

MINUTES OF THE REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
CITY OF SILOAM SPRINGS, BENTON COUNTY,  
ARKANSAS, HELD APRIL 20, 2010

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, April 20, 2010.

The meeting was called to order by Mayor Allen.

Roll Call:

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

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

Opening prayer was led by Fuller.

Mayor Allen led the Pledge of Allegiance.

A copy of the April 06, 2010, 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 April 06, 2010, meeting be approved. Mayor Allen called for a voice vote on the motion, and it was approved unanimously.

A copy of the April 14, 2010, minutes of the special-called meeting had previously been given to each Director. A motion was made by Turner and seconded by Fuller that the minutes of the April 14, 2010, 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. Don Bunker, 403 E. University, spoke regarding a home in the Historic District on South Wright. He requested them to walk South Wright Street and look at the homes on this street. Bunker requested these homes come into compliance that are currently being used other than the zoning allows. Pamela Oxford, 208 S. Wright, complained about the peach colored house across the street from her.

The next agenda item was Ordinance No. 10-02. A motion was made by Smiley and seconded by Turner to place Ordinance No. 10-02, Amend Municipal Code for Charges for Out-of-City Fire Calls, and Clarify Language/Fire Department, 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 ARTICLES I & III OF  
CHAPTER 38 OF THE SILOAM SPRINGS CODE (FIRE  
PREVENTION AND PROTECTION) TO AMEND  
CHARGES FOR OUT-OF-CITY FIRE CALLS AND TO  
CORRECT AND CLARIFY LANGUAGE.

was read for its third reading.

A motion was made by Nation and seconded by Turner to adopt Ordinance No. 10-02, Amend Municipal Code for Charges for Out-of-City Fire Calls, and Clarify Language/Fire Department.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

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The next agenda item was Ordinance No. 10-03. A motion was made by Nation and seconded by Fuller to place Ordinance No. 10-03, Amend Municipal Code to Adjust Ambulance Service Charges and Permit Future Service Charge Adjustments and Authorize for Prompt Payment Discount/Fire Department, on its third reading suspending the rules and reading title only.

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 22-323 OF  
THE SILOAM SPRINGS CODE TO ADJUST SERVICE  
CHARGES FOR THE AMBULANCE SERVICE, TO  
PERMIT FUTURE SERVICE CHARGE ADJUSTMENTS  
BY THE CITY ADMINISTRATOR, AND PROVIDING FOR  
PROMPT PAYMENT DISCOUNT.

was read for its third reading.

A motion was made by Smiley and seconded by Fuller to adopt Ordinance No. 10-03, Amend Municipal Code to Adjust Ambulance Service Charges and Permit Future Service Charge Adjustments and Authorize for Prompt Payment Discount/Fire Department.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 10-04. A motion was made by Fuller and seconded by Long to place Ordinance No. 10-04, Rezone Development Permit A-1 to C-2 3050 Cheri Whitlock/Elrod, on its second reading suspending the rules and reading title only.

Roll Call:

Nation, Wiles, Long, Wasson, Smiley, Fuller, Turner – 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 3050 CHERI WHITLOCK DRIVE.

was read for its second reading.

The next agenda item was Resolution No. 13-10. A motion was made by Smiley and seconded by Wiles to adopt Resolution No. 13-10, Authorize Administrator to Require Offset of Certain Costs of Annexation. Cameron gave an explanation of why this resolution was coming before them at this

time prior to a request for annexation by John Guffey. Art Farine, Electric Director, stated it does take about 15 years to recover the electric cost of annexing.

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. 14-10. A motion was made by Smiley and seconded by Nation to adopt Resolution No. 14-10, Authorize Application for State Grant for Runway and Taxiway/Airport. Cameron stated the City's portion would be about \$34,000, and this is not a

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budgeted item. The budget would have to be adjusted. Paul Calloway, Finance Director, stated this grant is 90% – 10%. It has been about 4 years since we have done any work to the runway. These funds come from the State.

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. 15-10. A motion was made by Nation and seconded by Wasson to adopt Resolution No. 15-10, Authorize Application for Federal/State Grant for Terminal Apron/Airport. Cameron stated this grant will cost the City about \$280.00, and this is a \$471,000.00 project.

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. 16-10. A motion was made by Smiley and seconded by Nation to adopt Resolution No. 16-10, Authorize Application for State Energy Efficiency and Conservation Grant/Electric Department. Cameron stated there is an April 30<sup>th</sup> deadline to submit this grant application. There is no cost to the City.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was review of bids. A motion was made by Smiley and seconded by Long to approve the bid for the Terminal Apron Reconstruction/Airport to APAC in the amount of \$376,103.39. Paul Calloway, Finance Director, pointed out that execution of the contract is contingent upon receipt of the grant proceeds.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was approval of contract. A motion was made by Long and seconded by Turner to approve the contract with Cobb-Vantress, Inc for the Stormwater Detention Cooperative Agreement.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was approval of contract. A motion was made by Smiley and seconded by Turner to approve a contract with Roll Off Service Inc for the Solid Waste Services. Randy Atkinson, Solid Waste Director, addressed Nation's question about the terms of suspending the contract.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was approval of surplus property. A motion was made by Nation and seconded by Wasson to approve the Surplus Property of Vehicles for the Police Department.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

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The next agenda item was approval of destruction order. A motion was made by Smiley and seconded by Nation to approve the Affidavit for Destruction Order 2010.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was the Administrator's Report:

Cameron reminded everyone that the Dogwood Festival starts this week. Cameron stated we had a meeting last Wednesday to address the litigation terms with Mr. Farley. We are still working on the lease agreement. We were to be in court April 22<sup>nd</sup> for another hearing so we are trying to get those issues resolved. Cameron stated he appreciated Mr. Farley being willing to sit down and negotiate. The City will retain the land, and Mr. Farley will utilize the property for hay. Cameron stated he appreciates everybody's work especially Jay. We also discussed the Franklin Electric building. Franklin opted to buy the building, and the City currently leases the property to them but they have a buy-back option. The building was not paid for by the City. Franklin paid for the building and equipment. Last week they made notification that they were planning to exercise the right to buy it, and they are looking at a price of between 2 and 3 million dollars to buy the building and land. They are planning on putting this up for sale. On paper we own the building, but at the cost you can tell they paid for all the infrastructure. I wanted to allow for comments from the Directors and any direction that we are to take with the building. We will post this with the ADEC to have a site selector, which is a group web site that they present to other people all over the country that are looking for buildings. We will work with the Chamber and the State to help assist in any way to move that building. They will stay in contact with the City regarding potential buyers. Long stated he would like to discuss having someone who does the economic development instead of the City Administrator. Cameron stated it is important that we get out and visit with our industrial clients. We will work very diligently to fill that building and look for the right fit. We will evaluate the idea for an economic development employee. Cameron stated he was looking into property by the high school for Sager Creek the Fox and Honeycutt property. I had asked the Board for permission to purchase these properties. The Board gave authorization to do so, and I am reporting back the prices of these properties. The Honeycutt property came in around \$300,000, and the Fox property, which probably changed the most, for the bottom land for the 22 acres came in at \$150,000. We asked for another appraisal to consider the property adjacent to the new Tahlequah Street which was about \$30,000 per acre to buy that right-of-way. When the street went in the price jumped up to \$475,000 which is almost \$100,000 per acre. This puts us up somewhere around \$900,000 which is outside of what we had remaining from the land sale to the school. When we sold that we put it into a restricted cash account, this is not coming out of another account. From staff's perspective it is to pursue the

22 acres in the bottom land which is in a floodplain, and can not be built upon. This averages \$7500 per acre. We need this piece of property from the perspective of Sager Creek and moving forward with the 319 grant. It is also a part of our long-range plan for Sager Creek and where we would build soccer fields. The consideration is to forego the property adjacent to Tahlequah and let them keep that for commercial. This property will be looked at closely because of drainage into Sager Creek which is on the 303D list which is an environmental protection agency list which you do not want to be on. I would like to reconsider the purchase of that property. The Honeycutt property is still something I believe from a floodplain perspective and drainage overall we could utilize. These are the only two properties we should be evaluating. Our recommendation is to pursue the 22 acres in the floodplain from Mrs. Fox. A motion was made by Long and seconded by Nation to place discussion of the Fox property on the agenda.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

A motion was made by Wasson and seconded by Nation to amend Resolution No. 30-09 to remove the specific acreage and negotiate purchase of any of the Fox property. Cameron stated we need this 22 acres.

Roll Call:

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

No Nay.

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Seven Ayes. No Nays. Motion Carried.

The next agenda item was the Open Hearing for Directors:

Mayor Allen asked the Board to consider a grant application regarding renewable energy that the Federal government has pushed the clean energy. This federal money has come to the states and they have certain rules that have to apply before given out. There is an April 30<sup>th</sup> deadline to apply. This is free money to the City, but not available to cities over a certain population. A motion was made by Wasson and seconded by Fuller to place on the agenda discussion of the renewable energy grant. A motion was made by Wasson and seconded by Smiley to authorize the City Administrator to apply for the renewable energy grant at his discretion before April 30<sup>th</sup>.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

Mayor Allen thanked David Cameron for the hard work he put into the Farley situation. He also thanked him for the time invested in working with the management of Franklin Electric. A lot of time from several individuals also went into trying to save this business for Siloam.

Nation asked Cameron if the Fox property was appraised as commercial, and he replied no it was not appraised as commercial. It is not zoned commercial. Nation echoed what Mayor Allen had said about Franklin Electric and there were a lot of people who worked really hard on keeping Franklin Electric here. Franklin Electric was leaving Siloam Springs, and that decision was made a long time ago.

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

APPROVED:

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David E. Allen, Mayor

(SEAL)

ATTEST:

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Peggy Woody, City Clerk, MMC