

MINUTES

The **Rogers City Council** met for a *regular session* in the Council Chambers of the City Administration Building on Tuesday, June 27, 2006 at 7:30 P.M. The meeting was called to order by Mayor Steve Womack. Councilman Buddy Wright gave the Invocation. Those in attendance were led in the Pledge of Allegiance.

PUBLIC FORUM:

Mayor Womack presented certificates of appreciation to Helen Stacy for 10 years of service with the Rogers Police Department, Teresa Parris for 10 years of service with the City Attorneys Office and David Beauchamp for 20 years of service with the Rogers Street Department.

Raymond Burns states the Chamber is sponsoring a trip to Springfield, MO on July 13 & 14th to look at their downtown area and invited the Councilmen and staff to attend. They have gone from a thriving downtown to a boarded up downtown. They now have about \$150 million dollars worth of development in the last few years. We may be able to learn something from them. They are a healthcare and retail destination which is what we are going to become.

Burns also states Elaine Latimer, his assistant of 17 ½ years, will retire. There will be a retirement reception honoring her on Friday June 30th between 11:30 and 1:00.

Phillip Martin, 4105 W Seminole Road, states he is against the multifamily apartments requested in item #6 of the Agenda. The area needs to stay C-2 due to traffic issues. This is a very busy street. If apartments go in on the west side of 24th the school children will have to cross 24th to get to there home.

There were no other comments from anyone in the audience.

PUBLIC HEARING:

Petition to Vacate Streets in Robinson Addition.

The Public Forum was declared closed

There were no comments from anyone in the audience.

The Public Hearing was declared closed.

COUNCIL MEMBERS PRESENT:

Councilmen Bob Goodwin, Greg Hines, Larry Daniel, Buddy Wright, Jack McHaney, Mark Kruger and Jim Clark were present. Barney Hayes was absent.

OTHER OFFICIALS PRESENT:

City Clerk Peggy David, City Attorney Ben Lipscomb, Director of Parks & Recreation Rick Stocker, Superintendent of Water Utilities Tom McAlister, Water Utilities Engineer Mark Johnson, Director of Planning and Transportation Steve Glass, Senior Planner Derrel Smith, Fire Chief Wesley Lewis, Police Chief Steve Helms, Director of Code Management and Inspections James Willett, Main Street Director Marge Wolf, Street Superintendent Frankie Guyll, Human Resource Director Gina Kincy, Wellness Center Director Keri Wilkinson, Wellness Program Coordinator Leslie Ossenfort.

ACTION ON MINUTES:

(June 13, 2006)

APPROVED

Motion by Hines, second by Wright to approve the minutes of the June 13, 2006 meeting as submitted.

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

REPORTS OF BOARDS AND STANDING COMMITTEES

(Agenda Item #1)

RES. R06-27: Authorizing the Mayor and Treasurer to Establish and Maintain One or More Accounts for the City of Rogers Funds in its Possession with Stephens, Inc.

Hines introduced the resolution.

Lipscomb read the resolution.

Councilman McHaney, chairman of the Finance Committee, reports the committee has met and recommended a "Do Pass".

Motion by McHaney second by Daniel to adopt the resolution.

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

Motion by Hines, second by Wright to suspend the rules and consider each agenda item on a single reading by title only and package items 3, 4, 5 and 6 together.

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

Hines introduced the ordinance.

Lipscomb read the ordinance.

Councilman McHaney, chairman of the Finance Committee, reports the committee has met and recommended a “Do Pass” and recognized Police Chief Steve Helms.

Helms states an unnamed party in the city has donated \$3,600.00 to the police department for the purpose of furthering equipment and software for the Crime Suppression Unit.

The Mayor asked, “Shall the ordinance pass?”

Roll call: Unanimous. **The ordinance is adopted.**

The Mayor asked, “Shall the emergency clause pass?”

Roll call: Unanimous. **The emergency clause is adopted.**

McHaney introduced the ordinances.

Lipscomb read the ordinances.

Councilman McHaney, chairman of the Finance Committee, reports the committee has met and recommended a “Do Pass” of items 3 – 6 and recognized Wellness Center Director Keri Wilkinson.

(Agenda Item #2)

ORD. 06-107 Amending the 2006 Fiscal Year Budget of the Police Department of the City of Rogers, Increasing Grants/Donations Account #100-03-45600 in the amount of \$3,600.00; Appropriating \$3,600.00 from General Fund Reserve to the Police Department Miscellaneous Account #100-03-70270.

(Agenda Item #3)

ORD. 06-108: Authorizing a Contract with Moser Corporation of Rogers, AR For Furnishings and Fixtures for the Adult Wellnes Center; Appropriating \$140,000.00 from General Fund Reserve to Parks Department Account #100-08-80100.

(Agenda Item #4)

ORD. 06-109 : Authorizing a Contract with Fitness Showcase of Bentonville, AR. For Cardiovascular Equipment for the Adult Wellness Center; Appropriating \$70,000.00 from General Fund Reserve to Parks Department Account #100-08 80100.

(Agenda Item #5)

ORD. 06-110: Authorizing A Contract with Keiser Corporation of Fresno, CA for Strength Training Equipment for the Adult Wellness Center; Appropriating \$40,000.00 from General Fund Reserve to Parks Department Account #100-08-80100.

(Agenda Item #6)

ORD. 06-111: Appropriating \$100,000.00 from General Fund Reserve to. Parks Department Capital Expenditure Account #100-08-80100.

Wilkinson introduced Leslie Ossenfort, the new Program Coordinator for the Wellness Center. Item #3-We felt Moser was the best choice for our furnishings. They are a local company and could supply the brands we wanted. Item #4- Fitness Showcase of Bentonville was the closest store that could provide the brand Precore which is the brand of cardio equipment we wanted and can service all the equipment when needed. Item #5- Keiser Corporation is the only company that has this type of equipment for strength training of older adults. Item #6- This will cover everything we need to finish the building from extra furniture to mini blind

The Mayor asked, “Shall the ordinances pass?”

Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clauses pass?”

Roll call: Unanimous. ***The emergency clause is adopted.***

TRANSPORTATION COMMITTEE:

Councilman Kruger recognized Director of Transportation and Planning Steve Glass.

Glass states he would like to request a special Council meeting for Thursday 29, 2006. The purpose of the meeting will be to discuss contracts at the airport and a portion of Pleasant Grove Road. The contract must be awarded before the end of the month on Pleasant Grove Road and by July 8, 2006 on the Airport Projects.

Motion by Kruger, second by Wright to set a Special City Council Meeting for 8:30 am on Thursday 29, 2006.

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

None.

OLD BUSINESS:

NEW BUSINESS:

(Agenda Item # 1)

ORD. 06- Vacating Portions of Public Street in Robertson Addition

Womack announced the item has been pulled

(Agenda Item #2)

ORD. #06-112 Accepting Final Plat for Cross Creek PUD.

Kruger introduced the ordinance.

Lipscomb read the ordinance.

Steven Beam of Crafton Tull & Associates presented the request.

The Mayor asked, "Shall ordinance pass?"

Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, "Shall the emergency clause pass?"

Roll call: Unanimous. ***The emergency clause is adopted.***

(Agenda Item #3)

ORD. #06-113 Rezone from RO to C-2, Approximately 0.17Acres Rogers Encompassing Part of the NE Corner of the JC Penny Building In Pinnacle Hills Promenade. (Rogers Retail LLC)

Kruger introduced the ordinance.

Lipscomb read the ordinance.

Chris Rogers presented the rezone request.

The Mayor asked, "Shall ordinance pass?"

Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, "Shall the emergency clause pass?"

Roll call: Unanimous. ***The emergency clause is adopted***

(Agenda Item # 4)

ORD. 06-114: Rezone from RSF to RO, 6.92 Acres Located S of Laurel Avenue Between its Intersections with Creekside Drive and S 24th Street (Village Developers, LLC)

Kruger introduced the ordinance.

Lipscomb read the ordinance.

Watkins presented the rezone request.

The Mayor asked, "Shall ordinance pass?"
Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, "Shall the emergency clause pass?"
Roll call: Unanimous. ***The emergency clause is adopted***

(Agenda Item # 5)

ORD. 06-115: Rezone from C-2 to CU/C2, 2100 Hudson Road (Cody Burnett)

Kruger introduced the ordinance.

Lipscomb read the ordinance.

Dirk Thibodaux of Freeland Kaufman and Fredeen Engineering presented the rezone request.

The Mayor asked, "Shall ordinance pass?"
Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, "Shall the emergency clause pass?"
Roll call: Unanimous. ***The emergency clause is adopted.***

(Agenda Item # 6)

ORD. 06-__: Rezone from C2 to RMF-7A/PUD Approximately 9.8 Acres on W Side of 24th Across from Turtle Creek Apts. (C & K Properties)

Kruger introduced the ordinance.

Lipscomb read the ordinance.

Erin Rushing of CEI Engineering presented the rezone request. The PUD was approved last year but we are asking for a change in the location of the condominiums and omitting the C-2.

Councilman Clark and McHaney state they remember denying this multi family housing earlier this year.

Senior Planner Derrel Smith. The condominiums were passed in a PUD as RMF 7 and they were to be sold to individual owners.

Councilman McHaney states we cannot hold their feet to the fire as to these not being leased or rented.

Smith states there will be a firewall and built as to be sold as a single family home. You can lease condominium just as you can a single home.

Clark states 24th Street is a logical dividing line between multi-family housing with a C-2 and light use commercial as a buffer between that and Turtle Creek Subdivision. I feel multi-family housing is inappropriate in that location.

Councilman Hines states that if you put four to five different complexes in the same area you are creating a cell that I don't think we want.

Councilman Daniel asks Rushing for clarification that the PUD we are looking at is the same concept that we approved last year, which is the same one that backs up to Turtle Creek. The C-2 fronts on 24th St and doesn't touch Turtle Creek in any way.

Rushing states that is correct. He states essentially all we are doing is taking the C-2 out and pulling the condominiums up to 24th Street and creating a 200ft green space buffer in the back.

Clark asks "Are saying that the council approved a PUD there?"

Smith and Daniel state yes it was approved as multi-family last fall.

Daniel states they have modified it and cut the density in half of what we approved at the time.

Director of Transportation and Planning Steve Glass states they took the condominiums and pushed them all up to the front and eliminated the commercial development creating fewer units per acre with a larger green space buffer for Turtle Creek Subdivision.

DEFEATED.

(Agenda Item # 7)

ORD. 06-116: Rezone from RDP to RO, 606 N 8th St. (Martin Vallejo)

The Mayor asked, "Shall ordinance pass?"
Roll call: **NO.** McHaney, Kruger, Hines, Wright, Clark. **YES.** Goodwin and Daniel.
The ordinance is defeated.

Kruger introduced the ordinance.

Lipscomb read the ordinance.

The Mayor asked, "Shall ordinance pass?"
Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, "Shall the emergency clause pass?"
Roll call: Unanimous. ***The emergency clause is adopted.***

Kruger introduced the ordinance.

Lipscomb read the ordinance.

Lipscomb states he reviewed a letter that was sent to the Elders from the Mayor of Cave Springs indicating the City of Cave Springs does not object to the property being released to Rogers to be annexed.

Bill Watkins states there is a Rogers water line on Mt. Hebron Rd right in front of my clients home. My clients well has run dry and Rogers can supply water to them.

(Agenda Item #8)

ORD. 06-117: Accepting and Annexing Real Property Pursuant to ACT 779 Approximately 2.5 Acres at the SW Corner of Mt Hebron & Wallis Road.

The Mayor asked, "Shall ordinance pass?"
Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, "Shall the emergency clause pass?"
Roll call: Unanimous. ***The emergency clause is adopted.***

ANNOUNCEMENTS:

Womack announced the city fireworks show will be held on July 3rd at Veterans Park.

There being no further business, motion by Kruger, second by Daniel to adjourn the meeting.
Meeting adjourned at 8:25 P.M.

ATTEST:

APPROVED:

Peggy David, City Clerk

Steve Womack, Mayor