

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers in the Maurice H. Kolman City Hall Building on Tuesday, September 26, 2006 at 7:30 p.m. Due to the absence of the Mayor, the meeting was called to order by Mayor Pro Tem Jack McHaney. The Invocation was given by McHaney. Those in attendance were led in Pledge of Allegiance.

PUBLIC HEARING:

Proposed Issuance of Water Revenue Improvement Bonds in the Amount of \$16,500,000 for the purpose of Costs, Extensions, Betterments and Improvements to the City's Water System.

There were no comments from anyone in the audience either in favor or against the proposed water revenue improvement bonds.

The Public Hearing was declared closed.

PUBLIC FORUM:

Mayor Pro Tem McHaney presented certificates of appreciation to David Storm for ten years of service with the Fire Department; Shawn McCarty for ten years of service with the Water Utilities; Mathew Lytle for ten years of service with the Police Dept.; Daniel Grelle for fifteen years of service with the Water Utilities; and to Beth Vander Pool for fifteen years of service with the Police Dept.

The Public Forum was declared closed.

COUNCIL MEMBERS PRESENT:

Councilmen 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, Assistant Planner Candy Anderson, Director of Planning and Transportation Steve Glass, Treasurer Jerry Hudlow, Director of Code Management and Inspections James Willett, Street Superintendent Frankie Gyll, Director of Parks and Recreation Rick Stocker, Water Utilities Engineer Mark Johnson, and Assistant to the Mayor Wendy Shumate

ACTION ON MINUTES:

(September 12, 2006)

Motion by Hines, second by Kruger to approve the minutes of September 12, 2006 as submitted. Voice vote: Unanimous. ***Motion carried.***

Motion by Kruger, second by Hines to suspend the rules and consider item #4 at this time and all agenda items on a single reading and by title only.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

(Agenda Item #4)

ORD. #06-157 Authorizing Improvements to the Water System of the City of Rogers, Arkansas, Authorizing the Issuance of Water Revenue Bonds; Providing for the Payment of the Principal and Interest on the Bonds

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

Clark reported the Public Works Committee had met and recommended a “Do pass” and recognized Shep Russell of Friday, Eldredge & Clark, bond counsel.

Russell said this bond issue will be issued for thirty years and be paid back by the water revenues for the projects listed on the first page of the ordinance.

Russell recognized Michael Lindsey, of Morgan Keegan.

Lindsey reported the bonds which will mature in thirty years were sold yesterday at the interest rates ranging from 3.56% for the first year maturity and up to 4.5% at year thirty. This issue was also insured by FSA and is AAA rated.

The Mayor Pro Tem asked, “Shall the ordinance pass?”

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

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

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

(Agenda Item #1)

ORD. #06-155 Appropriating \$137,000 from General Fund Reserve to Fire Dept. Capital Expenditure Acct. #04-80100 for Completion of Fire Station #7 Bond Project

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

Goodwin, chairman of the Public Safety Committee, reported the committee had met and recommended a “Do pass” and recognized Fire Chief Wesley Lewis.

Lewis reported this appropriation will allow for the completion of Fire Station #7.

The Mayor Pro Tem asked, “Shall the ordinance pass?”

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

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

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

(Agenda Item #2)

ORD. _____ Amending Rogers Code Section 130 Et Seq (Zoning Ordinance) By Adding a Section Regulating the Placement and Construction Of Cellular Antenna Towers

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

Hines, chairman of the Community Environment & Welfare Committee, reported the committee had met and recommended a “Do pass”.

Hines said the issue came to the Planning Office from cellular companies who were requesting the placement of cell towers to cover dead areas.

Lipscomb said this ordinance would make cell towers which previously were only allowed in the industrial and agricultural zones, allowed in all other zones with a conditional use permit.

Lipscomb said the application fee of \$2,500.00 must be paid before the conditional use permit is issued and this ordinance does not intend to allow the city to use its eminent domain power to condemn space for cellular towers.

Lipscomb said the Planning Commission will determine what an alternative design is.

Councilman Hines, as a point of personal privilege, recognized representatives from cellular companies for comments.

Adam McBrayer, representing Verizon Wireless, requested some changes to the proposed ordinance which included the addition of flag pole design, more specifics concerning special circumstances, and the application fee.

Lee-Ann Fager, representing Cingular and the Arkansas-Oklahoma Wireless Association asked if towers were allowed in commercial zones and if co-location would require public hearings?

Steve Glass, Director of Planning and Transportation, responded he did not work on the ordinance, but it was the intent that towers would be conditional in commercial zones.

Fager said there were some proprietary issues that the industry would be concerned with such as lease amounts.

Councilman Hayes noted that since there issues, this item should be tabled to allow the staff to review them and bring it back to the committee for review.

Glass suggested that business cards could be collected from those present to contact the companies for a meeting with staff regarding these issues that were mentioned.

TABLED

Motion by Hayes, second by Kruger to table this item.

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

(Agenda Item #3)

ORD. #06-156 Appropriating the Amount Not to Exceed \$6,000 from General Fund Reserve to Animal Services Building and Grounds Acct. #100-13-70155

Councilman Hines introduced the ordinance.

Lipscomb read the ordinance by title only.

Hines, chairman of the Community Environment & Welfare Committee, reported the committee had met and recommended a “Do pass”.

Hines recognized Director of Code Management and Inspections James Willett.

Willett reported this appropriation would take care of adding windows in solid doors, awnings over the entrances and additional asphalt to create a two-way drive.

The Mayor Pro Tem asked, “Shall the ordinance pass?”

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

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

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

(Agenda Item #5)

RES. #R06-40 Authorizing a Contract with BM Development of Rogers, Arkansas for the Construction of Drainage Improvements Associated with the Adult Wellness Center and Dixieland Gardens

Councilman Kruger introduced the ordinance.

Lipscomb read the ordinance by title only.

Kruger, chairman of the Transportation Committee, reported the committee had met and recommended a “Do pass” and recognized Director of Planning and Transportation Steve Glass.

Glass reported that five bids were received and this project qualifies for Community Development Block Grant funding.

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

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

(Agenda Item #6)

RES. #R06-41 Authorizing a Change Order in Contract with DECCO Construction Co. for Drainage Work on 1st Street

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

Kruger, chairman of the Transportation Committee, reported the committee had met and recommended a “Do pass” and recognized Steve Glass.

Glass reported the change order for the drainage ditch on the southeast corner of the project.

Glass said by reducing the extensions on the side streets, drainage piping can be installed into the open ditch and covered.

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

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

(Agenda Item #7)

ORD. #06-158 Authorizing a Contract with NEC Construction for Drainage Work on Dixieland Road

Councilman Kruger introduced the ordinance.

Lipscomb read the ordinance.

Kruger, chairman of the Transportation Committee, reported the committee had met and recommended a “Do pass” and recognized Steve Glass

Glass reported the improvements to Dixieland Road were budgeted, but a developer has requested to share the cost for part of the drainage improvements for the project.

Lipscomb noted that the project was not bid because NEC was already at the site and it would be much cheaper to use the same contractor.

The Mayor Pro Tem asked, “Shall the ordinance pass?”

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

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

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

OLD BUSINESS:

None.

NEW BUSINESS:

(Agenda Item #1)

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

This item has been withdrawn.

(Agenda Item #2)

ORD. #06-159 Accepting the Final Plat of Pinnacle Hills Promenade Subdivision

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

Chris Rogers, of CEI Engineering, presented the final plat.

The Mayor Pro Tem asked, “Shall the ordinance pass?”

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

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

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

(Agenda Item #3)

ORD. #_____ Accepting the Final Plat of Wildflower Subdivision, Phase II

This item has been withdrawn.

(Agenda Item #4)

ORD. #06-160 Rezone from I-2 to C-2, 721 N. 2nd Street (Magnolia Packaging)

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

Thomas Gilchrist, owner, presented the rezoning request.

The Mayor Pro Tem asked, “Shall the ordinance pass?”

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

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

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

(Agenda Item #5)

ORD. #_____ Accepting the Final Plat of Hearthstone Subdivision, Phase III, Lots 1 thru 95

This item has been withdrawn.

(Agenda Item #6)

ORD. #_____ Accepting the Final Plat of Sohosky Commercial Subdivision

This item has been withdrawn.

(Agenda Item #7)

ORD. #06-161 Accepting the Final Plat of Malies Addition

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

Teri Malies presented the final plat.

The Mayor Pro Tem asked, “Shall the ordinance pass?”

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

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

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

(Agenda Item #8)

ORD. #06-162 Rezone from A-1 to RSF-4, 25.49 Acres on Garrett Road (Mark Marques)

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

Jay Edwards, attorney representing the owner, presented the rezoning request.

The Mayor Pro Tem asked, "Shall the ordinance pass?"

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

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

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

(Agenda Item #9)

ORD. #06-163 Rezone from N-R to C-2, Back half of the Super 8 Motel property and .69 Acres adjoining behind Taqueria Michoatan (Restwell, Inc.)

Kruger introduced the ordinance.

Lipscomb read the ordinance by title only.

Jay Edwards, attorney representing the owner, presented the rezoning request.

The Mayor Pro Tem asked, "Shall the ordinance pass?"

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

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

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

(Agenda Item #10)

ORD. #06-164 Annex and Zone to RSF-5, Approximately 10.44 Acres at Old Wire Road and Redwood Drive (Crown Custom Homes, Inc.)

Councilman Kruger introduced the ordinance.

Lipscomb read the ordinance by title only.

Jorge DuQuesne presented the rezoning request.

The Mayor Pro Tem asked, “Shall the ordinance pass?”

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

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

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

(Agenda Item #11)

ORD. #06-165 Rezone from A-1 to I-1, 2403 & 2405 S. 7th Street (Frank Vargas)

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

Jorge DuQuesne presented the rezoning request.

The Mayor Pro Tem asked, “Shall the ordinance pass?”

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

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

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

(Agenda Item #12)

ORD. #_____ . Rezone from W-O to C-2, South side of New Hope Road, East of Centerline of New Hope Road and 1st Street extending East and then South

This item has been withdrawn.

There being no further business, motion by Kruger, second by Hines to adjourn the meeting. Meeting adjourned at 8:15 p.m.

ATTEST:

APPROVED:

Peggy David, City Clerk

Jack McHaney, Mayor Pro Tem