

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, August 14, 2018 at 6:30 p.m. The meeting was called to order by Mayor Greg Hines. The Invocation was given by Rev. Armando Rodriguez of Centro Cristiano Church of Rogers. Those in attendance were led in the Pledge of Allegiance.

PUBLIC FORUM:

Andrea Klokow, 5701 Casey Drive, spoke as the acting President of the Stoney Creek POA Board.

Klokow said she represents 42 homes that are opposed to the rezoning, who are directly across the street from the proposed site on Dodson Road, and presented a petition signed by 31 additional residents. The petition asks the city to wait to approve the rezoning along Dodson Road for further development without assurance of a solid financial plan for the city to address traffic and drainage issues. We would ask the city council to table the vote on the rezoning on Dodson for two weeks to ensure that today's vote on the 2018 bond election is successful and will know whether or not improvements to Dodson Road will be assured. If the bond issue does not pass, then 240 units will be built without any resolution to the increased traffic and will be compounded by those living in the units and traveling in and out every day. Delaying the issue for two weeks will allow the city to develop a plan if the bond issue fails. Dodson Road is not the only road included in the bond issue so if the bond issue does not pass, tough decisions will have to be made. The two weeks will give everyone, including the developer, the opportunity to reconsider whether this rezoning is the right thing to do. Dodson Road has been on the waiting list for the last four years for improvements, but never makes the top of the list. We are not against progress and realize that something much worse could be built there, if this is not. However, in the interest of public safety, the drivers who use Dodson Road as a shortcut, those who live on Dodson Road and potentially the 240 new residents will be impacted. "We, the residents of Stoney Creek POA are asking that the

rezoning be tabled until the 2018 bond issue and street improvements option is verified.”

There were no other comments.

The Public Forum was declared closed.

COUNCIL MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

City Clerk-Treasurer Peggy David, City Attorney Andrew Hatfield, Senior Staff Attorney Jennifer Waymack, Police Chief Hayes Minor, Fire Chief Tom Jenkins, Community Development Director John McCurdy, Director of Finance Casey Wilhelm, Director of Human Resources Thomas Dunlap, Public Relations Specialist Ben Cline, Water Utilities Shared Services Manager Jene Huffman, Parks Superintendent Stan Weaver, Project Engineer Nathan Becknell, Planning Administrator Lori Ericson, Parks and Recreation Director Jim White, and Assistant to the Mayor Carey Hollis.

ACTION ON MINUTES:

(July 24, 2018)

Motion by Wright, second by Townzen to approve the minutes of July 24, 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)

RES. #R18-44 Accepting the Lowest Qualified Bid for Construction of the Magnolia Street Overpass; Authorizing a Contract for Construction

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

Kruger, chair of the Transportation Committee, reported the Finance Committee had met, recommended a “Do pass” and recognized Project Engineer Nathan Becknell.

Becknell reported the bids were advertised for the construction of the Magnolia Street Overpass, just north of New Hope Road over I-49. The low bidder was Emery Sapp & Sons. This is partnership with the developer to provide a much needed access across the interstate.

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

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

(Agenda Item #2)

ORD. #18-43 Changing the Name of “West Myers Ranch Boulevard” to “West Venture Park Boulevard”

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

Kruger reported the Transportation Committee had met, recommended a “Do pass” and recognized Becknell.

Becknell reported the landowners have requested this name change for the commercial development. Emergency services have reviewed the request and have no objections.

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. #18-44 Providing for the Acquisition of Real Property and Any Interest in Any Real Property to Facilitate Trail Improvements on Pleasant Ridge Trail

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

Kruger reported the Transportation Committee had met, recommended a “Do pass” and

recognized Senior Staff Attorney Jennifer Waymack.

Waymack explained that an offer for the final piece of property needed to complete the Pleasant Ridge Trail has been made with a deadline. Negotiations have been ongoing for a year with the landowner. This piece is critical for the completion of the trail and will provide a safer access for those using the trails. If the offer is not accepted for the ten-foot piece of property, then this ordinance would allow the eminent domain process to begin.

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)

RES. #R18-45 Authorizing Agreements with Olsson Associates of Fayetteville, AR; CEI Engineering of Bentonville, AR; Crafton, Tull & Associates, Rogers, AR; Garver, LLC of Fayetteville, AR; O.R. Colan Associates, LLC of Charlotte, NC; and McClelland Consulting Engineering of Fayetteville, AR for Preliminary Design Services

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

Kruger, reported the Transportation Committee, had met, recommended a “Do pass” and recognized Becknell.

Becknell reported these contracts will authorize designs for projects that are in different quadrants of the city and will include specific bridge designs and land acquisition for future projects.

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

Councilmember Kruger abstains.

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

(Agenda Item #5)

RES. #R18-46 Authorizing a Contract with Commercial Electronics in an Amount Not to Exceed \$135,000.00 for Upgrading and Updating Dispatch Equipment for Use by the Rogers Fire Department and Rogers Police Department; Amending the 2018 Budget to Appropriate \$135,000.00 from CMRS Fund Reserves to Acct. #352-52-70252

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

Reithemeyer, chair of the Finance Committee, reported the committee had met, recommended a “Do pass” and recognized Police Chief Hayes Minor.

Minor explained the current dispatch equipment known as “Higher Ground” is about 10 years old and records all Police and Fire radio traffic as well as 9-1-1 calls. It has reached its end of life. The upgrade will be compatible with new equipment that is being installed currently. Funding for this will be from CMRS and not general funds.

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

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

(Agenda Item #6)

RES. #R18-47 Authorizing the City of Rogers’ Annual Application for the Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant

The resolution was introduced by Reithemeyer, and read by title only by Hatfield.

Reithemeyer reported the Finance Committee, reported the committee had met, recommended a “Do pass” and again recognized Chief Minor.

Minor reported this resolution is part of the annual grant application process. This year the amount being requested is \$23,500.

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

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

(Agenda Item #7)

ORD. #18-45 Waiving Competitive Bidding for the Purchase of Updated Dispatch Recording Equipment for Use by the Rogers Police Department and Rogers Fire Department

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 recognized Minor.

Minor explained the waiving of competitive bidding for the updated equipment is being requested and will allow the department to continue to use the historical data going forward.

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 #8)

ORD. #18-46 Amending a Portion of Chapter 34 of the Code of Ordinances, City of Rogers Regarding Sale and Use of Fireworks

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

Wolf reported the Public Safety Committee had met, recommended a “Do pass” and recognized Fire Chief Tom Jenkins.

Jenkins reported that two items were changed in the existing ordinance; the first is changing the dates that fireworks are allowed from July 3rd to July 5th, but now is shifted to July 2nd to July 4th. The second item that was changed was the location in which a permit is picked up, which previously said the Mayor’s office, but would be changed to the Risk Reduction Department office.

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:

(Agenda Item #1)

ORD. #18- Accepting and Annexing Certain Real Property to the City of Rogers, AR Pursuant to ACT 779 of the 82nd General Assembly and Assigning Said Property to a City Ward

The ordinance was withdrawn.

(Agenda Item #2)

ORD. #18-47 Rezone from A-1 to RMF-12B, Accepting the Density Concept Plan, 20 Acres ± on the West side of S. Dodson Road between Redbud and W. Stoney Brook Road (Trevor Aaron Yates)

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

Bill Watkins, representing the property owner, requested the rezoning as approved at the Planning Commission meeting.

Watkins introduced the developer as Edward Rose Properties, Inc. and said this is a family-owned business based in Kalamazoo, MI who has been in business since 1921. It is their first investment in Arkansas and they think Rogers is a good place to invest. Edward Rose builds the project, retains ownership, and hires onsite management and maintenance.

Watkins said the Planning Commission approved the density and recommended the zoning based on the recommendation of the Density Review Committee after reviewing the density concept plan which the developer has agreed-to and signed. The density concept plan will provide 55% green space within the complex, trails within the property and other outdoor amenities for their residents. The height of the buildings will be limited to 35-ft., the same as a two-story house. The traffic will be a challenge, but the developer is required to pay for the infrastructure including streets and drainage and if the bond issue doesn't pass the next developer will pay their part, which is the way it has happened all over Rogers as provided in city code.

Watkins said tabling this item for two weeks would be a waste of time.

Councilmember Kruger said he has great concern for the traffic out there, and wishes he could fix it today, but the rezoning cannot be denied based on the traffic.

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. #18-48 Rezone from A-1 to R-SF, 37.94 Acres at 5904 W. Shores Ave. (Gateway Homes, LLC)

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

Brett Watts, with Bates and Associates, represented the property owner and requested the rezoning as approved at the Planning Commission meeting. The density will be 2.5 units per acre for the detached homes in the subdivision.

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 ordinance is adopted.***

APPOINTMENTS:

There being no further business, motion by Kruger, second by Wolf to adjourn the meeting. Meeting adjourned at 6:59 p.m.

ATTEST:

APPROVED:

