary Townzen, Marge Wolf, Clay Kendall, Jerry Carmichael, Barney Hayes, and Mandy Brashear were present.

OTHER OFFICIALS PRESENT:

Staff Attorney Bonnie Bridges, City Attorney Andrew Hatfield, Director of Community Development John McCurdy, Water Utilities Superintendent Brent Dobler, Director of Finance Casey Wilhelm, Police Chief Hayes Minor, City Planner Ethan Hunter, Fire Chief Tom Jenkins, RFD Battalion Chief BJ Hyde, Planning Administrator Lori Ericson, Planning Commissioner Mandel Samuels, RWU Attorney Robert Frazier, Planning Commissioner Mandel Samuels,

Airport Manager David Krutch, Public Relations Manager Hanna Lairy, CDGB Administrator Donna Johnston, Assistant to the Mayor Carey Anderson and Records Administrator Jennifer Moore.

ACTION ON MINUTES:

(May 12, 2020)

Approves the suspending of rules for the meeting.

Motion by Townzen, second by Kruger to approve the minutes of May 12, 2020 as submitted.

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

Motion by Kruger, second by Wolf to suspend the rules to consider all items on the agenda on a single reading and by title only.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

(Agenda Item #1)

ORD. #20-43 Vacating An Alley Between West Willow Street And West Birch Street

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

Carmichael, chair of Community Environment & Welfare Committee, reported the committee had met, recommended a “Do pass” and recognized Geoff Bates. Bates answers Amy Eddy’s question, the alley will not be extended to 9th Street, it is being vacated.

No questions from the council.

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. #20- Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To N-R (Airport Loop)

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

Carmichael, chair of Community Environment & Welfare Committee, reported the committee had met, recommended a “Denial of request” and recognized Bill Watkins.

Watkins recognized the difficult situation for all parties involved. The Planning Commission passed the rezone 6-3 but asked the comprehensive growth be addressed for future use. Watkins concern for the property owner for use of the land for the unforeseeable future.

John McCurdy, the staff recommendation is to resolve the comprehensive growth map indifference. Staff supports non-residential zoning for this property. Adjacent residential use is incompatible with airport development. Recommend not putting our federal funding of the airport at risk.

David Krutch, Airport Manager, adds under FA1 the City of Rogers contractually agrees with assurances of the federal laws. Including restricting zoning laws and non-compliance can result in withholding federal grant funds. Since 2003, \$33M has been received and the ability to be able to continue receive these fund is critical to continue the growth of the airport.

Kruger, as chairman of Transportation Committee, cannot support the rezone as requested. Acknowledge the developer needs to have the path to develop or sell the land but cannot risk the loss of federal funding for the airport. Encourages Community Development to address the comprehensive growth map and give direction to the developer.

No further comments.

The Mayor asked, “Shall the ordinance pass?”
Roll call: Unanimous – No. ***The ordinance is defeated.***

(Agenda Item #3)

ORD. #20-44 Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To R-O (N. 11th Street)

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

Carmichael, chair of Community Environment & Welfare Committee, reported the committee had met, recommended to “Do pass”. No representative.

No questions from the council.

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. #20-45 Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From N-R To NBT (W. Cypress)

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

Carmichael, chair of Community Environment & Welfare Committee, reported the committee had met, recommended to “Do pass”. Bill Watkins representing.

No questions from the council.

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. #20-46 Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To R-SF (W. Lilac)

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

Carmichael, chair of Community Environment & Welfare Committee, reported the committee had met, recommended to “Do pass”. Betty Woods representing.

No questions from the council.

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. #20-47 Authorizing The Mayor And City Clerk To Execute An Agreement For Interconnection Of Municipal Water Systems With The City Of Bentonville

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

Townzen, chair of Public Works Committee, reported the committee had met, recommended to “Do pass” and recognized Brent Dobler.

Dobler explained the ordinance is a continuation of previous agreement with the City of Bentonville and has been approved by Bentonville City Council.

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)

RES. R20-39 Authorizing The Mayor And City Clerk To Enter Into An Agreement With The Department Of Health And Human Services As Part Of The Cares Act To Receive Up To \$36,457.08; Amending The 2020 Budget To Recognize Revenue In That Amount Into Account #100-04-45110 Federal Grant Revenue; Appropriating The Same To Expense Account #100-04-70015 Uniform Expense

The resolution was introduced by Reithemeyer and read by title only by City Attorney Andrew Hatfield.

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

No questions from the council.

Motion by Hayes, second by Reithemeyer to adopt the resolution.

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

(Agenda Item #8)

RES. R20-40 Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Home Fire Sprinkler Coalition To Receive Up To \$500.00; Amending The 2020 Budget To Recognize Grant Funds In That Amount Into Account #100-04-45600 Grants And Donations; Appropriating The Same To Expense Account #100-04-70262 Fire Prevention And Safety

The resolution was introduced by Reithemeyer and read by title only by City Attorney Andrew Hatfield.

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

No questions from the council.

Motion by Reithemeyer, second by Brashear to adopt the resolution.

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

(Agenda Item #9)

ORD. #20-48 Authorizing The Mayor And City Clerk To Execute An Agreement Amending The Northwest Arkansas Regional Airport Authority Restated And Amended Agreement Of 1994 With The Northwest Arkansas National Airport, Formerly Known As The Northwest Arkansas Regional Airport

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

Hayes, chair of Resources & Policy Committee, reported the committee had met, recommended to “Do pass” and recognized Mayor Hines.

Hines explained the ordinance is a full disclosure agreement for any member affiliated with the Airport Authority and does direct or indirect business with the airport must be adopted by their board.

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)

RES. R20-41 Amending The 2018-2022 Consolidated Plan And 2019 Action Plan To Request A Community Development Block Grant Funded From The Cares Act (Covid-19 Recovery Formula Grant)

The resolution was introduced by Hayes and read by title only by City Attorney Andrew Hatfield.

Hayes, chair of the Resources & Policy Committee, reported the committee had met, recommended a “Do pass” and recognized Donna Johnston.

No questions from the council.

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

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

(Agenda Item #11)

RES. R20-42 Authorizing The Adult Wellness Center To Dispose Of Certain Property In The Landfill; Recognizing That The Property Is Rendered Worthless

The resolution was introduced by Hayes and read by title only by City Attorney Andrew Hatfield.

Hayes, chair of the Resources & Policy Committee, reported the committee had met, recommended a “Do pass” and recognized Bonnie Bridges.

No questions from the council.

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

(Agenda Item #12)

RES. R20-43 Authorizing The Fire Department To Dispose Of Obsolete Property No Longer Used By The City Through Internet Auction Or Other Available Means

The resolution was introduced by Hayes and read by title only by City Attorney Andrew Hatfield.

Hayes, chair of the Resources & Policy Committee, reported the committee had met, recommended a “Do pass” and recognized Fire Chief Tom Jenkins.

No questions from the council.

Motion by Wolf, second by Carmichael to adopt the resolution.

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

(Agenda Item #13)

RES. R20-44 Acknowledging That The Rogers Fire Department Is In Possession Of A 75-Foot Ladder Truck Which Is No Longer In Use; Authorizing The Donation Of Said Truck To The City Of Pea Ridge For Use By The Pea Ridge Fire Department

The resolution was introduced by Hayes and read by title only by City Attorney Andrew Hatfield.

Hayes, chair of the Resources & Policy Committee, reported the committee had met, recommended a “Do pass” and recognized Fire Chief Tom Jenkins.

No questions from the council.

Motion by Wolf, second by Townzen to adopt the resolution.

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

(Agenda Item #14)

ORD. #20-49 Amending Sections Of Chapter 34 Of The City Of Rogers Code Of Ordinances Regarding Sale And Use Of Fireworks
Motion by Wolf, second by Kruger to adopt the resolution.

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

Hayes, chair of Resources & Policy Committee, reported the committee had met, recommended to “Do pass” and recognized Fire Chief Tom Jenkins.

Mayor Hines chimed in to explain the ordinance is to assist those firework stands working within the city limits versus on county property.

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:

Reappointment of Mark Fryauf to the Airport Commission; with a new term to expire March 11, 2025

Motion by Kruger, second by Carmichael.
Voice vote: Unanimous – Yes.

Reappointment of Gary Jackson to the Airport Commission; with a new term to expire March 11, 2025

Motion by Hayes, second by Townzen.
Voice vote: Unanimous – Yes.

Reappointment of Clyde Tempel to the Airport Commission; with a new term to expire March 11, 2025

Motion by Kendall, second by Townzen.
Voice vote: Unanimous – Yes.

ANNOUNCEMENTS:

1.Sales tax for March sales were down 6.36% and anticipate another drop in sales on April reporting.

2. Rogers Aquatic Center will not open this year. Passes will be valid through 2021.
3. In chamber City Council meeting date will be announced at a later date after continued monitoring of pandemic.
4. Benton Co. Covid-19 rise in positive testing will be national news and we need to continue to encourage our community to be diligent in social distancing and mask wearing.

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

ATTEST:

APPROVED:

Jessica Rush, City Clerk-Treasurer

C. Greg Hines, Mayor