

MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY,
ARKANSAS, HELD APRIL 21, 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 21, 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 Wiles.

Mayor Allen led the Pledge of Allegiance.

A copy of the April 07, 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 April 07, 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. There being none, Mayor Allen continued with the agenda.

The next agenda item was Ordinance No. 09-07. A motion was made by Smiley and seconded by Fuller to place Ordinance No. 09-07, Rezone Development Permit 2200 Block Pickwick Terrace R-2 to C-2/Gray, 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); REZONING FROM R-2 TO C-2 THE
PROPERTY DESCRIBED AS THE 2200 BLOCK OF PICKWICK TERRACE.

was read for its second reading.

The next agenda item was Ordinance No. 09-09. A motion was made by Long and seconded by Nation to place Ordinance No. 09-09, Amend Code for Speed Limit on Progress Ave. and North Hico St., on its second reading suspending the rules and reading title only.

Roll Call:

Smiley, Nation, Wiles, Long, Wasson – 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 second reading.

The next agenda item was Ordinance No. 09-10. A motion was made by Nation and seconded by Smiley to place Ordinance No. 09-10, Amend Code to Set Fees/Cemetery, on its second reading suspending the rules and reading title only. Jay Williams noted a scrivener's error with the word baby which should be replaced with infant in all sections of the Ordinance.

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 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 second reading.

The next agenda item was Ordinance No. 09-11. A motion was made by Smiley and seconded by Turner to place Ordinance No. 09-11, Adopt Arkansas Fire Prevention Code, on its first 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 AMENDING SECTIONS 38-41
AND 38-42 OF THE SILOAM SPRINGS MUNICIPAL
CODE; RECONCILING LANGUAGE WITH THE
MOST RECENT VERSION OF THE ARKANSAS
FIRE PREVENTION CODE; DELETING
OBSOLETE REQUIREMENTS AND INCREASING
MAXIMUM PENALTIES FOR VIOLATIONS.

was read for its first reading.

The next agenda item was Ordinance No. 09-12. A motion was made by Fuller and seconded by Nation to place Ordinance No. 09-12, Amend Code with Respect to Signs Above the Right-of-Way, was read for its first reading suspending the rules and reading title only. Cameron stated that Sec. 81-29 (d) will be looked at as to the sign height. Cameron recommended reviewing the entire Chapter 81 to be sure the 18 feet is not in another section before having an amendment.

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 82-28 OF
THE SILOAM SPRINGS CODE WITH RESPECT TO
SIGNS ABOVE THE RIGHT-OF-WAY.

was read for its first reading.

The next agenda item was Ordinance No. 09-13. A motion was made by Smiley and seconded by Wasson to place Ordinance No. 09-13, Amend Code with Respect to Carnivals, etc., on its first reading suspending the rules and reading title only. After discussion, a motion was made by Turner and seconded by Nation to amend Ordinance No. 09-13, Sec 70-4 (c) to state in writing at least 15 days instead of 48 hours, excluding weekends and declared holidays.

Roll Call: (Amendment)

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING SECTION 70-4 OF
THE SILOAM SPRINGS CODE WITH RESPECT TO
CARNIVALS, MECHANICAL RIDES, TENT
SHOWS, DOLL RACKS AND STANDS.

was read for its first reading.

The next agenda item was Ordinance No. 09-14. A motion was made by Nation and seconded by Fuller to place Ordinance No. 09-14, Amend Code with Respect to Allowable Street Names, was placed on its first 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 18-354 OF
THE SILOAM SPRINGS CODE WITH RESPECT TO
ALLOWABLE STREET NAME SUFFIXES,
REQUIRING DIRECTIONAL PREFIXES, AND
PROVIDING FOR MEMORIAL OR PERSONAL
RECOGNITION NAMING AT THE DISCRETION
OF THE BOARD OF DIRECTORS.

was read for its first reading.

The next agenda item was Ordinance No. 09-15. A motion was made by Smiley and seconded by Fuller to place Ordinance No. 09-15, Authorize Sole Source Purchase of Air Cots and Declare Current Cots Surplus/Fire Department, on its first and final reading suspending the rules and reading title only. Fire Chief Jimmy Harris stated the purpose of this sole source request.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AUTHORIZING ACQUISITION
BY THE FIRE DEPARTMENT OF FOUR TACTICAL
SCBA AIR COTS ON A SOLE SOURCE BASIS,
DECLARING THE AMBULANCE STRETCHERS CURRENTLY
IN USE AS SURPLUS, AND AUTHORIZING THEIR

SALE BY THE ADMINISTRATOR.

was read for its first and final reading.

A motion was made by Nation and seconded by Wasson to adopt Ordinance No. 09-15, Authorize Sole Source Purchase of Air Cots and Declare Current Cots Surplus/Fire Department.

Roll Call:

Fuller, Turner, Nation, Wiles, Long, Wasson, Smiley – 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 Smiley to approve the bid for Highway 412 Water and Sewer Relocations to ARCO Excavation & Paving Inc of Bentonville in the amount of \$1,311,535.00. Paul Calloway, Finance Director, stated that when the project is complete, the City's out-of-pocket expense will be \$1.763 million for water, sewer and electric. This is in our budget, but this is coming from our reserves. We had budgeted \$1.2 million for this year for water and sewer. This includes what we will be spending for the rights-of-way and acquisitions. Mayor Allen stated that \$464,374.02 will be reimbursed to the City from the AHTD, making the City's portion \$847,160.98 for this bid. The remaining acquisitions are projected at \$20,000.00. This does not include legal fees for acquisitions. This money for Hwy 412 widening is coming from our unrestricted reserves, not restricted. Mayor Allen stated he and Cameron had spoken with various state officials and did get confirmation that they hope to start by October. Cameron stated the money does have to be designated by October by the State Highway Dept.

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 a contract. A motion was made by Nation and seconded by Fuller to approve Amendment No. 3 for Engineering Contract with Garver Engineers for the Wastewater Treatment Plant. Cameron addressed the amendment. The City discussed the fees with Garver and the fee is now about \$300,000 less.

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 purchase of property. A motion was made by Wiles and seconded by Long to approve the purchase of property at 101 West Ashley in the amount of \$74,000. Turner went on record stating he is not against downtown, but he didn't vote for the purchase of that lot either. So I'm trying to stay consistent.

Roll Call:

Wiles, Long, Wasson, Smiley – Aye.

Fuller, Turner, Nation – Nay.

Four Ayes. Three Nays. Motion Carried.

The next agenda item was the Administrator's Report:

Cameron reported the spring cleanup had a total of about 118 tons. This cost about \$4,347.00. Cameron thanked everyone for a job well done. We are very well prepared for the Dogwood Festival, and encouraged everyone to come out.

The next agenda item was the Open Hearing for Directors:

Mayor Allen requested an executive session for personnel matters. Mayor Allen stated he has been contacted by several people on Lawlis Rd regarding concerns about the placement of electric lines. Mayor Allen will be checking into this.

Turner stated a couple walking with their dogs in his neighborhood had another dog jump a fence and come after this family. He called Animal Control, and commended the job they did. Turner requested the vicious and dangerous dog ordinance be looked into again.

Fuller noted there are new flags on the bypass, and looks good. He requested a sign for the Community Building to inform residents of activities there. He congratulated the Parks for the new asphalt around the walking trails as it is wonderful to walk on. The ordinance that West Siloam Springs is looking at for animal control has some really good points.

Wiles stated a lot of people are out walking more, and there seems to be a higher percentage of dogs out running loose. He recommended the City get out some kind of notice to the public on how dogs are to be kept.

Smiley stated she would also like to revisit the animal ordinance.

Mayor Allen stressed that if there is a sidewalk by the street and the street has a bike lane, the sidewalk is for running and the bike lane for biking. It is dangerous for people to run in the bike lane.

Mayor Allen entertained a motion to add the executive session to the agenda. A motion was made by Long and seconded by Fuller to place an executive session on the agenda. Jeff Della Rosa, Herald-Leader, stated the FOI requires that an executive session can only be called for hiring, firing or promotion of an employee. He requested that the reason be given at this time. Mayor Allen stated it is a personnel matter regarding an employee. Jay Williams stated it has to do with consideration of discipline of an employee.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

A motion was made by Long and seconded by Fuller to adjourn into an executive session.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

Mayor Allen called the meeting back to order. A motion was made by Nation and seconded by Wasson that no action was taken in executive session, but the Board supported the action of the City Administrator. Long and Mayor Allen stated that they did not agree that a motion was required when no action was taken.

Roll Call:

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

No Nay.

Long – Pass.

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

There being no other business to come before this Board, a motion was made by Long and seconded by Wasson 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