

MINUTES OF THE REGULAR MEETING OF
THE CITY BOARD OF DIRECTORS OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY,
ARKANSAS, HELD JULY 15, 2008

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, July 15, 2008.

The meeting was called to order by Mayor Van Poucke.

Attendance Roll Call:

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

Mayor M. L. Van Poucke, Jr., City Administrator David Cameron, City Clerk Peggy Woody, City Attorney Jay Williams, Police Chief Joe Garrett – Present.

Opening prayer was led by Fuller.

Mayor Van Poucke led the Pledge of Allegiance.

A copy of the minutes of the July 01, 2008, regular meeting had previously been given to each director. A motion was made by Long and seconded by Smiley that the minutes of the July 01, 2008, meeting be approved. Mayor Van Poucke called for a voice vote on the motion, and it was approved unanimously.

The next agenda item was the open hearing for citizens present. Aaron Schmidt, 1106 East Freedom, requested a speed bump or mound be placed in Patriot Park Subdivision because vehicles have been through his property, and it is only a matter of time before one goes through his son's bedroom. He has spent \$1400 on replacing his mailbox in the past two years. Mayor Van Poucke asked the City Administrator to set up a meeting with the street department regarding this and bring it back to the Board of Directors at a later date.

The next agenda item was Ordinance No. 08-08. Mayor Van Poucke stated the Hospital had requested this be tabled again until the next Board meeting. A motion was made by Long and seconded by Nation to table Ordinance No. 08-08, Prohibited Use Development Permit 205 East Jefferson/Hospital to the August 05, 2008, regular meeting. Mayor Van Poucke called for a voice vote on the motion, and it was approved unanimously.

The next agenda item was Ordinance No. 08-09. A motion was made by Smiley and seconded by Wiles to place Ordinance No. 08-09, Annexation, on its second reading suspending the rules and reading title only. Mayor Van Poucke noted there is a revised map "B" of this annexation handed out tonight. A motion was made by Long and seconded by Wiles to change to proposal "B" for Ordinance No. 08-09. Cameron stated the area was moved back at the request of the City of Gentry officials because water was available to that area. The water agreement with Gentry was included in the packet. We are trying to avoid having multi-jurisdictions in the same area which makes it very confusing. Mayor Van Poucke stated that version "A" is adding 6116 acres and version "B" is adding 6246 acres, which is 130 more acres. Households in version "A" are 834 and version "B" has 848. Wes Hogue, Mayor of Gentry, stated he welcomed any questions of the Board. He stated there was some misunderstanding at the last Board meeting which he was unable to attend. After meeting with staff, he stated this is not only a water service issue, it is full of planning issues that will need to be worked out between the two cities. It's much easier for both parties involved if we address these planning issues before hand. It's not just water issues. This is not the only area that Siloam and Gentry share in jurisdiction problems. All he was proposing was a good-will jester to make the process a little more palatable for everybody.

Roll Call: (Amendment using area in Map "B")

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

A motion was made by Long and seconded by Nation to place Ordinance No. 08-09 as amended on its first and second readings 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 SUBMITTING TO THE VOTERS OF THE CITY OF
SILOAM SPRINGS, ARKANSAS, AND OTHER AFFECTED PERSONS, THE
QUESTION OF ANNEXATION TO SAID CITY OF SILOAM SPRINGS
CERTAIN CONTIGUOUS TERRITORY; AND DECLARING AN EMERGENCY

was read for its first and second readings.

Wes Hogue, Gentry Mayor, stated that the area that is proposed extends into the Gentry planning jurisdiction and into areas in their water service which is not covered by the agreement.

The next agenda item was Ordinance No. 08-10. A motion was made by Smiley and seconded by Fuller to place Ordinance No. 08-10, Authorize Participation in the NWA Regional Mobility Authority, on its first reading suspending the rules and reading title only. Scott Van Laningham, representing the NWA Council, non-profit group of business leaders of this area, gave a presentation of the transportation problems of our region. Scott Van Laningham stated four projects of regional significance. They are Bella Vista bypass, the Springdale northern bypass, improvements to I-540, and a western beltway (new road off of Bella Vista bypass and continue south and tie back into I-540 somewhere in the southern part of Fayetteville). These are the types of projects this authority could work on. Cameron asked the Board's consideration to change the Mayor represent Siloam Springs to M. L. Van Poucke, Jr. be our representative since he is going off as Mayor at the end of this year. Smiley and Fuller amended their motion to state this. A motion was made by Nation and seconded by Smiley to amend Ordinance No. 08-10, Article 3 to state that M. L. Van Poucke, Jr. is hereby authorized and directed to execute the document on behalf of the City, etc.

Roll Call: (Amendment)

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

Roll Call: (as amended)

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE PROVIDING FOR THE CITY OF SILOAM
SPRINGS' PARTICIPATION IN THE NORTHWEST ARKANSAS
REGIONAL MOBILITY AUTHORITY; AND APPROVING AN
AGREEMENT WITH PARTICIPATING MEMBERS OF THE
NORTHWEST ARKANSAS REGIONAL MOBILITY AUTHORITY
FOR THAT PURPOSE.

was read for its first reading.

The next agenda item was Resolution No. 24-08. A motion was made by Fuller and seconded by Wiles to approve Resolution No. 24-08, Appropriation of Funds for Siloam Springs Youth Baseball. Cameron gave an explanation that this is for youth baseball and making improvements to publicly owned property. One of the issues they are working on is a regional tournament for the Little League World Series in 2009. They'll be making improvements to the baseball fields of which one is where the high school plays and there is an area that does need to be resolved. We're working with the school on making equal portion of that softball. We are working with youth baseball, but also with the school. The school is aware of the improvements that we're making, and we'll work with the softball as much as we can. But I just want to make that as a matter of record for the Board that there may be issues to work on with the softball complex as well.

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. 25-08. A motion was made by Smiley and seconded by Wasson to approve Resolution No. 25-08, Authorize Temporary Waiver of Certain Code Requirements for Signs and Green Spaces/Hwy 412 Phase I. Mayor Van Poucke stated there are 105 signs and 58 that will be considered by the State Highway Dept. David Williams, Community Development Director, stated they worked with the business owners to try to ease the situation with the widening of 412. We did not expect such a large volume of signs that would be affected. Notices were sent out to all business owners to get feedback at the public meeting last week during the Planning Commission meeting to come to a compromise. This resolution is the recommendation from the Planning Commission. Smiley stated she appreciates the recommendations that came from staff and the Planning Commission and the time involved with this. Bill Matthews, McDonalds owner, stated the Planning Commission did a great job working with the businesses to come up with a grandfather clause to help them save their signs. He stated the impact building the median with this highway will have on small businesses. He stated there is a need for a secondary access to businesses on Hwy 412 such as Kenwood Street. Larry Winder, Planning Commissioner, stated what the commission tried to do to make this as easy as possible on businesses. He stated there were a lot more complaints about the median than about their signs. Mayor Van Poucke stated the City was not given an option whether to have a median or not, just what type of median.

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. 26-08. A motion was made by Long and seconded by Wiles to approve Resolution No. 26-08, Authorize Contract with Benton County Health Unit. Fuller stated this contract is for year to year. Cameron stated this would be on an annual basis and have a not to exceed amount, and paid on a monthly basis. Cameron stated this would be a set amount per month for utilities. This is not the contract, this is authorization to enter into a contract with the Health Department. Loy Bailey, Director of the Benton County Health Unit, addressed questions. Cameron asked to have the last of this year to cover their start up to cover the utilities for that month, water, sewer, electric and trash, and then in 2009 budget we would go ahead and issue a contract.

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 solid waste contract amendment/Roll Off Service, Inc. A motion was made by Nation and seconded by Fuller to approve the recommendation for \$1.92 per ton increase for the solid waste contract amendment/Roll Off Service, Inc. Randy Atkinson, Solid Waste/Street Director, stated the request to waive the 60 day waiting period is because Roll Off Service has been incurring this cost since fuel has been up about the first of the year. Roll Off Service stated to Randy that the Cherokee Nation Landfill may be opening up again, which would mean lower rates for the City. David Cameron stated that Roll Off Service has done a very good job in taking over this cost, and that he has no problem with the 60 days. For the record because he knows he complained about it when they were hauling with us before, but they have done an outstanding job since we renewed that contract and working with them. Cameron stated he appreciates the partnership we've had with Roll Off this second time around because it's been very good and a very good partnership. They could have asked for this in March and been entitled to another one later in the year, so they basically are forgoing another rate increase. He's only asking for one where he could've got two.

Roll Call:

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 thanked everybody that participated in the 4th of July program. It was one of the best he's been to. There was a meeting about the Sager Creek low water bridge. The Sager Creek committee is working on a 319 grant, and will give a recommendation to this Board for the bridge. Time Striping will be striping around the schools. For the people living on Country Club Rd, they will be painting a stripe down the road, and we ask that they do not park along the street. The Cemetery Association has contributed \$8,000 for the chapel repair and \$19,899 for the Columbarium. Cameron thanked the Cemetery Association for this. North Carl Street construction is scheduled to begin the week of July 21st. This will go into the school season, and we will be coordinating with the school about routes. Cameron asked for the Board's consideration on the Haste Cemetery. This is the cemetery along Progress Ave. and it was by error quit claim deeded to the City. We have now quit claim deeded it back to the original owner or to the owner that submitted that to us. We need a vote for the Mayor to execute that quit claim deed. A motion was made by Long and seconded by Nation to place this item on the agenda. Mayor Van Poucke called for a voice vote on the motion, and it was approved unanimously. A motion was made by Nation and seconded by Smiley to allow the Mayor to execute the quit claim deed back to A & H Ravenwood Development/Haste Cemetery.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

Cameron requested to add an emergency expenditure to the agenda for electrical improvements due to the power outage last week. A motion was made by Long and seconded by Nation to place this expenditure on the agenda. Mayor Van Poucke called for a voice vote on the motion, and it was approved unanimously. A motion was made by Long and seconded by Wasson to approve the expenditure for repairs to purchase a shut trip assembly switch sole source not to exceed \$90,000.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was the Open Hearing for Directors:

Mayor Van Poucke also thanked the Cemetery Association for their additional gift of about \$28,000 over and above the \$45,000 they have contributed to making the Cemetery able to utilize all of the area.

Turner was on vacation at the last meeting.

Wasson thanked the Cemetery Association, and thanked the Planning Commissioners at their meeting because of the way they handled the difficult situation with the signs.

Long stated he was pleased the Mayor was starting to have a good time at the meetings.

Mayor Van Poucke called the meeting into recess for an executive session on personnel. Mayor Van Poucke called the meeting back to order, and stated no action was taken.

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

APPROVED:

(SEAL)

ATTEST:

Peggy Woody, City Clerk, MMC

M. L. Van Poucke, Jr., Mayor