

MINUTES OF THE REGULAR MEETING OF  
THE CITY BOARD OF DIRECTORS OF THE  
CITY OF SILOAM SPRINGS, BENTON COUNTY,  
ARKANSAS, HELD AUGUST 05, 2008

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, August 05, 2008.

The meeting was called to order by Mayor Van Poucke.

Attendance Roll Call:

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

Wasson – Absent.

Mayor M. L. Van Poucke, Jr., City Administrator David Cameron, City Clerk Peggy Woody, City Attorney Jay Williams, Police Captain Geoff Lewis – Present.

Opening prayer was led by Nation.

Mayor Van Poucke led the Pledge of Allegiance.

A copy of the minutes of the July 15, 2008, 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 15, 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. There being none, Mayor Van Poucke continued with the agenda.

The next agenda item was Ordinance No. 08-08. Mayor Van Poucke stated he had been asked to table this item to September 16, 2008, for further review. A motion was made by Nation and seconded by Wiles to table Ordinance No. 08-08, Prohibited Use Development Permit 205 East Jefferson/Hospital, until the September 16, 2008, regular meeting.

Roll Call:

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

No Nays.

Six Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 08-09. A motion was made by Smiley and seconded by Long to place Ordinance No. 08-09, Annexation, on its third reading suspending the rules and reading title only. Mayor Van Poucke requested citizens who wished to comment to keep their statements to two minutes each. Thirteen citizens addressed the Board either in favor of or against the annexation. Walter Gray, 22849 Lawlis Rd, spoke in favor of annexation; Sylvia Burnett, 16586 Hickory Dr., spoke against annexation; Paul Jones, 13616 Taylor Orchard Rd., spoke against annexation; Howard Austin, Hwy 59 north of Airport, spoke in favor of annexation; Chester Powlowski, 16483 Hickory Dr., spoke against annexation; Gene Newton, 13454 Taylor Orchard Rd., spoke against annexation; Johnny Burger, 13302 Taylor Orchard Rd., spoke against annexation; Bruce Myers, 20361 Keck Rd., stated citizens should have been informed of this proposed annexation and spoke against annexation; Ric Busse, 21304 Davidson Rd., spoke against annexation; Ann Burger, 13302 Taylor Orchard Rd., asked a question about the mileage tax; Aaron Lewis, 3700 E. Kenwood, spoke against annexation claiming this was stealing; Jerry Reimer, 19906 Clark Ln, asked questions; Lyle Marsh, 2401 North Mt. Olive, had requested that each property owner be notified of the annexation. Turner stated no one wants to be annexed, but it has proven to be beneficial even to himself in the past. Nation asked David Williams, Community Development Director, that if this was tabled tonight and read three times at the August 19<sup>th</sup> meeting, could this still be on the November 4<sup>th</sup> ballot. He stated yes. A motion was made by Nation to table and review the map to the next meeting, but died for lack of a second. Fuller stated he would like to accept the table and seconded Nation's motion. Jay Williams stated this could cause a problem with trying to notify all residents and complying with State statues as well.

Roll Call: (Table)

Fuller, Nation – Aye.

Turner, Wiles, Long, Smiley – Nay.

Two Ayes. Four Nays. Motion Failed.

Roll Call: (Third Reading)

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

No Nay.

Six 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 third and final reading.

A motion was made by Long and seconded by Smiley to adopt Ordinance No. 08-09, Annexation.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

A motion was made by Wiles and seconded by Long to approve the emergency clause for Ordinance No. 08-09, Annexation.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 08-10. A motion was made by Smiley and seconded by Long to place Ordinance No. 08-10, Authorize Participation in the Northwest Arkansas Regional Mobility Authority, on its second reading suspending the rules and reading title only. Cameron gave a point of clarification stating that the representative from Siloam Springs to the Authority is by appointment of the Mayor.

Roll Call:

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

No Nay.

Six 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 second reading.

The next agenda item was Ordinance No. 08-11. A motion was made by Fuller and seconded by Smiley to place Ordinance No. 08-11, Rezone Development Permit 827 West Harvard R-2 to C-1A/Boys & Girls Club, on its first reading suspending the rules and reading title only. Mayor Van Poucke requested that the second and third readings be read at the next meeting. David Allen, 1600 Villa View Dr., stated he is on the Board of the Boys & Girls Club, and requested all three readings because they were not aware the special use for the Boys & Girls Club would not go with the sale of the property. A motion was made by Nation and seconded by Smiley to place Ordinance No. 08-11, Rezone Development Permit 827 West Harvard R-2 to C-1A/Boys & Girls Club, on its first, second and third readings suspending the rules and reading title only.

Roll Call:

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

No Nay.  
Six 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-1A  
THE PROPERTY DESCRIBED AS LOTS 7, 8, AND 9 OF BLOCK 2 OF THE  
RALPH JONES SUBDIVISION.

was read for its first, second and third readings.

A motion was made by Long and seconded by Smiley to adopt with emergency clause Ordinance No. 08-11, Rezone Development Permit 827 West Harvard R-2 to C-1A/Boys & Girls Club.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 08-12. A motion was made by Smiley and seconded by Nation to place Ordinance No. 08-12, Amend Municipal Code for Keeping Rabbits/Animal Services Department, on its first 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.

The next agenda item was Resolution No. 28-08. A motion was made by Nation and seconded by Fuller to adopt Resolution No. 28-08, Special Use Development Permit 701 East Kenwood/Smith Communications, LLC.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 29-08. A motion was made by Long and seconded by Turner to adopt Resolution No. 29-08, Close Alleys and Right-of-Way in Carl's Addition/Harrison.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 30-08. A motion was made by Fuller and seconded by Smiley to adopt Resolution No. 30-08, Authorize Survey and Appraisal for 403 East Helena.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was approval of employee health insurance renewal. A motion was made by Long and seconded by Nation to approve the employee health insurance renewal for 2008-2009 to QBE and PremierCare/Health Partners as the PPO network.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was approval of contract amendment with Civil Engineering for East Tahlequah Extension Project. A motion was made by Long and seconded by Nation to approve the

contract amendment with Civil Engineering for East Tahlequah Extension Project for a total amount of original proposal as amended and second amendment not to exceed \$206,500.00.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was approval of contract with CDM/Waterplant. A motion was made by Long and seconded by Fuller to approve the contract with Camp Dresser & McKee, Inc. (CDM) for engineering for the Water Treatment Facility expansion in the amount of \$65,000.00.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was approval of a memorandum of agreement with Benton County Department Emergency Management/Police Dept. Captain Lewis addressed the Board with explanation of this agreement and the expenditure of monies. A motion was made by Long and seconded by Fuller to approve the memorandum of agreement with Benton County Department Emergency Management/Police Dept.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was the Administrator's Report:

Cameron gave an update on the Sager Creek low-water bridge stating he recommends that the bridge be repaired for approximately \$15,000. This is not a permanent fix. A decision will have to be made some time in the future of what to do for long term. The Cemetery paving project was to start on August 1<sup>st</sup>, but due to the heat and getting materials, they will not start until about August 12<sup>th</sup> and 13<sup>th</sup>. North Carl Street is scheduled for August 12<sup>th</sup> and 13<sup>th</sup>, and will be completely closed between Amanda and Garland. We ask residents to avoid Carl Street if at all possible during this time. We have not used CDM before, and wish them good luck on the Water Plant.

The next agenda item was the Open Hearing for Directors:

Turner asked which side of the street will the sidewalk be on for the Carl Street project. Ron Homeyer, Civil Engineering, stated on the west side.

Fuller stated he is glad the fountain is working.

Nation requested from Cameron that the entry way be fixed. It is very ugly, and looks nothing like the pictures they were given. Cameron stated they are waiting on a part to fix the fountains, as well as what can be put in the water for the algae.

Smiley stated she has received good compliments about our Animal Shelter and new manager. She appreciates having pictures of the animals up for adoption in the newspaper.

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.

(SEAL)  
ATTEST:

APPROVED:

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Peggy Woody, City Clerk, MMC

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M. L. Van Poucke, Jr., Mayor