

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, September 11, 2018 at 6:30 p.m. The meeting was called to order by Mayor Greg Hines. The Invocation was given by Pastor Sam Adelusimo of Chapel of Praise, NWA. Those in attendance were led in the Pledge of Allegiance.

PUBLIC HEARINGS:

To Consider Detachment of Certain Territory from the City of Cave Springs, Arkansas and the Annexation Thereof into the City of Rogers, Arkansas as provided in A.C.A. 14-40-2101

The Public Hearing was opened.

There were no comments from anyone in the audience.

The Public Hearing was declared closed.

PUBLIC FORUM:

Williams Hicks, 6009 S. 39th Place, expressed concern that City Code Chapter 6 Section 102, should be amended to assist residents when there are complaints about barking dogs. "I have been held hostage from using my backyard for the last two summers."

Hicks said he has contacted Animal Control and on the advice of Police Lt. Scott Clifton has tried to contact the town lawyer multiple times, but has not had any phone calls returned.

Hicks stated he had contacted Councilmember Kendall for help with the situation.

Staff Attorney Bonnie Bridges said a meeting with Mr. Hicks has been scheduled for this Thursday at 10:00 a.m.

Mayor Hines responded, "Regarding the enforcement of barking dog ordinances, our laws are as enforceable as possible. There are civil remedies to settle your complaint. We will review our actions, but that will not prevent you from seeking civil litigation against your neighbor."

There were no other comments from anyone in the audience.

The Public Forum was declared closed.

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

COUNCIL MEMBERS PRESENT:

OTHER OFFICIALS PRESENT:

City Clerk-Treasurer Peggy David, City Attorney Andrew Hatfield, Staff Attorney Bonnie Bridges, Police Chief Hayes Minor, Fire Chief Tom Jenkins, Community Development Director John McCurdy, Director of Finance Casey Wilhelm, Water Utilities Superintendent Brent Dobler, Parks Superintendent Stan Weaver, Planner II Ethan Hunter, Parks and Recreation Director Jim White, Assistant to the Mayor Carey Hollis, and Human Resources Director Thomas Dunlap.

ACTION ON MINUTES:

(August 28, 2018)

Approves the suspending of rules for the meeting.

Motion by Wright, second by Hayes to approve the minutes of August 28, 2018 as submitted. Voice vote: Unanimous -Yes. ***Motion carried.***

Motion by Reithemeyer, 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. #18-52 Ordering Construction of Certain Improvements to the Rogers Pollution Control Facility

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

Townzen, chair of the Public Works Committee, reported the committee had met, recommended a “Do pass” and recognized Rogers Water Utilities Superintendent Brent Dobler.

Dobler reported this ordinance will provide for improvements to be constructed at the wastewater treatment facility which will cost between \$7 and \$8 million. The planned improvements will provide a safer environment for employees, prevents hauling of the solids to

the landfill making it an agricultural supplemental product and adding a redundant process system in the event of an equipment breakdown.

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)

RES. #R18-49 Amending the 2018 Budget to Recognized Funds in the Amount of \$77,971 from RX Reimbursements into Acct. #375-75-49261 and \$1,117,377 from Excess Loss Reinsurance into Acct. #375-75-49264; Appropriating \$1,195,348 into Acct. #375-75-61503

The resolution was introduced by Councilmember 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 Human Resource Director Thomas Dunlap.

Dunlap reported that two income accounts have received unexpected pharmacy rebates and excess loss payments which will be transferred into the Health Claims expense account.

Motion by Kruger, second by Hayes to adopt the resolution.
Voice vote: Unanimous – Yes. ***The resolution is adopted.***

RES. #R18-50 Authorizing a Contract with the Walton Family Foundation to Accept Grant Funds in the Amount of \$280,500; Amending the 2018 Budget to Receive \$280,500 Grant Funds into Acct. #100-08-45600; Appropriating \$280,500 into Acct. #100-08-70154

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

Reithemeyer reported the Finance Committee recommended a “Do pass” and recognized Parks and Recreation Director Jim White.

White explained a grant was applied for last year from the Walton Family Foundation to plant trees along the Razorback Greenway Trail

which has been awarded. This resolution will accept the grant.

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

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

OLD BUSINESS:

None.

NEW BUSINESS:

(Agenda Item #1)

ORD. #18-53 Rezone from A-1 to RSF, 10.6 Acres on the East Side of Morningstar Road (Micah C. Gibson Trust and Lindsey E. Gibson Trust)

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

Micah Gibson, property owner, explained the plan is to provide 6 residential lots, which was approved by the Planning Commission.

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. #18-54 Rezone from A-1 to RSF, 9.7 Acres on the East Side of Morningstar Road (GBSN, LLC)

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

Micah Gibson, property owner, again explained the plan is to provide 6 residential lots, which was approved by the Planning Commission.

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. #18-55 Proposing the Detachment of Certain Territory from the City of Cave Springs, Arkansas and the Annexation Thereof into the City of Rogers, Arkansas, and Making Same a Part of the City of Rogers, Assigning Same to a Ward and Assigning Same to a Zoning District

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

Bill Watkins, representing the developer, said this annexation is for property that was somehow omitted from the annexation 15 or 16 years ago. The property is completely surrounded by the City of Rogers, but it is now actually in the City of Cave Springs. Cave Springs has been agreed to de-annex, but Rogers must take action first and accept the property once Cave Springs releases it.

The Mayor asked, “Shall the ordinance pass?”
Roll call: Unanimous – Yes. ***The ordinance is adopted.***

(Agenda Item #4)

ORD. #18-56 Accepting the Final Plat of Chandler’s Run

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

Blake Murray, representing the developer, presented the final plat.

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. #18-57 Rezone from A-1 to C-3, 13.5 Acres on the North End of Rainbow Road at the City Limits (Lawson Revocable Trust)

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

Kelsey Kreher, of Harrison French, representing the property owner, requested the rezoning as approved by the Planning Commission.

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.*

Community Development John McCurdy noted that the Planning Commission had recommended a revision to the Comprehensive Growth Map. Revision to the CGM will be included in an ordinance that will take into account other changes and will be updated each year similar to way the Schedule of Uses is updated.

APPOINTMENTS:

None.

ANNOUNCEMENTS:

None.

There being no further business, motion by Wolf, second by Reithemeyer to adjourn the meeting. Meeting adjourned at 6:36 p.m.

ATTEST:

APPROVED:

Peggy David, City Clerk-Treasurer

C. Greg Hines, Mayor