

MINUTES – December 13, 2022

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building and via ZOOM on Tuesday, December 13, 2022 at 6:30 p.m. The meeting was called to order by Mayor Greg Hines.

PUBLIC FORUM:

Mary Haynes, of Joppa House of Prayer, provided an invocation.

ROLL CALL:

Mark Kruger, Betsy Reithemeyer, Gary Townzen, Marge Wolf, Barney Hayes, Clay Kendall, Mandy Brashear, and April Legere were present.

OTHER OFFICIALS PRESENT:

Senior Staff Attorney John Pesek, Finance Director Casey Wilhelm, Community Development Director John McCurdy, Community Development Director Shawn Grindstaff, Parks & Recreation Director Jim White, Rogers Police Chief Jonathan Best, Rogers Fire Chief Tom Jenkins, Public Relations Manager Peter Masonis, Financial Administrator Jennifer Slingsby, and Records Administrator Jennifer Moore.

ACTION ON MINUTES:

November 22, 2022

Motion by Townzen, second by Kruger to approve the minutes of the November 22, 2022 as presented.

Voice vote: Yes, unanimous. **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.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

(Agenda Item #1.)

RES. R22-92 Authorizing The Mayor And City Clerk To Enter Into An Agreement With The Rogers Little Theater For Joint Use Of The Victory Theater

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

Brashear, chair of Community Services Committee, reported the committee had met, recommended to “Do pass” and recognized Community Development Director Shawn Grindstaff.

No questions from the council.

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

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

(Agenda Item #2.)

ORD. #22-66 Amending Certain Portions Of Chapter 54, Utilities, Of The Code Of Ordinances Of The City Of Rogers

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

Townzen, chair of Public Works Committee, reported the committee had met, recommended to “Do pass” and recognized by RWU Superintendent Brent Dobler.

No questions from council.

The Mayor asked, “Shall the ordinance pass?”

Roll call: Unanimous – Yes.

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

Roll call: Unanimous – Yes. The ordinance is adopted.

(Agenda Item #3.)

ORD. #22-67 Authorizing An Amendment To The City Of Rogers’ Franchise Agreement With Lakeshore Recycling Systems, LLC; To Approve A Fee Increase For Solid Waste Disposal That Is Proportional To Cost Increases

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

Townzen, chair of Public Works Committee, reported the committee had met, recommended to “Do pass” and recognized by Representative Kevin Gardner.

Asking for a 5.8% increase due to cost increases. The current rate for normal service is \$18.87 and the proposed new rate is \$19.97 and low volume service is currently \$18.36 and the proposed new rate is \$19.43.

Kruger, can you elaborate on the 3 strike policy?

Gardner, looking to keep the contamination lower on our efforts to collect recycling. If we see the recycling has been contaminated, we would sticker the container and give the owner the opportunity to correct and use the recycling container as it is intended to use.

Legere, what information is available to residents on the correct products to include in their recycling bin?

Gardner, we have educated people from all the way starting to elementary and some have chosen to continually not follow the guidelines.

Mayor, this is a solution to actually being able to recycle and keep the trucks from being contaminated.

Hayes, is there a problem in the surrounding communities?

Gardner, yes Harrison is enacting this type of policy on Jan. 1 because they are serious about cleaning up the recycling contamination issue.

Reithemeyer, appreciative of the work being done and don't have a problem with the annual increase but I am concerned with the 25% over the last few years. I'd like to see the Ordinance denied and give you the opportunity to come back to the council with an updated Ordinance with adjustments made regarding topics discussed this evening.

Kruger, motion to table the Ordinance, no second.

Call to question.

The Mayor asked, "Shall the ordinance pass?"

Roll call: Wolf, Townzen, Hayes, Kendall, Kruger – Yes. Brashear, Legere, Reithemeyer – No.

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

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

(Agenda Item #4.)

RES. 22-93 Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, Arkansas

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

Wolf, chair of Public Safety Committee, reported the committee had met, recommended to "Do pass" and recognized Senior Staff Attorney John Pesek.

No questions from the council.

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

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

(Agenda Item #5.)

RES. 22-94 Authorizing The Mayor And City Clerk To Enter Into A Contract With NWA Entertainment, LLC In The Amount Of \$40,000.00 For The City's 2023 Fourth Of July Fireworks Display

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

Reithemeyer, chair of Finance Committee, reported the committee had met, recommended to "Do pass" and recognized Senior Staff Attorney John Pesek.

No questions from the council.

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

Voice vote: Unanimous – Yes. The resolution is

adopted.

(Agenda Item #6.)

RES. 22-95 Amending The City Of Rogers 2022 Budget To Appropriate \$424,300.00 From CMRS Fund Reserves Into Account #352-52-70252 Communications Equipment For The Purchase Of Improvements To The Dispatch Center

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

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

No questions from the council.

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

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

(Agenda Item #7.)

ORD. #22-68 Amending Chapter 14, Section 580 – Preliminary Plat Of The City Of Rogers Code Of Ordinances

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

Legere, chair of Community Environment & Welfare Committee, reported the committee had met, recommended to “Do pass” and recognized by Community Development Director John McCurdy.

Reithemeyer, applaud the proactive piece of this but ask what the penalty is if not followed? McCurdy, they would not be issued a COA.

Legere, do we have the proper staff for the workload? McCurdy, yes we do.

The Mayor asked, “Shall the ordinance pass?”
Roll call: Unanimous – Yes.

The Mayor asked, “Shall the emergency clause pass?”
Roll call: Unanimous – Yes. The ordinance is adopted.

(Agenda Item #8.)

ORD. #22-69 Amending Certain Portions Of Chapter 14, Section 724 – Board Of Adjustments Of The City Of Rogers Code Of Ordinances

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

Legere, chair of Community Environment & Welfare Committee, reported the committee had met, recommended to “Do pass” and recognized by Community Development Director John McCurdy.

No questions from council.

The Mayor asked, “Shall the ordinance pass?”
Roll call: Unanimous – Yes.

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

(Agenda Item #9.)

ORD. #22-70 Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To C-3; Accepting The Density Concept Plan (335 S. Dodson Road)

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

Legere, chair of Community Environment & Welfare Committee, reported the committee had met, recommended to "Do pass" and recognized by Community Development Director John McCurdy and project representative.

No questions from council.

The Mayor asked, "Shall the ordinance pass?"
Roll call: Unanimous – Yes.

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

OLD BUSINESS:

NEW BUSINESS:

(Agenda Item #1.)

ORD. #22-71 Accepting The Final Plat Of Willow Creek Phase 1, Rogers, Benton County, Arkansas, The Dedication Of Utility Easements And Other Public Ways Therein

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

No questions from council.

The Mayor asked, "Shall the ordinance pass?"
Roll call: Unanimous – Yes.

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

APPOINTMENTS:

Appointment of Hannah Cicioni to the Planning Commission; term to expire December 31, 2028.

Motion by Kruger, second by Brashear to approve.
Voice vote: Unanimous – Yes.

Appointment of Samantha Best to the Planning Commission; term to expire December 31, 2028.

Motion by Kruger, second by Brashear to approve.
Voice vote: Unanimous – Yes.

ANNOUNCEMENTS:

Mayor, Merry Christmas & a safe and healthy new

year.

Townzen, safe travels & Merry Christmas.

Hayes, Merry Christmas & thanks to the Parks & Street departments for their hard work on the lights in Downtown.

Reithemeyer, thank Mr. McCurdy for all the INFORM Rogers and the next steps.

Legere, second the thanks to the Community Development department on the work on community involvement they works so hard to provide for the INFORM Rogers project.

Kruger, second all the thanks and sentiments to the city departments and wish everyone a Merry Christmas.

Kruger, move to adjourn the meeting at 7:07pm second by Wolf.

ATTEST:

Jessica Rush, City Clerk-Treasurer

APPROVED:

C. Greg Hines, Mayor