

MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY,
ARKANSAS, HELD MAY 05, 2009

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, May 05, 2009.

The meeting was called to order by Mayor Allen.

Attendance Roll Call:

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

Wasson – Absent.

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 Smiley.

Mayor Allen led the Pledge of Allegiance.

A copy of the April 21, 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 21, 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 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 third reading suspending the rules and reading title only. Wiles expressed concerns that the Land Use Map does not show this to be all C-2 uses in this area, and this also lies in a flood plain. Wiles would also prefer C-1A in this area. Wiles also noted a 2" water line was being installed to this property and next to it a ¾" line. Ben Rhoads, City Planner, explained the differences between the C-2 and C-1A use units. Ron Homeyer, Civil Engineering, stated some differences between what is allowed in C-2 versus C-1A. Homeyer also explained why the applicant had requested a 2" water line. The reason for this zoning change now is so the owner can market this property as Commercial. A motion was made by Turner and seconded by Long to table Ordinance No. 09-07 to the May 19, 2009, regular meeting.

Roll Call: (Table)

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

No Nay.

Six Ayes. No Nays. Motion Carried.

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

Roll Call:

Nation, Wiles, Long, Smiley – Aye.

Fuller, Turner – Nay.

Four 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 third reading.

A motion was made by Smiley and seconded by Long to adopt Ordinance No. 09-09, Amend Code for Speed Limit on Progress Ave and North Hico St.

Roll Call:

Nation, Wiles, Long, Smiley – Aye.

Turner, Fuller – Nay.

Four Ayes. Two Nays. Motion Carried.

The next agenda item was Ordinance No. 09-10. A motion was made by Smiley and seconded by Turner to place Ordinance No. 09-10, Amend Code to Set Fees/Cemetery, on its third reading suspending the rules and reading title only.

Roll Call:

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

No Nay.

Six 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 third reading.

A motion was made by Smiley and seconded by Nation to adopt Ordinance No. 09-10, Amend Code to Set Fees/Cemetery.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 09-11. A motion was made by Smiley and seconded by Fuller to place Ordinance No. 09-11, Adopt Arkansas Fire Prevention Code, on its second reading suspending the rules and reading title only.

Roll Call:

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

No Nay.

Six 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 second reading.

The next agenda item was Ordinance No. 09-12. A motion was made by Nation and seconded by Smiley to place Ordinance No. 09-12, Amend Code with Respect to Signs above the Right-of-Way, on its second reading suspending the rules and reading title only. A motion was made by Turner and then withdrawn to amend Sec. 81-29 (d) to above 8 ft. at lowest point above the sidewalk surface. It was requested that staff make this section clearer with respect to sidewalks, alleyways, and grade level. Jay Williams noted changes to the ordinance since the first reading.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING SECTION 81-28 OF
THE SILOAM SPRINGS CODE WITH RESPECT TO
SIGNS ABOVE THE RIGHT-OF-WAY.

was read for its second reading.

The next agenda item was Ordinance No. 09-13. A motion was made by Nation and seconded by Smiley to place Ordinance No. 09-13, Amend Code with Respect to Carnivals, etc, on its second reading suspending the rules and reading title only.

Roll Call:

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

No Nay.

Six 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 second reading.

The next agenda item was Ordinance No. 09-14. A motion was made by Smiley and seconded by Wiles to place Ordinance No. 09-14, Amend Code with Respect to Allowable Street Names, on its second reading suspending the rules and reading title only.

Roll Call:

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

No Nay.

Six 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 second reading.

The next agenda item was Resolution No. 22-09. A motion was made by Long and seconded by Smiley to adopt Resolution No. 22-09, Authorize Water Rate Increase and Invitation to Negotiate New Water Contract/Watts. Bob Jordan, Mayor of Watts, Oklahoma, stated concerns with their lower revenue than West Siloam Springs, and asked for consideration on the new rates because of this. Mayor Jordan also stated that 80% of their residents are on fixed incomes. Cameron stated he would discuss the new contract with Mayor Jordan. Cameron stated that the renegotiated contract with all the prices will still come back to this Board for approval.

Roll Call:

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

No Nay.
Six Ayes. No Nays. Motion Carried.

The next agenda item was Review of Bids. A motion was made by Nation and seconded by Fuller to approve the bid for a 20 cy rear load solid waste truck to Rivercity Hydraulics in the amount of \$120,150.00. Randy Atkinson, Solid Waste/Street Director, addressed questions. Long thanked the staff for the two yearly cleanups.

Roll Call:
Wiles, Long, Smiley, Fuller, Turner, Nation – Aye.
No Nay.
Six Ayes. No Nays. Motion Carried.

The next agenda item was approval of destruction order. A motion was made by Long and seconded by Fuller to approve the 2009 Affidavit for Destruction Orders.

Roll Call:
Long, Smiley, Fuller, Turner, Nation, Wiles – Aye.
No Nay.
Six Ayes. No Nays. Motion Carried.

The next agenda item was the Administrator's Report:

Cameron stated we have received about \$269,000 from FEMA. We are starting to see our money refunded. We should be receiving other funds in the next few weeks. I am reporting that I have approved the expenditure of \$10,227 for structural fighting gear for the Fire Department. This is a budgeted item. Cameron requested the Board's consideration to add an agenda item to reinstate the Construction Manager position. At the last Board meeting, we cut approximately \$250,000 from the wastewater plant project over construction management services. There was a proposal set for \$350,000 to do the construction management services for the Highway 412 relocation project. We are asking to hire a full time employee. We would be doing this for roughly \$55,000 per year on the base, but on top of that we are going to apply for reimbursement from the State, which we understand we can do. So we would be getting some of these funds back. This would not be a permanent job, but would only last during the time of this construction. There would be substantial savings.

A motion was made by Nation and seconded by Turner to place on the agenda approval to reinstate Construction Manager position.

Roll Call:
Smiley, Fuller, Turner, Nation, Wiles, Long – Aye.
No Nay.
Six Ayes. No Nays. Motion Carried.

A motion was made by Nation and seconded by Wiles to approve amending the 2009 budget to reinstate the Construction Manager position. Cameron stated the need for this position at this time. This position would report to the City Engineer.

Roll Call:
Fuller, Turner, Nation, Wiles, Long, Smiley – Aye.
No Nay.
Six Ayes. No Nays. Motion Carried.

The next agenda item was the Open Hearing for Directors:

Mayor Allen stated he is pleased to hear that a proposal will be presented soon to reduce solid waste fees. Allen reminded citizens that The National Day of Prayer is this Thursday, May 7th and is being held at the Presbyterian Church in the evening. Mayor stated the Siloam Springs Nursing & Rehab Center is having a special function for Mothers' Day.

Turner echoed what the Mayor stated about lowering rates.

Smiley reminded citizens that the Hospital is having the Health Fair this Saturday.

Randy Atkinson, Solid Waste/Street Director, stated that the Railroad Company is asking the City to close East Main where the overpass is located so that they can do repair work on May 18th from 9:00 – 2:00. Fuller asked if the Railroad Company could be asked to look at the crossing on Lincoln Street as it is in rough condition. Mayor Allen and Cameron commented on the railroad spur at Webb Wheel, and that they are working with the railroad company to resolve this issue.

Long stated he was made aware of some issues that other cities are not allowing their citizens to speak their mind on issues, and complimented the Board for their wisdom in the past to set where citizens can speak at the beginning of the meetings.

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