

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, August 13, 2019 at 6:30 p.m. The meeting was called to order by Mayor Greg Hines. The invocation was given by Jim Dixon, Chaplain for the Benton County Sheriff's Office. Those in attendance were led in the Pledge of Allegiance.

PUBLIC HEARING: To Vacate a Certain Portion of Valley West Drive

There were no comments from anyone in the audience.

The Public Hearing was declared closed.

PUBLIC FORUM:

Raymond Burns, CEO of the Rogers-Lowell Chamber of Commerce and artist Elizabeth Pier presented Number 1 of 100 pen and ink drawings of Townzen's Barber Shop to Councilmember Gary Townzen, which represents three generations of barbers who have provided their service to the citizens of Rogers.

Ross Bolding, 3902 W. Arnold Ave. reported he has lived in his neighborhood for the last six years which has been overrun with skunks and Animal Control can only offer a trap with required deposit that he would have to pick up and bring back to the animal shelter. Bolding expressed health concerns and diseases that skunks can carry and requested that the city do something.

Mayor Hines responded that Animal Control only deal with domestic animals and offers the use of the trap which is more than what other cities could do.

Jeff Hatley, 1203 S. 26th Street, representing Ozark Regional Transit, reported that the overall ridership system-wide of ORT for 2019 is up, but the Rogers ridership has declined by 24%. Hatley also noted that some of the new buses that have been received with the grants

that were awarded in 2018 after the fire
destroyed their fleet will be used to transport

people this year to and from Frisco Station Mall and Lake Atalanta during the Annual Frisco Festival later this month. Hatley also reported that a groundbreaking for ORT's new Administration and Information facility will be held in October as a result of a governmental grant that was recently awarded.

Larry Guenther, 717 E. Hilltop Drive, listed the following issues that he is concerned with:

1.) Expressed concern that grass clippings are being blown into the street which is extremely hazardous for motorcycle riders. Guenther reported this to the Police, but was told that there is no ordinance prohibiting the grass clippings being blown onto the road.

2.) Expressed concerned that the grass is overgrown and tree limbs hang down over the street preventing people from being able to see oncoming traffic at the corner of Arkansas and Union Streets. Guenther said he had also reported this to Police Dept. and Code

COUNCIL MEMBERS PRESENT:

OTHER OFFICIALS PRESENT:

ACTION ON MINUTES:

(July 23, 2019)

Enforcement but was told that there are several procedures and steps in the city code that have to be done to contact the property owner before the city can issue citations or get it cleaned up. 3.) Deteriorating condition of the railroad tracks on Union Street.

Mayor Hines confirmed that there are procedures that have to be followed before clean up can occur on someone else's property. The railroad crossing belongs to the railroad which would require additional safety equipment being added in excess of \$1 million and that particular crossing is just not used as much as other crossings in the city.

There were no other comments from anyone in the audience.

The Public Forum was declared closed.

Mark Kruger, Betsy Reithemeyer, Gary Townzen, Marge Wolf, Clay Kendall, Barney Hayes, and Mandy Brashear were present. Jerry Carmichael was absent.

City Clerk-Treasurer Peggy David, City Attorney Andrew Hatfield, Staff Attorney John Pesek, Battalion Fire Chief Cliff Thompson, Deputy Fire Chief BJ Hyde, Police Chief Hayes Minor, Water Utilities Superintendent Brent Dabler, Director of Parks and Recreation Jim White, Parks Superintendent Wendall Brewer, Community Development Director John McCurdy, Director of Finance Casey Wilhelm, Animal Services Manager Bud Norman, City Planner Ethan Hunter and PR Specialist Ben Cline.

Motion by Townzen, second by Reithemeyer to approve the minutes of July 23, 2019 as submitted.

Voice vote: Unanimous - 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)

ORD. #19-51 Making Certain Amendments to the Code of Ordinances of the City of Rogers, AR for Purposes of Preventing Damage to Public and Private Property

The ordinance was introduced by Councilmember Townzen and read by title only by City Attorney Andrew Hatfield.

Townzen, chair of the Public Works Committee, reported the committee had met, recommended a “Do pass” and recognized Rogers Water Utilities Superintendent Brent Dobler.

Dobler explained these amendments deal with underground bore requirements for utility contractors. With the help of the Legal Department and Community Development these changes will help to eliminate damages to public infrastructure and private residences that previously were occurring frequently. Now the boring contractors are required to attend a pre-

construction conference which is attended by utility companies where standards are explained as far as location, exposing and clean-up. Since we've started doing this our crews can work on projects instead of tracking down needed repairs created by the bores.

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 #2)

ORD. #19-52 Vacating a Platted But Non-Existent Street Near Valley West Drive

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

Kruger, chair of the Transportation Committee, reported the committee had met, recommended a "Do pass" and recognized Staff Attorney John Pesek.

Pesek explained this street vacate was started in 2017, but was not completed. This ordinance finalized the street vacation process.

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. #19-53 Vacating an Access Easement in the Valley West Subdivision

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

Kruger, reported the Transportation Committee had met, recommended a "Do pass" and again recognized Pesek.

Pesek said the street vacate that began in 2017 provided a utility easement access for the Street Department to get to the creek. This ordinance abandons the previously approved easement. A new access easement has been provided to the city by the owner who is constructing the townhomes on this property.

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. #R19-62 Amending the 2019 Budget to Appropriate \$19,000 from CMRS Fund Reserves to Acct. #352-52-70160

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 Police Chief Hayes Minor.

Minor explained the battery backup system for the dispatch center is five years old and experiencing some glitches with the batteries. This appropriation will purchase new batteries for the system.

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

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

(Agenda Item #5)

RES. #R19-63 Amending the 2019 Budget to Appropriate \$14,820 from CID Drug Fund Reserves to Acct. #337-37-80100

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 again recognized Chief Minor.

Minor reported the current K9 for the Police Department is retiring. This appropriating will purchase a new canine which includes the cost of the training and certification.

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

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

(Agenda Item #6)

RES. #R19-64 Authorizing the City of Rogers Annual Application for the Bureau of Justice Assistance Edward Bryne Memorial Justice Assistance Grant

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 Chief Minor.

Minor reported the annual grant application process requires approval by the city. Approval of this resolution checks that box on the application.

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

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

(Agenda Item #7)

RES. #R19-65 Amending the 2019 Budget to Recognize Donations Received in Parks in the Amount of \$5,065 into Acct. #100-08-45600; Appropriating that Same Amount to Acct. #100-08-70154

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 Parks & Recreation Director Jim White.

White reported individuals have donated monies for benches and other amenities along the trails. This resolution acknowledges the donations and moves the money to an expense account.

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

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

(Agenda Item #8)

RES. #R19-66 Amending the 2019 Budget to Recognize an Insurance Reimbursement in the Amount of \$1,800 into Acct. #100-01-49195; Appropriating that Same Amount to Acct. #100-07-70155

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 again recognized Jim White.

White reported a vehicle had damage the fencing at the Cemetery. This resolution recognizes the insurance settlement for the repairs.

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

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

(Agenda Item #9)

ORD. #19-54 Rezoning from N-R to C-2, 902 S. 8th Street, (John Pearson)

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

Hayes, a member of the Community Environment & Welfare Committee reported the committee met, heard a report from City Planner Ethan Hunter and the applicant John Pearson and recommended a “Do pass”.

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.***

OLD BUSINESS:

None.

NEW BUSINESS:

None.

APPOINTMENTS:

Mayor Hines recommended the reappointment of Larry Gregory to the Civil Service Commission, term to expire April 1, 2024.

Approves the reappointment of *Larry Gregory* to the **Civil Service Commission**, term to expire April 1, 2024

Motion by Kruger, second by Reithemeyer to approve the reappointment of Larry Gregory to the Civil Service Commission as recommended. Voice vote: Unanimous. ***Motion carried.***

ANNOUNCEMENTS:

Councilmember Brashear reminded everyone that school begins tomorrow, so slow down, watch out for the children, and good luck to the students, parent and teachers for a successful year.

There being no further business, motion by Kruger, second by Brashear to adjourn the meeting. Meeting adjourned at 7:08 p.m.

ATTEST:

APPROVED:

Peggy David, City Clerk-Treasurer

C. Greg Hines, Mayor