

## MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building and via virtual meeting space ZOOM on Tuesday, June 9, 2020 at 6:40 p.m. The meeting was called to order by Mayor Greg Hines. The Invocation was given by Pastor Melissa Ehrhardt of Peace Lutheran Church.

### **PUBLIC HEARING:**

### **PUBLIC FORUM:**

No comment. 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, Human Resources Director Thomas Dunlap, Water Utilities Superintendent Brent Dobler, Police Chief Hayes Minor, City Planner Ethan Hunter, Fire Chief Tom Jenkins, Director of Parks & Recreation Jim White, Planning Administrator Lori Ericson, RWU Attorney Robert Frazier, Assistant to the Mayor Carey Anderson and Records Administrator Jennifer Moore.

### **ACTION ON MINUTES:**

(May 26, 2020)

Motion by Kruger, second by Brashear to approve the minutes of May 26, 2020 as submitted.

Voice vote: 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 on a single reading and by title only.

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

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

(Agenda Item #1)

**RES. R20-45** Authorizing The Purchase Of A West Intrado Viper System; Amending The 2020 Budget To Appropriate \$4,050.00 From CMRS Fund Reserves To Account #352-52-70252 Communications Equipment

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

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

No questions from the council.

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

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

(Agenda Item #2)

**ORD. #20-50** Amending Various Sections Of Chapter 14 Of The City Of Rogers Code Of Ordinances

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” and recognized Staff Planner Ethan Hunter.

Reithemeyer asks if the Planning Department supports the version approved by the Planning Commission. Hunter confirms the acknowledgment of the need for this use and find it to be valuable to those businesses who need small scale storage.

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. #20-** Accepting The Annexation Of Certain Territory To The City Of Rogers; Approving The Schedule Of Services To Be Extended To Said Area And The Development Agreement Governing Extension Of Services; Assigning Such To Wards

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, and did not come out of committee with a decision and introduced Bill Watkins for discussion.

Reithemeyer, questions Staff Attorney Bonnie Bridges and City Attorney Andrew Hatfield about the enforceability of the agreement in question.

Hatfield, confirms he agrees with Bridges research and concern of the enforceability of the agreement.

Watkins, his client brought this to the council on behalf of the recommendation from the Environment & Welfare Committee. Document is binding for the current owner and future which would encompass services provided by the City of Rogers. It is a covenant on the land. The comprehensive growth map includes commercial growth in this part of the city and how will the businesses be supported if there are not roof tops for residents to live.

Carmichael, does Arkansas law allow for a subject to annexation? The county judge has given a 3 year period for development and concerned if the development isn't completed does if leave the city responsible.

Bridges, in response to Watkins case law, this is a new statute and therefore is no case law interpreting this specific situation. The annexation will list a schedule of services to be provided by the city within 3 years. If there were to be a different developer, or land owner, there is nothing to state this in state law.

Mayor Hines, when this bill was moved through the State, the intent was to hold cities responsible to remedy.

Watkins, statute of the state if services are not offered in the 3 year period the land would return to the county.

Bridges, referring to the statute, there is no verbiage specifically stating if services are not offered in allotted period of time the land would be returned to the county.

Reithemeyer, ask to hear from Mr. Dobler with RWU and his opinion.

Dobler, based on council we developed this agreement. We do know it will be expensive to sewer the property and we know that area is in our water service area.

Wolf, very uncomfortable with many unanswered questions surrounding this ordinance.

Kruger, suggest Watkins table the request until we could get an opinion from the attorney general.

Watkins, the client would be agreeable to table the ordinance.

Reithemeyer, question to vote up or down tonight.

Hatfield, municipal league opinion might not be of much help. We are being asked to agree to a document which is going around a state statute.

Brashear, it would be helpful to hear from the Planning Department on their future plans for the west side of Rogers.

McCurdy, we share your concern and desire for a more comprehensive plan for annexation and are in the works for this to be addressed.

Kendall, annexation pieces are not ideal and looking at an overall plan would be most helpful.

Watkins, do you think you can get an AG opinion in 6 weeks?

Mayor Hines, believes so but cannot promise.

Reithemeyer, is this where we want the City of Rogers to go? What value does this provide to the City of Rogers as a whole? Concern regarding property taxes going to Bentonville due to the school district drawings. Call to question.

The Mayor asked, "Shall the ordinance pass?"  
Roll call: Unanimous – *No. The ordinance is denied.*

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

**APPOINTMENTS:**

None

**ANNOUNCEMENTS:**

1. Visit to Tysons plant confirmed confidence in precautions being taken and proud of our continued relationship. Kudos to their efforts!
2. Governors leadership is thoughtful and appreciated.

There being no further business, motion by Kruger, second by Wolf to adjourn the meeting. Meeting adjourned at 7:27 p.m.

**ATTEST:**

**APPROVED:**

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Jessica Rush, City Clerk-Treasurer

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C. Greg Hines, Mayor