

MINUTES – May 28, 2024

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, May 28, 2024 at 6:30 p.m. The meeting was called to order by Mayor Greg Hines.

PUBLIC FORUM:

Jo Jones of the Rogers Ministerial Alliance provided an invocation.

ROLL CALL:

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

OTHER OFFICIALS PRESENT:

Senior Staff Attorney John Pesek, RWU Superintendent Brent Dobler, Finance Director Casey Wilhelm, Finance Administrator Jennifer Slingsby, Human Resources Director Thomas Dunlap, Police Chief Jonathan Best, City Engineer Lance Jobe, Trails Coordinator Cara King, Arts & Culture Director Kinya Christian, Fire Chief BJ Hyde, Community Development Director John McCurdy, Community Development Director Shawn Grindstaff, Parks & Recreation Director Quinton Harris, Public Relations Manager Peter Masonis, and Executive Assistant to the Mayor Jennifer Moore.

ACTION ON MINUTES:

May 14, 2024

Motion by Townzen, second by Wolf to approve the minutes of the May 14, 2024 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. R24-35 Waiving Competitive Bidding For Thirty Days And Authorizing The Mayor And City Clerk To Enter Into Temporary Agreements Concerning Cleanup And Repair Services Related To The May 26, 2024 Storm

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 Brashear, second by Reithemeyer to adopt the resolution.

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

(Agenda Item #2.)

ORD. #24-24 To Concur And Accept Ordinance No. 2024-04 Of The City Of Cave Springs, Benton County, Arkansas Calling For The Detachment Of Certain Territory Located In The City Of Rogers, Arkansas And The Simultaneous Annexation Thereof Into The City Of Cave Springs, Arkansas

The ordinance 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 a “No vote” and recognized Senior Staff Attorney John Pesek.

Brashear, residents most affected have made it clear they are not in favor of the land trade and feels it’s the councils duty to listen to those residents.

Mayor, we have been engaged and in conversation with these residents to ensure all emergency services and utilities are provided. Listening and working together doesn’t require bowing to their dislike of doing what is best for Rogers.

The Mayor asked, “Shall the ordinance pass?”

Roll call: Reithemeyer, Wolf, Townzen, Hayes, Kendall, Surly - Yes. Brashear – No. ***The ordinance is adopted.***

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

Roll call: Reithemeyer, Wolf, Townzen, Hayes, Kendall, Surly - Yes. Brashear – No. ***The ordinance is adopted.***

(Agenda Item #3.)

RES. R24-36 Authorizing The Mayor And City Clerk To Enter Into An Automatic Mutual Aid Agreement Between The City Of Rogers And The City Of Cave Springs For Fire Emergency Services

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 Wolf, second by Reithemeyer to adopt the resolution.

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

(Agenda Item #4.)

RES. R24-37 Authorizing The Mayor And City Clerk To Enter Into An Agreement For Temporary Provision Of Utility Services With The City Of Cave Springs

The resolution 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 “a 2-1 pass” and recognized RWU Superintendent Brent Dobler.

No questions from the council.

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

Voice vote: Reithemeyer, Wolf, Townzen, Hayes, Kendall, Surly – Yes. Brashear – No. ***The resolution is adopted.***

(Agenda Item #5.)

RES. R24-38 Authorizing The Mayor And City Clerk To Enter Into An Agreement With Ozark Ecological Restoration, Inc., Of Siloam Springs, Arkansas, For Restoration Services For The Pinnacle Open Space

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 Trails Coordinator Cara King.

Brashear, this does include a 34 acre controlled burn.

King, we will give ample notice to the public and work directly with the fire department.

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

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

(Agenda Item #6.)

(Agenda Item #4.)

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The resolution 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 “a 2-1 pass” and recognized RWU Superintendent Brent Dobler.

No questions from the council.

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

Voice vote: Reithemeyer, Wolf, Townzen, Hayes, Kendall, Surly – Yes. Brashear – No. ***The resolution is adopted.***

(Agenda Item #5.)

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Brashear, chair of Community Services Committee, reported the committee had met, recommended to “Do pass” and recognized Trails Coordinator Cara King.

Brashear, this does include a 34 acre controlled burn.

King, we will give ample notice to the public and work directly with the fire department.

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

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

(Agenda Item #6.)

RES. R24-39 Mayor And City Clerk To Enter Into An Agreement With Canvus, Inc. Of Rocky River, Ohio For The Purchase Of Public Art Benches For Use By The Parks Department

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 Arts & Culture Coordinator Kinia Christian.

No questions from council.

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

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

(Agenda Item #7.)

ORD. #24-25 Accepting The Final Plat Of Meadow Brook Subdivision Phase 1, Rogers, Benton County, Arkansas, The Dedication Of Utility Easements And Other Public Ways Therein

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

Hayes, acting 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 ordinance is adopted.***

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

OLD BUSINESS:

NEW BUSINESS:

(Agenda Item #1.)

Notice Of Appeal Of The Planning Commission’s Denial Regarding A Large Scale Development Plan For The Pointe At Rogers

Representing the appeal is Attorney Bill Watkins. The appeal is due to the extension of a Large Scale Development Project denial. A hold on the development was in part due to street construction and the developer filed for an extension in late 2023 due to project delays. The extension request was denied by the Planning Commission in a 5/3 vote. The same extension requested was approved in 2022 and the code has not changed so the developer is questioning what has changed to be denied the request?

Reithemeyer, questions the developer is required to show progress before the original permit expiration date which was December 2023. Watkins, correct the progress needed was not met.

McCurdy, a developer taking one year to begin construction is a poor pattern of practice to grant an extension. The staff made a decision to stop extending extensions when progress is not being made in a timely manner. The Planning Department provided a three month notice to the developer of the upcoming expiration date, ending in Dec. 2023.

Called to vote on the appeal – 7 – no. Appeal is denied.

APPOINTMENTS:

ANNOUNCEMENTS:

Mayor, the devastating tornado that ravished our city has many feeling hopeless. Much appreciation to Governor Sanders and federal resources to begin

moving forward and rebuilding. All streets has at least 1 passable lane and the city staff is here to lead and assist where and how they can.

All council members, emotional time for our city but confident the resilience and support of our community will rebuild stronger than ever. Proud to be a Rogerian!

Reithemeyer, move to adjourn the meeting at 7:15pm second by Wolf.

ATTEST:

Jessica Rush, City Clerk-Treasurer

APPROVED:

C. Greg Hines, Mayor