

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers in the Maurice H. Kolman City Hall Building on Tuesday, September 12, 2006 at 7:30 p.m. The meeting was called to order by Mayor Steve Womack. The Invocation was given by Councilman Buddy Wright. Those in attendance were led in Pledge of Allegiance by Boy Scouts Aaron Hughes of Troop 2144, John Bruner of Troop 122 and Michael Benzmilller of Troop 121.

PUBLIC HEARING:

Vacating a Portion of the Perry Road.

There were no comments from anyone in the audience either in favor or against the vacating of the street.

The Public Hearing was declared closed.

PUBLIC FORUM:

Marge Wolf of Rogers Main Street thanked the City of Rogers for everything done for another successful Frisco Festival.

The Public Forum was declared closed.

COUNCIL MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

City Clerk Peggy David, City Attorney Ben Lipscomb, Police Chief Steve Helms, Superintendent of Water Utilities Tom McAlister, Fire Chief Wesley Lewis, Senior Planner Derrel Smith, Director of Planning and Transportation Steve Glass, Treasurer Jerry Hudlow, Director of Code Management and Inspections James Willett, Street Superintendent Frankie Guyll, Director of Parks and Recreation Rick Stocker, Human Resource Director Gina Kincy, Water Utilities Engineer Mark Johnson, Information Technology Director Rufus Ramey and Adult Wellness Center Director Keri Wilkinson.

ACTION ON MINUTES:

(August 22, 2006)

Motion by Hines, second by Kruger to approve the minutes of August 22, 2006 as submitted. Voice vote: Unanimous. ***Motion carried.***

Motion by Clark, second by Wright to suspend the rules and consider all items on a single reading and by title only.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

(Agenda Item #1)

RES. #R06-39 Authorizing the Offering of Water Revenue Bonds to Finance All or a Portion of the Cost of Improvements to the Water System; Authorizing the Execution of Bond Purchases

The resolution was introduced by Councilman Clark and read by City Attorney Ben Lipscomb by title only.

Clark chairman of the Public Works Committee, reported the committee had met and recommended a “Do pass” and recognized Tom McAlister, Superintendent of Water Utilities.

McAlister said this bond issue will be used to pay the City of Bentonville what is owed for the waterline purchase and for water system improvements for the next three years.

Motion by Clark, second by Hines to adopt the resolution.

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

(Agenda Item #2)

ORD. #06-149 To Regulate Discharges of Animal and Vegetable Fats, Oils, Grease, Food Waste, Sand and Lint into the Rogers’ Sanitary Sewer System from Industrial or Commercial Establishments

The ordinance was introduced by Clark and read by Lipscomb by title only.

Clark chairman of the Public Works Committee, reported the committee had met and recommended a “Do pass” and recognized Tom McAlister, Superintendent of Water Utilities.

McAlister said this ordinance will give the Water Utilities some authority to prevent the grease, oils, fats, etc, into the sanitary sewer and regulate the sizing of grease interceptors.

McAlister said this will affect food service businesses, and to date, restaurants have been very willing to comply with the sizings of the grease interceptors.

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.***

(Agenda Item #3)

ORD. #06-150 Vacating a Portion of Perry Road

Councilman Kruger introduced the ordinance.

Lipscomb read the ordinance by title only.

Kruger, chairman of the Transportation Committee, reported the public hearing was held at the beginning of this meeting where no comments were heard.

Kruger said the committee had recommended a “Do pass” and recognized Steve Glass, Director of Planning & Transportation.

Glass reported this street vacation will only affect the section of Perry Road that is being replaced with the five-lane road.

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.***

(Agenda Item #4)

ORD. #06-151 Authorizing a Lease Agreement with Benton County for the Use of City Administration Building at 300 W. Poplar

Councilman McHaney introduced the ordinance.

Lipscomb read the ordinance by title only.

McHaney, chairman of the Finance Committee, reported the committee had met and recommended a “Do pass”.

McHaney said this ordinance would allow Benton County to lease the City Administration Building for \$1.00 per year.

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.***

(Agenda Item #5)

ORD. #06-152 Amending 2006 Fiscal Year Budget of the City of Rogers Administration Dept.; Appropriating \$10,475 from General Fund Reserve

Councilman McHaney introduced the ordinance.

Lipscomb read the ordinance by title only.

McHaney, chairman of the Finance Committee, reported the committee had met and recommended a “Do pass” and recognized Treasurer Jerry Hudlow.

Hudlow reported this ordinance would appropriate monies to fund an additional person in the Human Resource department for the remainder of the year.

Hudlow introduced Gina Kincy, Human Resource Director.

Kincy explained that the current employee count is 400, and the national recommended average is 1 HR person per 100 employees. This additional person will allow us to serve the employees more effiecently and insure that the city complies with federal regulations regarding employee benefits.

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.***

(Agenda Item #6)
ORD. #06-153 Amending Rogers City Code Chapter 110, Section 2.0 of the Zoning Ordinance (Surety Performance Bond)

The ordinance was introduced by Councilman Hines and read by Lipscomb by title only.

Councilman Hines reported the Community Environment & Welfare Committee had met and recommended a “Do pass” and recognized Derrel Smith, Senior Planner.

Smith reported the development community had requested this change and the Planning Commission has recommended approval.

Smith explained the current code requires the developer to post a letter of credit for sidewalks along the interior streets in the subdivision, but usually the lots are sold to individual builders and the developer has no control of the sidewalk construction.

Smith said this ordinance would reduce the amount of the letter of credit to 25% of the total cost of sidewalks, and required that the house does not get a certificate of occupancy until the sidewalks are constructed, and helps the development community by reducing their letter of credit. There is a provision in the ordinance that says the city can hire an independent consultant to review the engineer’s cost estimate if there is a dispute.

Smith said this would only apply to an interior street within a residential subdivision. All sidewalks along an arterial, collector street or along public property will be installed.

Councilman Daniel noted that the last sentence in Section 1 says the Developer may withdraw the performance bond or letter of credit, but in actuality a developer cannot withdraw a letter of credit; it has to be the city.

Discussion as to the correct wording followed.

Motion McHaney, second by Daniel to amend the ordinance to read, “the City shall release the performance bond”.

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

Motion by Hines, second by Hayes to introduce the amended ordinance by title only.

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

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.***

(Not on the agenda, but added)

ORD. #06-154 Appropriating \$12,000 from General Fund Reserve to Parks Dept. Acct.

Councilman Hines introduced the ordinance.

Lipscomb read the ordinance.

Councilman McHaney, chairman of the Finance Committee, reported this item was added to the agenda, and signed off by the Mayor and three councilmen. The committee recommended a “Do pass” and recognized Keri Wilkinson, Director of the Adult Wellness Center.

Wilkinson announced the grand opening of the Adult Wellness Center will be Sunday, September 24 at 2:00 p.m. and invited everyone to attend.

Wilkinson said this appropriation is for additional items which include televisions throughout the building.

Rick Stocker, Parks and Recreation Director announced that as a cost savings measure for the Wellness Center budget, the Parks Dept. personnel will be doing the landscaping around the facility.

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.***

TRANSPORTATION COMMITTEE:

Councilman Kruger announced that the Transportation Committee considered a request from the Water Utilities in regard to the temporary closing of Stoneybrook from 54th Street to Horsebarn Road for water and sewer construction.

Kruger said the committee agreed to the closing with provisions of signage, possible night work, and a time schedule that would allow for a portion of the work would be done first so that the whole thing wouldn’t be closed at once.

Approves Temporary Closing of Stoneybrook from 54th Street to Horsebarn Road for Water Utility improvements.

Motion by Kruger, second by Hines to approve the temporary street closing of Stoneybrook from 54th Street to Horsebarn Road as requested.
Voice vote: Unanimous. ***Motion carried.***

OLD BUSINESS:

None.

NEW BUSINESS:

(Agenda Item #1)

ORD. _____ Accepting the Final Plat of Foxbriar Subdivision, Phase 1

This item has been withdrawn.

There being no further business, motion by Kruger, second by Wright to adjourn the meeting. Meeting adjourned at 8:10 p.m.

ATTEST:

APPROVED:

Peggy David, City Clerk

Steve Womack, Mayor