

MINUTES – June 13, 2023

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, June 13, 2023 at 6:32 p.m. The meeting was called to order by Mayor Greg Hines.

CALL TO ORDER:

Mayor Hines conducted the oath of office to Roger Surly.

PUBLIC FORUM:

Mary Haynes with The Joppa House of Prayer provided an invocation.

Paul Allard, resident at 3706 W. Lehman Ct. Comments on behalf of the neighborhood Rural Oak Estates – 93% of the neighborhood has signed a petition in opposition of the Magnolia Farms rezone before the city council this evening. Believes the rezone should go back to the Planning Commission to review based on new plan being provided just today.

Troy Edmund, resident at 3708 W. Lehman Ct. Voicing concern about the additional traffic going through the neighborhood of Rural Oak Estates with the rezone of Magnolia Farms before the city council this evening.

Joseph Fernandez, resident at 3712 W. Lehman Ct. The corridor at 40th Street & Promenade is an opportunity for Rogers to make it the best of the best. The rezone plan of Magnolia Farms is not that and the tax paying residents in the neighborhood along this property have been here a long time and feel the value of our property will be diminished due to this project.

Kimberly Fernandez, resident at 3712 W. Lehman Ct. I'm in favor of thoughtful development. There is no creative thought with the Magnolia Farms plan presented. The plan does not add value to the corridor and the project needs to be redesigned. Rogers holds itself to excellence but this plan meets none of the standards the city holds important. Also, fearful of the crime that comes along with high density residential dwellings.

Ross Bolding, resident at 3902 W. Arnold Ave. Concerned with emergency vehicle access. Already congestion on 40th Street and have a lot of fear the traffic flow will cause problems. The plan Magnolia Farms has shown removes part of a street and that's illegal for the city to support.

Jim Mollen, resident at 3710 W. Lehman Dr. Concerns with the setbacks & how close the buildings will be to

the sidewalks on the Magnolia Farms plan. Neighborhood residents have worked closely with the city to give property to allow for our beautiful trails.

Allene Clark, resident at 3704 W. Lehman Dr. Husband CC Clark built our house in 1972. Concerned with emergency vehicle access & the safety of people using the trails in connection with the Magnolia Farms project.

John Devoy, resident at 3901 W. Arnold Ave. Ten years ago when the promenade planning was presented by the city, we were promised the triangle land was to be zoned R-O and to be used thoughtfully. The rezone plan of Magnolia Farms is far from that and feel we were lied to and the city has not kept their promises.

ROLL CALL:

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

OTHER OFFICIALS PRESENT:

Senior Staff Attorney John Pesek, Finance Director Casey Wilhelm, Financial Administrator Jennifer Slingsby, Community Development Director John McCurdy, Parks & Recreation Director Jim White, Streets Superintendent Frankie Gyll, Public Relations Manager Peter Masonis, and Executive Assistant to the Mayor Jennifer Moore.

ACTION ON MINUTES:

May 23, 2023

Motion by Townzen, second by Wolf to approve the minutes of the May 23, 2023 as presented.

Voice vote: Yes, unanimous. **Motion carried.**

Approves the suspending of rules for the meeting.

Motion by Reithemeyer, 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. R23-51 Authorizing The Mayor And City Clerk To Enter Into A Real Estate Agreement For The Purchase Of Certain Real Property Owned By The

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

Townzen, acting chair of Transportation Committee,

Thomas Humphreys And Judy
Humphreys Trust

reported the committee had met, recommended to “Do
pass” and recognized Airport Superintendent David
Krustch.

No questions from the council.

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

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

(Agenda Item #2.)

RES. R23-52 Amending The 2023 Budget To
Appropriate \$210,000.00 From Street
Fund Reserves Into Account #200-
16-70950 Street Projects For
Construction Projects On Elm Street

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

Townzen, acting chair of Transportation Committee,
reported the committee had met, recommended to “Do
pass” and recognized Streets Superintendent Frankie
Gyll.

No questions from the council.

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

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

(Agenda Item #3.)

RES. R23-53 Amending The City Of Rogers’ 2023
Budget To Appropriate Funds From
Street Fund Reserves Into Various
Accounts For The Rogers Street
Department

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

Townzen, acting chair of Transportation Committee,
reported the committee had met, recommended to “Do
pass” and recognized Streets Superintendent Frankie
Gyll.

No questions from the council.

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

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

(Agenda Item #4.)

RES. R23-54 Amending The 2023 Budget To
Appropriate Twenty Five Thousand
Two Hundred Twenty Eight Dollars
(\$25,228.00) From CMRS Fund
Reserves Into Account #352-52-
70250 Computer Expense For
Purchasing Computer Equipment For
The Dispatch Center

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 Police Chief Jonathan Best.

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 #5.)

RES. R23-55 In Support Of The City Of Rogers
Increase In Pay For Its Entry Level
Police Officers

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 Police Chief Jonathan Best.

No questions from the council.

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

Voice vote: Reithemeyer, Wolf, Townzen, Hayes, Kendall, Legere, Surly – Yes. Brashear – Abstain. ***The resolution is adopted.***

(Agenda Item #6.)

RES. R23-56 Amending The City Of Rogers 2023
Budget To Appropriate \$36,000.00
From Act 833 Fund Reserves Into
Account #324-24-70205 Small Tools
And Equipment To Purchase
Equipment For Use By The Rogers
Fire Department

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 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.)

RES. R23-57 Amending The 2023 Budget To
Appropriate \$300,000.00 From
General Fund Reserves Into Account
#100-08-70430 Swimming Pool
Maintenance

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 Facilities Manager David Hook.

No questions from the council.

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

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

(Agenda Item #8.)

RES. R23-58 Authorizing The Destruction Of
Certain Records Of Rogers District
Court

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

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

No questions from the council.

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

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

(Agenda Item #9.)

ORD. #23-17 Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2, R-O, PUD To RMF-21B, Accepting The Density Concept Plan (East of the intersection of West Walnut Creek Parkway and South Promenade Boulevard)

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 Community Development Director John McCurdy.

Ali Karr with Crafton & Tull, changes were made by the developer to support & address the residents concerns that we heard at Planning Commission last week.

McCurdy, this rezone was approved unanimously by the Planning Commission. Available for any questions.

Brashear, is the rezone with the density concept plan in question in alignment with the Comprehensive Growth Map? McCurdy, yes.

Reithemeyer, appreciate residents do diligence and participation. Only feel comfortable sending the rezone & new plans back to planning commission at this point. Feeling rushed and not provided full information.

Mayor, if it just time you need, the Ordinance can be tabled and brought back to council under Old Business at our next regularly scheduled city council meeting.

Townzen, also feeling rushed on this rezone with new changes just being presented today.

Legere, what would happen if we deny?

Pesek, lots of options. But the project would not be able to come back to planning commission with the same rezone request for a year.

McCurdy, other side of this is if this rezone is denied,

the developer could come back and request the rezone as NBT which does not give as much information to the city council for what the plans of the project are and has less restrictions for building height.

Kendall, the developer seems to have addressed a lot of the issues the residents voiced their options about this evening. McCurdy, yes that is correct.

The Mayor asked, "Shall the ordinance pass?"
Roll call: Reithemeyer, Wolf, Hayes, Kendall, Brashear, Legere, Surly – Yes. Townzen – No.

The Mayor asked, "Shall the emergency clause pass?"
Roll call: Reithemeyer, Wolf, Hayes, Kendall, Brashear, Legere, Surly – Yes. Townzen – No.
The ordinance is adopted.

(Agenda Item #10.)

ORD. #23-18 Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (262 E Pine Street)

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 Community Development Director John McCurdy.

No questions from the 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.)

Decision regarding proposed committee assignments Mayor has updated committee assignments.

APPOINTMENTS:

(Agenda Item #1.)

Appointment of Marge Wolf to fill the vacant seat of Mark Kruger on the A&P Commission; term to expire November 01, 2024 Motion by Hayes, second by Reithemeyer to approve.

ANNOUNCEMENTS:

All council members welcome Roger Surly.

Surly, grateful for the opportunity to serve The City of Rogers.

Legere, thanks to Chief Best & Director of Human Resources Thomas Dunlap for their due diligence to increase pay for our police officers.

Reithemeyer, move to adjourn the meeting at 7.43pm second by Wolf.

ATTEST:

Jessica Rush, City Clerk-Treasurer

APPROVED:

C. Greg Hines, Mayor