

MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY,
ARKANSAS, HELD FEBRUARY 17, 2009

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, February 17, 2009.

The meeting was called to order by Mayor Allen.

Attendance Roll Call:

Wasson, Smiley, Fuller, Turner, Nation, Wiles, Long – Present.

Mayor David Allen, City Administrator David Cameron, City Clerk Peggy Woody, City Attorney Jay Williams, Police Chief Joe Garrett – Present.

Opening prayer was led by Long.

Mayor Allen led the Pledge of Allegiance.

A copy of the January 30, 2009, minutes of the special-called meeting had previously been given to each Director. A motion was made by Long and seconded by Smiley that the minutes of the January 30, 2009, meeting be approved. Mayor Allen called for a voice vote on the motion, and it was approved unanimously.

A copy of the February 03, 2009, minutes of the regular meeting had previously been given to each Director. A motion was made by Smiley and seconded by Wiles that the minutes of the February 03, 2009, meeting be approved. Mayor Allen called for a voice vote on the motion, and it was approved unanimously.

A copy of the February 10, 2009, minutes of the special-called meeting had previously been given to each Director. A motion was made by Fuller and seconded by Wasson that the minutes of the February 10, 2009, meeting be approved. Mayor Allen called for a voice vote on the motion, and it was approved unanimously.

The next agenda item was the open hearing for citizens present. George Benjamin, 604 South Maple, spoke representing the Siloam Springs Regional Health Cooperative. He made the request that the City be this groups fiduciary. The fiduciary has to be a non-profit group, and acts as a pass through for the grant money. This would not involve any funds from the City.

The next agenda item was Ordinance No. 09-01. A motion was made by Fuller and seconded by Nation to place Ordinance No. 09-01, Legal Correction on Rezone 831 South Mt. Olive, on its second reading suspending the rules and reading title only.

Roll Call:

Wasson, Smiley, Fuller, Turner, Nation, Wiles, Long – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING SECTION 102-21 OF THE SILOAM SPRINGS MUNICIPAL CODE (CITY ZONING MAP); REPEALING ORDINANCE NO. 99-16 AND REZONING FROM R-2 TO C-1A THE PROPERTY DESCRIBED AS 831 SOUTH MOUNT OLIVE STREET

was read for its second reading.

The next agenda item was Ordinance No. 09-02. A motion was made by Nation and seconded by Smiley to place Ordinance No. 09-02, Amend Municipal Code Regarding Home Occupation Businesses, on its second reading suspending the rules and reading title only.

Roll Call:

Smiley, Fuller, Turner, Nation, Wiles, Long, Wasson – Aye.

No Nay.
Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING BUSINESS REGULATIONS OF THE CITY;
AMENDING SECTION 22-68 REGARDING HOME OCCUPATION BUSINESSES.

was read for its second reading.

The next agenda item was Resolution No. 06-09. A motion was made by Wiles and seconded by Smiley to adopt Resolution No. 06-09, Appropriation of Monies for Infrastructure Improvements in Conjunction with North Rodeo Drive Project/Water Department. Cameron commented that this project is going to be a point of egress and ingress for the new High School. We hope to have a name for this street soon. It will not be Rodeo Drive. This name is being used as a point of reference. We have partnered with the school for the water and infrastructure. Cameron asked for consideration to amend the Resolution to reflect not to exceed \$300,000.00. A motion was made by Long and seconded by Wiles to amend Resolution No. 06-09 not to exceed \$300,000.00 for approximately 8,000 feet of water line.

Roll Call: (Amendment)

Fuller, Turner, Nation, Wiles, Long, Wasson, Smiley – Aye.
No Nay.

Seven Ayes. No Nays. Motion Carried.

Roll Call:

Turner, Nation, Wiles, Long, Wasson, Smiley, Fuller – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 09-09. A motion was made by Nation and seconded by Fuller to adopt Resolution No. 09-09, Waive Competitive Bidding for Hospital Audit/McGladrey & Pullen, for a total cost of \$57,500.00. Paul Calloway, Finance Director, gave an explanation of why we are requesting this audit due to the sale of the Hospital. This firm has performed the Hospital audits for the past 5 years.

Roll Call:

Nation, Wiles, Long, Wasson, Smiley, Fuller, Turner – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 10-09. A motion was made by Smiley and seconded by Wiles to adopt Resolution No. 10-09, Utilize Federal-Aid Monies for Sager Creek Bridge at University Street. Cameron stated bridges are inspected by the State Highway Dept. each year. The City will ask for consideration in the design of the bridge.

Roll Call:

Wiles, Long, Wasson, Smiley, Fuller, Turner, Nation – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 11-09. A motion was made by Long and seconded by Wiles to adopt Resolution No. 11-09, Repeal Resolution Regarding Publication Requirements. John Dilmore, Herald-Leader, addressed the Board and provided rates. Mayor Allen stated that almost \$21,000 was spent on newspaper publishing. Long stated he requested this to be on the agenda. A motion was made by Long and seconded by Wiles to call for the vote.

Roll Call: (call for vote)

Long, Wasson, Smiley, Fuller, Turner, Nation, Wiles – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

Roll Call:

Wasson, Smiley, Fuller, Wiles, Long – Aye.

Turner, Nation – Nay.

Five Ayes. Two Nays. Motion Carried.

The next agenda item was approval of Change Order #2/City Lake Improvements Contract Section III. A motion was made by Long and seconded by Smiley to approve Change Order No. 2/City Lake Improvements Contract Section III in the amount of \$182,545.00 to Sweetser Construction, Inc. Cameron stated this is a change to the original construction. Trevor Bowman, Water/Wastewater Director, stated he had received a change after the packet went out regarding the wave protection strip. This change will lower the change order to \$173,993.00. Long and Smiley amended the motion to state the amount of \$173,993.00

Roll Call:

Smiley, Fuller, Turner, Nation, Wiles, Long, Wasson – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was approval of Inter-Municipal Wastewater Contract/West Siloam Springs. A motion was made by Long and seconded by Wiles to approve the Inter-Municipal Wastewater Contract with West Siloam Springs. Nation asked about the target dates in the contract. Trevor Bowman, Water/Wastewater Director, stated these dates are ones our attorneys put in and felt these would be good dates for the City and West Siloam Springs. West Siloam Springs has stated these are not realistic. They have asked that both dates be moved to October 31, 2010. Bowman recommended this date as being reasonable. Cameron stated these should have been addressed in the original contract. This is to clean up some along Stateline Rd. A motion was made by Nation and seconded by Fuller to amend the motion to change items # 5, 9, 10 and 11 to no later than October 31, 2010, and #12 to no later than November 30, 2010.

Roll Call: (Amendment)

Fuller, Turner, Nation, Wiles, Long, Wasson – Aye.

No Nay.

Smiley – Abstain.

Six Ayes. No Nays. One Abstained. Motion Carried.

Roll Call:

Turner, Nation, Wiles, Long, Wasson, Fuller – Aye.

No Nay.

Smiley – Abstain.

Six Ayes. No Nays. One Abstained. Motion Carried.

The next agenda item was the Administrator's Report:

Cameron reported a big success for the Daddy/Daughter dance, and thanked those who participated. Cameron commended Wayne Mays for the Chamber banquet last Saturday. This was an excellent night for our community. He stated there was a special meeting regarding the debris clean up. To date we have cleaned up 26,000 cubic yards of debris. We still have 20,000 to 25,000 cubic yards left to go. We encourage residents to continue getting limbs to the curb. Please do not set limbs near your gas meter because crews are using cranes and lifts to pick up debris. Cameron stated he was contacted today about the property at 101 West Ashley. The owner is wanting to sell for \$77,000, and is wanting to know if the City is still interested in that property. A motion was made by Long and seconded by Wasson to place on the agenda discussion of the property at 101 West Ashley. Mayor Allen called for a voice vote on the motion, and it was approved unanimously. A motion was made by Long and seconded by Wiles to discuss the property at 101 West Ashley. Long stated he felt this property is needed for parking. Smiley and Wiles both spoke in favor of purchasing this property. Nation stated she felt an appraisal should be done first. A motion was made by Wiles and seconded by Wasson to enter into a contract for \$77,000 pending appraisal and Board of Directors' approval.

Roll Call:

Wiles, Long, Wasson, Smiley, Fuller, Turner, Nation – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

Cameron continued his report stating discussions are on-going with the Hospital about the accounts. He stated to date they have collected \$938,000 on our accounts receivable. We will

continue to update you on these numbers. The Hospital has hired a new CEO, Kevin Clement, from Moberly, Missouri, for CHS. We look forward to having him in Siloam Springs.

The next agenda item was the Open Hearing for Directors:

Mayor Allen congratulated our Chamber of Commerce for a very good banquet and speaker. Allen acknowledged the JBU students attending tonight's meeting. Allen noted proclamations thanking the Cities that came to assist with the electric outages during the ice storm. Allen read the proclamations. Allen stated he was disappointed with the Sager Creek rock, and that we need to give the Administrator our input. Allen stated he wanted to clarify during Resolution No. 11-09 his comments relative to what was being discussed, and that we're not discussing the law according to the Herald-Leader. I will state publicly that this Board of Directors always follows the law, and that they did in the executive session two weeks ago. This meeting was no different. My comment is relative to the FOI law being interrupted by the attorney for the Arkansas Press Association claiming that his interpretation is right and that it supercedes the opinion of two previous Attorney Generals, who are the highest law enforcement officers in the State. I think it's awfully hard to wrap your mind around and understand how that interpretation can come to be. I have no patience for business practices that put false claims on the front page of a newspaper. That's all I have to say about that.

Turner stated the crews from Texas might not be able to see a gas or water meter if your brush is piled on top of them. It's important to thank the staff and crews during this storm, and helping make us look better than other areas. We've had individuals and groups going out of their way to help others who needed help with debris removal.

Wiles pointed out the proceeds that have been recovered (Hospital) which points out the good job that David Cameron and Paul Calloway and everyone else associated with those negotiations did on our behalf. Wiles thanked them for the good job.

Smiley stated she is proud to be a citizen of Siloam during this exciting time, even because of a storm, it shows how we all pull together. Welcome to the JBU students.

Long thanked Mayor Allen for the proclamations to the Cities of Oklahoma.

There being no other business to come before this Board, a motion was made by Long and seconded by Nation that this meeting be adjourned. A voice vote was called for on the motion, and it was approved unanimously.

APPROVED:

David E. Allen, Mayor

(SEAL)

ATTEST:

Peggy Woody, City Clerk, MMC