

MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY,
ARKANSAS, HELD APRIL 07, 2009

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, April 07, 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 Nation.

Mayor Allen led the Pledge of Allegiance.

A copy of the March 17, 2009, minutes of the regular meeting had previously been given to each Director. A motion was made by Long and seconded by Smiley that the minutes of the March 17, 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. John Sawyer, 1624 Hefton Ct., commented on the new trail that will be around JBU, and felt something should be done on the south side of Hwy 412. Cameron stated he has made note of needing a sidewalk on Quarter Rd. in this area of town. The City will take a look at this.

The next agenda item was Ordinance No. 09-05. A motion was made by Smiley and seconded by Nation to place Ordinance No. 09-05, Rezone Development Permit A-1 to C-2 Corner of Progress Ave. and Future Tahlequah St Extension/Siloam Springs School District, on its third 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); REZONING FROM A-1 TO C-2 THE
PROPERTY DESCRIBED AS THE CORNER OF PROGRESS AVENUE
AND FUTURE TAHLEQUAH STREET EXTENSION.

was read for its third reading.

A motion was made by Smiley and seconded by Fuller to adopt Ordinance No. 09-05, Rezone Development Permit A-1 to C-2 Corner of Progress Ave. and Future Tahlequah St. Extension/Siloam Springs School District.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 09-07. A motion was made by Nation and seconded by Turner to place Ordinance No. 09-07, Rezone Development Permit 2200 Block Pickwick Terrace R-2 to C-2/Gray, on its first reading suspending the rules and reading title only. David Williams, Community Development Director, addressed questions by the Board regarding questions from the public at the Planning Commission meeting. They're main concerns were about the screening

between the commercial and the residential area. Ron Homeyer, Civil Engineering, stated the zoning takes three readings and the plat just takes a one time action and this will save time.

Gary Gray, 1040 W. Twin Springs Ct., addressed questions of the Board and explained the plans for this property. Gray stated he is only asking to follow the future land use map which was adopted by the Board. David Ray, 324 Ravenwood Blvd, stated there is already property zoned C-2 next to his property on the east, and they are in support of this C-2 zoning. Edison Govea, 302 Ravenwood Blvd, support the extension of C-2. Fuller requested a vote.

Roll Call:

Fuller, Turner, Nation, Wiles, Long, Wasson, Smiley – 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); REZONING FROM R-2 TO C-2 THE PROPERTY
DESCRIBED AS THE 2200 BLOCK OF PICKWICK TERRACE.

was read for its first reading.

The next agenda item was Ordinance No. 09-08. A motion was made by Smiley and seconded by Nation to place Ordinance No. 09-08, Street Closing/Health Fair/Hospital, on its first and final reading suspending the rules and reading title only.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE DIRECTING THAT EAST
JEFFERSON STREET, FROM SOUTH BROADWAY
TO SOUTH MAXWELL, SHALL BE CLOSED
DURING CERTAIN HOURS ON MAY 9, 2009.

was read for its first and final reading.

A motion was made by Nation and seconded by Fuller to adopt Ordinance No. 09-08, Street Closing/Health Fair/Hospital.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 09-09. A motion was made by Long and seconded by Smiley to place Ordinance No. 09-09, Amend Code for Speed Limit on Progress Ave. and North Hico St., on its first reading suspending the rules and reading title only. Several Board members stated their opinions. Chief Garrett stated he did not have a problem with changing this to 45 mph, but when the school is built this will have to be lowered.

Roll Call:

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

Fuller, Turner – Nay.

Five Ayes. Two Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING SECTION 94-212 OF
THE SILOAM SPRINGS CODE WITH RESPECT TO

SPEED LIMITS ON PROGRESS AVENUE
AND NORTH HICO STREET.

was read for its first reading.

The next agenda item was Ordinance No. 09-10. A motion was made by Long and seconded by Nation to place Ordinance No. 09-10, Amend Code to Set Fees/Cemetery, on its first reading suspending the rules and reading title only. Debbi Olsen, Cemetery Manager, addressed the question from Nation on how they arrived at these fees.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING SECTIONS 26-35, 26-36 AND
26-38 OF THE SILOAM SPRINGS CODE TO STANDARDIZE
CERTAIN LANGUAGE, PROVIDE FOR COLUMBARIUM
NICHE INTERMENTS, ESTABLISHING RATES AND
REQUIRING APPROPRIATE CONTAINERS.

was read for its first reading.

The next agenda item was Resolution No. 12-09. A motion was made by Nation and seconded by Fuller to adopt Resolution No. 12-09, Significant Development Permit Corner of Progress Ave. and Future Tahlequah St./Siloam Springs School District.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 14-09. A motion was made by Wasson and seconded by Nation to adopt Resolution No. 14-09, Final Plat Development Permit 2200 Block Pickwick Terrace/Gray.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 15-09. A motion was made by Nation and seconded by Turner to adopt Resolution No. 15-09, Voice Opposition to Health Bill Introduced in the Legislature.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 16-09. A motion was made by Smiley and seconded by Nation to adopt Resolution No. 16-09, Authorize an Identity Theft Prevention Program Policy and Procedure.

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. 17-09. A motion was made by Nation and seconded by Smiley to adopt Resolution No. 17-09, Parking Variance/Farmers' Market. Smiley stated the Farmers' Market is not run by the City, but by the Main Street Siloam Springs. Shelly Simmons, Director of Main Street Siloam Springs, addressed the Board regarding this variance. After further

discussion, a motion was made by Long and seconded by Wasson to amend Resolution No. 17-09 to state not to exceed two (2) week days and any weekend as long as coordinated with Parks & Recreation staff. Ron Drake, President of Main Street, addressed the Board with other recommendations for the Farmers' Market.

Roll Call: (Amendment)

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

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. 18-09. A motion was made by Wasson and seconded by Nation to adopt Resolution No. 18-09, Terminate Inactive Retirement Plans/Hospital.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 19-09. A motion was made by Nation and seconded by Fuller to adopt Resolution No. 19-09, Approve Grant/Airport. Michael Scroggin, Airport Manager, addressed the question from Turner about plans for the exterior of the Airport terminal office.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 20-09. A motion was made by Wasson and seconded by Nation to adopt Resolution No. 20-09, Extend Term for Sager Creek Advisory Commission.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 21-09. A motion was made by Smiley and seconded by Long to adopt Resolution No. 21-09, Authorize Application for Grant Funding/Police Department. Joe Garrett addressed the Board regarding questions. A motion was made by Nation and seconded by Smiley to amend Resolution No. 21-09 to state the Administrator is authorized to apply for grant, but to strike “and accept” from the last sentence.

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 Review of Bids. A motion was made by Nation and seconded by Wasson to approve the bid for Highway 412 Water and Sewer Relocations to ARCO Excavation & Paving in the amount of \$1,311,535.00. Cameron stated the materials are being purchased locally from Pipeline Jetstream. Cameron clarified that we are having to condemn property on this project. We can not go on these properties until the court releases us to do so. Otherwise it is considered trespassing. We are in no way intentionally trying to drag our feet. Even if this bid is approved tonight, we can not start tomorrow. We may not be able to start work for 60 days. We are waiting for it to be released from the judge's consideration. There are about 13 properties that we are having to condemn. Until all utilities are moved, the State will not start this project. We will not issue a

notice to proceed until we have a notice from the judge. The City tried not to go to condemnation. A motion was made by Wasson and seconded by Long to table this item to the April 21, 2009, regular meeting.

Roll Call: (Table)

Wiles, Long, Wasson, Fuller – Aye.

Nation, Smiley, Turner – Nay.

Four Ayes. Three Nays. Motion Carried.

Cameron stipulated that by the next Board meeting to have met with the State or at least talk with the Mayor, Chamber, the State Commissioner, Dick Trammel and possibly the Governor's office and make sure we get everything. I understand that we will get you a detail when the project is going to start. We will find out a better idea of what the judge has found on where we are with the status of our right-of-way acquisitions. Instead of making it so much the amendment, I'd just put it as the record that is what I will bring back as a recommendation based upon those findings that we'll draft a memo to make a recommendation based on what we find out.

The next agenda item was Review of Bids. A motion was made by Turner and seconded by Nation to approve the bid for water materials for North Rodeo Street to Water Products Inc in the amount of \$56,060.34 and Benton County Stone Co. Inc in the amount of \$21,582.00. Cameron stated the school will reimburse the City for the materials. This is going through the new school site. This is also locally produced product from Pipelife.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Change Order #4 for City Lake Phase III. A motion was made by Nation and seconded by Wasson to approve Change Order #4 for City Lake Improvements Contract Section III in the amount of \$182,545.00 to Sweetser Construction Inc.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Approval of Contract. A motion was made by Wasson and seconded by Fuller to approve amendment #3 for the engineering contract with Garver Engineers for Wastewater Treatment Plant for a cost of \$894,500.00. Cameron requested this be tabled for further discussion on the price that they have submitted. A motion was made by Nation and seconded by Turner to table this item to the April 21, 2009, regular meeting.

Roll Call: (Table)

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was the Administrator's Report:

Cameron spoke regarding the property at 101 West Ashley stating we did get an appraisal at \$78,000.00. They were asking \$77,000.00. We countered at \$65,000.00, and they've stayed at a price of \$74,000.00. This is up to the Board on what to do with this property. FEMA was in town. It looks like we have turned in all of our documentation to them, and we have submitted for \$868,360.34 to get our funds back. Cameron suggested we get the Farmers' Market up and going before we see how they do on a Saturday. We can work with our different crews before closing a street for this. We would bring back a proposal for such an ideal.

A motion was made by Long and seconded by Wiles to place on the agenda discussion of the 101 West Ashley property.

Roll Call:

Smiley, Fuller, Wiles, Long – Aye.

Turner, Nation, Wasson – Nay.

Four Ayes. Three Nays. Motion Failed.

The next agenda item was the Open Hearing for Directors:

Wasson thanked all the citizens and sanitation crews for a great cleanup.

Smiley thanked Scott Hodge and the staff at the Parks Dept. for the Kite Day. They had a good turn out and good time.

Mayor Allen stated they accepted a check from the Walton Foundation last week to recognize JBU for donating the land for a new trail extension. We are looking forward to it.

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