

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, July 23, 2019 at 6:30 p.m. The meeting was called to order by Mayor Greg Hines. The invocation was given by Tim Horton of Faith Builders Church. Those in attendance were led in the Pledge of Allegiance.

PUBLIC FORUM:

Kevin Gardner, of Orion Waste Solutions (formerly known as Inland Services) provided an update on the recycling for the 2nd quarter of this year. Gardner reported that about 41.86 pounds of recycling materials are being picked-up per household, which results in 8.61 tons of recycling materials that is going to MARCK Recycling and not into the landfill.

Gardner reported that MARCK Recycling is currently conducting an audit of the recycled items and what the contamination rate is. The results of the audit will be shared as soon as it is available. Approximately 545,580 services were performed in the 2nd quarter of 2019 which represents 21,500 residences for both trash and recycling services.

Gardner introduced Dean Kattler, CEO of Orion and Brady Reimer, general manager at the Bethel Heights office who were in attendance.

There were no other comments from anyone in the audience.

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:

City Clerk-Treasurer Peggy David, City Attorney Andrew Hatfield, Staff Attorney John Pesek, Fire Chief Tom Jenkins, Battalion Fire Chief Cliff Thompson, Police Chief Hayes Minor, Water Utilities Superintendent Brent

Dobler, Water Utilities Shared Services

Manager Jene Huffman, Street Superintendent

Frankie Guyll, Director of Parks and Recreation
Jim White, Community Development Director

John McCurdy, City Planner Ethan Hunter and
PR Specialist Ben Cline.

ACTION ON MINUTES:

(July 9, 2019)

Approves the suspending of rules for the meeting.

Motion by Townzen, second by Kruger to approve the minutes of July 9, 2019 as submitted.

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

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. #R19-58 Setting a Public Hearing to Discuss the Closing of a Portion of a Street and a Portion of an Alley

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

Kruger, chair of the Transportation Committee, reported the committee had met, recommended a “Do pass” for the public hearing date to be set for August 27, 2019.

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

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

(Agenda Item #2)

RES. #R19-59 Amending the 2019 Budget to Recognize Lease Revenue in the Amount of \$237,600 into Acct. #200-16-49400; Appropriating \$200,000 to Various Accounts

The resolution was introduced by Kruger and read by title only by Hatfield.

Kruger reported the Transportation Committee had met, recommended a “Do pass” and recognized Street Superintendent Frankie Guyll.

Guyll explained the new street department building at 1203 N. 6th Street has a tenant for part of the building. This request is to transfer

some of the lease revenue to expense accounts to make some repairs required by ADEQ.

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

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

(Agenda Item #3)

ORD. #19-47 Waiving Competitive Bidding for the Purchase of a Used Aerator for Use by the City of Rogers Parks Department

The ordinance was introduced by Councilmember Brashear and read by title only by Hatfield.

Brashear, chair of the Community Services Committee, reported the committee had met, recommended a “Do pass” and recognized Director of Parks and Recreation Jim White.

White reported a new Aerator was included in the budget for this year, but this Aerator, which is a demo unit and considered used, was available to purchase but requires the waiving of competitive bidding.

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 #4)

RES. #R19-60 Amending the 2019 Budget to Reflect an Appropriation Adjustment in the Parks Department Budget to Move \$11,000 from Acct. #100-08-70425 to Acct. #100-08-80100

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 again recognized Jim White.

White reported this budget adjustment would transfer \$11,000 from Field Maintenance

account to the Cap B account to be used to pay for the Aerator that was just approved.

Motion by Kruger, second Reithemeyer to adopt the resolution.

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

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

Reithemeyer reported the Finance Committee had met, recommended a “Do pass” and recognized Fire Chief Tom Jenkins.

Jenkins reported this is a reimbursement from the IAFC for the expenses incurred to host the firefighters from Saudi Arabia.

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

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

The ordinance was introduced by Councilmember Hayes and read by title only by Hatfield.

Hayes, chair of the Resources & Policy Committee reported the committee had met, recommended a “Do pass” and recognized Staff Attorney John Pesek.

Pesek reported a new Arkansas Alcoholic Beverage Control rule requires a Private Club to get approval from the city before the application can be approved. In this case, the Private Club application is for the Elks Lodge, who have been in operation for a long time and relocated to their new property.

(Agenda Item #5)

RES. #R19-61 Amending the 2019 Budget to Recognize a Reimbursement from the International Association of Fire Chiefs in the Amount of \$27,085 in Acct. #100-04-49255; Appropriating the Same Amount into Acct. #100-04-61110

(Agenda Item #6)

ORD. #19-48 Approving a Private Club Application Pursuant to ACT 1112 of 2017

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 #7)

ORD. #19-49 Rezone from RMF-18B to RMF-18B, Accepting the Density Concept Plan (Rogers Partners L. P.) – represented by Jonathan Clemons

The ordinance was introduced by Councilmember Carmichael and read by title only by Hatfield.

Carmichael, chair of the Community Environment & Welfare Committee reported the committee had met, recommended a “Do pass” and recognized Jonathan Clemons.

Clemons, of Morrison Shipley representing the developer, reported the architect wanted to match the new buildings exterior siding with the existing buildings which is the only change but is required to be shown as a change to the density concept plan.

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 #8)

ORD. #19-50 Rezone from N-R to NBT, Parcel #02-05835-000 1316 S. 4th Street (Michael Villegas) – represented by Michael Villegas

The ordinance was introduced by Carmichael and read by title only by Hatfield.

Carmichael, reported the Community Environment & Welfare Committee met and recommended a “Do pass”.

City Planner Ethan Hunter reported the Planning Commission had unanimously

approved the rezoning request, but the applicant is not present at tonight’s meeting.

Councilmembers discussed whether or not to go ahead and consider the rezone without representation.

Mayor Hines noted that the city is the one requiring the rezone to the only zone that exists and finds it troublesome to require the residents to jump through all of the hoops to meet the city requirement.

Kruger said, “I fully agree with this rezoning, but approving the rezoning without representation is opening a can of worms. I firmly believe that there should be representation.”

Motion by Kruger, second by Townzen to table the rezoning until the next meeting.

Voice vote: Majority – No. *Motion fails*

The Mayor asked, “Shall the ordinance pass?”

Roll call: Wolf, Kendall, Hayes, Brashear, Reithemeyer – Yes. Carmichael, Kruger and Townzen – No. *The ordinance is adopted.*

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

Roll call: Wolf, Kendall, Hayes, Brashear, Reithemeyer – Yes. Carmichael, Kruger and Townzen – No. *The emergency clause is adopted.*

OLD BUSINESS:

None.

NEW BUSINESS:

None.

APPOINTMENTS:

None.

ANNOUNCEMENTS:

Councilmember Kruger announced that the Transportation Committee had approved two street/alley/parking lot closures for events in the downtown area.

There being no further business, motion by Kruger, second by Wolf to adjourn the meeting. Meeting adjourned at 6:50 p.m.

ATTEST:

APPROVED:

Peggy David, City Clerk-Treasurer

C. Greg Hines, Mayor