

MINUTES OF THE REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
CITY OF SILOAM SPRINGS, BENTON COUNTY,  
ARKANSAS, HELD JULY 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, July 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 Wasson.

Mayor Allen led the Pledge of Allegiance.

A copy of the July 06, 2010, minutes of the regular meeting had previously been given to each Director. A motion was made by Long and seconded by Turner that the minutes of the July 06, 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 Cundiff, 601 W. Tahlequah, stated his complaints regarding the Herald-Leader. Gerita Evans of Bella Vista invited everyone to attend the NWA Preparedness Fair on August 21<sup>st</sup> in Bentonville.

The next agenda item was Ordinance No. 10-08. A motion was made by Nation and seconded by Wiles to place Ordinance No. 10-08, Amend Municipal Zoning Code for Definition of Family and Dwelling, on its first reading suspending the rules and reading title only. David Williams, Community Development Director, gave an explanation of the process getting to this point in changing this code. Rachell Hanson asked the square footage per person in a home, and David Williams stated roughly 200 sq. ft. per person in residential.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING THE DEFINITION OF THE  
TERM “FAMILY” AND THE TERM “DWELLING UNIT” IN  
THE GENERAL ZONING REGULATIONS OF THE CITY;  
AMENDING SECTION 102-1 OF THE MUNICIPAL CODE.

was read for its first reading.

The next agenda item was Ordinance No. 10-09. A motion was made by Smiley and seconded by Nation to place Ordinance No. 10-09, Vacate Verbena Street and Associated Easements, on its first reading suspending the rules and reading title only. Nation stated for clarification this vacate is a preexisting subdivision that was never developed, but now there is going to be built a commercial building. This is a street that was never built. This will be the new access to the new Hospital facility. David Williams, Community Development Director, stated this is also cleaning up some utility easements so they can develop the whole site at one time.

Roll Call:

Smiley, Fuller, Turner, Nation, Wiles, Long, Wasson – Aye.  
No Nay.  
Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

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AN ORDINANCE VACATING AND ABANDONING CERTAIN  
EASEMENTS AND RIGHTS-OF-WAY IN THE CITY OF SILOAM SPRINGS.

was read for its first reading.

The next agenda item was Resolution No. 24-10. A motion was made by Smiley and seconded by Nation to adopt Resolution No. 24-10, Authorize Sale of Franklin Electric Property at 650 Hwy 412 West. Nation stated that a memo from the City Attorney stating all leases and extensions have been taken care of and are on file. Don Cundiff, 601 West Tahlequah, asked why the City is selling this and no longer have any say in the matter. Jay Williams stated this is per the contractual arrangements that were made many years ago. The first contract was in 1962 and the second in 1976 in which it was agreed with Franklin that if they would develop their facilities in Siloam Springs that they would, once certain obligations were met, be able to exercise an option to purchase those properties. It's actually two tracts and one the purchase option is \$100 and the other is for \$1. The property was acquired by the City from the Siloam Springs Industrial Development Commission in 1962 with the Franklin lease already in place. All the development of the property has been done by Franklin at their own expense. It's not like the City actually has any capital invested in this property. It was held in the City's name to enable Franklin to obtain favorable financing that allowed them to develop their plant. It's been operated by Franklin all this time and they've made payments in lieu of sales taxes. The City has not paid sales tax on it even though it's been in the City's name. This goes back a long time, but that's the history of it. Turner noted it is property tax not sales tax that Franklin has paid. David Cameron stated that when the contract expired, that is when you negotiate the contract. They have the right to purchase. Don Cundiff stated the City should have kept some kind of control over this in the end. Cameron stated that the City is very interested in working with the realtor. The City has not ever walked away from the discussion and are very interested in what happens to that building.

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. 25-10. A motion was made by Nation and seconded by Fuller to adopt Resolution No. 25-10, Authorize ACEDP Disaster Grant Application for Tulsa/Jefferson Drainage. Cameron stated that staff is trying to accomplish the drainage on Tulsa and with the 412 reconstruction there will be more water in this area. This is what this application is for.

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 Wasson and seconded by Turner to approve the bid to Arkansas Water Resources Center in the amount of \$26,570.00 for the Sager Creek Monitoring and QAPP Development Phase II. Cameron stated this will be paid from the 319 grant for Sager Creek.

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 contract. A motion was made by Turner and seconded by Nation to approve the Real Estate Purchase Contract (Unimproved Property) Elrod for 2.90 acres/Wetland Acquisition. Turner stated for the record that as a citizen thanking the Elrod family for what they've done out there in this area. This is quite an area of development that Siloam's going to be able to point to in the very near future, and it's going to be a shining star for us. And I think the Elrod family from the very beginning when we purchased the property some 7 – 8 years ago however long it's been and now we turned around and sold some of it to the school and Board of Directors' Minutes  
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what have you. I think they've been very fair in the way they've treated the City. They're very fair in the way they've done this and it's in the best interest of all parties, and I just think that this is a win-win. And I want to express my appreciation to David and all staff on how they've been able to get this accomplished and I think it's a great deal for Siloam. And again I just want to say thank you to one of the pioneer families in Siloam, the Elrod family.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was approval of surplus property. A motion was made by Wiles and seconded by Smiley to approve the Declaration of Surplus Property for two vehicles. 2001 Chevrolet Camero VIN 2G1FP22G51247855 Court Ordered/Police Dept. and 2002 Ford Crown Vic VIN 2FAFP71W12X111958/Administration (formerly Police Dept).

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 gave a report that at Tahlequah and Hico starting tomorrow we are cutting out a section of concrete in front of Simmons Plant I . Please avoid that area if you can. It will go into Tuesday or Wednesday of next week. It is a large area. Cameron commended engineering staff on Tulsa Street. After the last paving, staff tested the material on Tulsa and found that it was not to our spec and asked the contractor to do it again at no cost to the City. There was one manhole that would jar your vehicle and they will add a riser there that was missed in the first project. Cameron appreciates the contractor for being favorable to coming back and doing this right. They made good on their contract. We had a budget meeting with staff last week, and through the first part of the year we have done very well. We are still looking at everything we spend to make sure it is absolutely necessary. I commend everyone for the good spending habits that we are seeing from staff. The economy is still very difficult, and we are going to keep a close eye on it. Keep an eye out for EPA regulations.

The next agenda item was the Open Hearing for Directors:

Mayor Allen echoed what Cameron said earlier that if we have any department that can reach out and get grants, he wholeheartedly applauds them for bringing our own tax dollars back to Siloam Springs. Allen stated he heard from an elderly citizen who had her power turned off and would like us to consider that when we have heat problems. We may we need to change our policy as we do in the winter that we won't turn it off at certain temperatures. Allen asked Cameron to research this. Cameron stated this does need to be reviewed. Allen asked for continued prayers for families who have lost loved ones recently.

Fuller stated he thinks the Board has done well trying to hold down the utility rates.

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:

(SEAL)

ATTEST:

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David E. Allen, Mayor

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Peggy Woody, City Clerk, MMC