

MINUTES OF THE REGULAR MEETING OF
THE CITY BOARD OF DIRECTORS OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY,
ARKANSAS, HELD SEPTEMBER 02, 2008

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, September 02, 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 Long.

Mayor Van Poucke led the Pledge of Allegiance.

A copy of the August 19, 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 August 19, 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. 08-12. A motion was made by Smiley and seconded by Fuller to place Ordinance No. 08-12, Amend Municipal Code for Keeping Rabbits/Animal Services Department, on its third and final 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 10-7 OF
THE SILOAM SPRINGS CODE WITH RESPECT TO
THE KEEPING OF RABBITS IN THE CITY.

was read for its third and final reading.

A motion was made by Nation and seconded by Wiles to adopt Ordinance No. 08-12, Amend Municipal Code for Keeping Rabbits/Animal Services Department.

Roll Call

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 08-13. A motion was made by Smiley and seconded by Wasson to place Ordinance No. 08-13, Rezone Development Permit R-2 to R-4 1596 North Lincoln/Ellis, on its first reading suspending the rules and reading title only. David Williams, Community Development Director, stated this is one property that would have to be sold off completely with all six buildings at one time. The plans are for six single family residences and limit the driveway access off of Lincoln Street to avoid six driveways. They could not meet the driveway spacing requirements. The drainage issues will have to be addressed before any building permits are issued.

Roll Call:

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

Turner, Smiley – Nay.

Five Ayes. Two 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 R-4 THE
PROPERTY DESCRIBED AS 1596 NORTH LINCOLN STREET.

was read for its first reading.

The next agenda item was Ordinance No. 08-14. A motion was made by Smiley and seconded by Turner to place Ordinance No. 08-14, Amend Code to Combine Offices of City Clerk and Treasurer to City Clerk/Treasurer, 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 COMBINING THE OFFICES OF CITY CLERK
AND CITY TREASURER

was read for its first reading.

The next agenda item was Resolution No. 33-08. A motion was made by Wiles and seconded by Nation to adopt Resolution No. 33-08, Sole Source for Purchase of Radio Read Water Meters/Water Department. This purchase is from Water Products, Inc. in the amount of \$74,862.29. Trevor Bowman, Water/Wastewater Director, addressed questions of the Board.

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. 34-08. A motion was made by Smiley and seconded by Fuller to adopt Resolution No. 34-08, Significant Development Permit 1701 Hwy 412 East/Crye Leike. David Williams, Community Development Director, stated that at this point the City does not require a grading permit, but this is being looked at. There have been a lot of changes over the past year, and this project seems to be on the right track at this point. Nation asked questions of the drainage. David Williams addressed the drainage plans for this development. Ron Homeyer, Civil Engineering, stated the detention pond is not going away until the regional detention is in place because there is no point in adding more drainage to the system when there's nothing to deal with it. After further discussion, a motion was made by Long and seconded by Fuller to table Resolution No. 34-08 to the October 07, 2008, regular meeting, and add utility easement on the north side of Kenwood under Type 2 Mandatory acquisition. Cameron stated he would bring back a proposal for utilizing their resources.

Roll Call: (Table)

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 35-08. A motion was made by Smiley and seconded by Turner to adopt Resolution No. 35-08, Regarding Hospital Expenditures During Transfer Negotiations. Cole Everett, President of the Hospital Board of Governors, stated in regards to the Resolution, we understand, and I think that you know we understand, that we're going to hold back from doing anything of significance at the Hospital during the time when we're negotiating with CHS, be it buying capital equipment, salaries, bonuses, improvements to the building, doing anything

like that. But at the same time, we're going to have to continue to practice good medical care. That's why you have us there. We're confident in the administration we've got, and confident that they'll continue to do what they've been doing for the last 4 or 5 years and that's get the Hospital in a position where we can find a reputable partner. We understand that we need to practice some discretion here in this time during the next 45 or 60 days, and you've got our word that we'll do that. What I'll do is work with David in the event that we've got something that comes up that we need some cash then we'll be talking with David, and between CHS and see if CHS thinks of something we need or something we've got to have. And if it's something that we need in order to keep operating the business like we have, then we'll move forward and do that. Nation stated she appreciates that and that they are running the Hospital and doing it very well. She has no problems with what they're doing. She stated they just want to be sure we're all on the same page. This is just a formality that we all agree and this is what we want to do. Everett stated he and David are talking every day whether they want to or not. Everett stated we appreciate the support of the City, and we look forward to a new facility. That's what we're all in this deal for. I think we're where we can get a new facility. Smiley stated she appreciated his comments too, and the best interest of the Hospital are what he and his Board have at heart. And that's also what the City's Board has at heart, and we do have to continue to operate and practice good medicine. But, I just on this amended resolution that's on the table. Mayor stated there's none of it on the table at this time. Smiley stated that we are just looking at this one. David Cameron stated he wanted to be clear with Cole is the reference is not the amended Resolution, it's the one presented that you received that was in the packet. The Hospital has submitted a revised resolution. Everett stated yes the one we looked at toward the end of last week. Cameron stated this is not what they are voting on unless that is a request to be amended. Cole Everett stated they are very comfortable with the amended version of that, and whatever Resolution we pass. He hoped we understand, and trust that you do, that we're going to continued to practice good medical care. We're not going to put a new roof on the building and we're not going to do anything that looks like it might be questionable of any type, but we do need to continue to act the way we have in the past. You know we've got the Hospital you know we've built 12 million dollars in cash in the last 4 years, and we'll keep building until we sign on the line that somebody else owns it. Long directed a statement to Everett that sometimes egos get in the way and issues come up that may or may not even be true. It's our job to be the public guardians of things and I believe it came to our attention last time we did not mention during the last negotiation what we thought should occur. I feel like that's what we're doing at this time. We're saying from this Board's point of view, officially, we're saying what we think we thought was obvious – We did not say last time we're trying to say it this time. We're trying to do our due diligence to do this correctly. We don't want the public to think, to know, that we're all completely above board and we're doing things the way we're supposed to. We're not trying to step on toes, although it may very well feel that way. We're just simply trying to do our job as public guardians. Everett stated we appreciate that, and we don't feel that any toes are being stepped on, and that at the same time, I would tell you that the Hospital Board and the administration is going to do what their job is. We've got to keep operating until CHS takes over, in the event that they do. Turner stated on record that we will do what is necessary to give good health care during this time.

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 stated that the contractor has completed the work for the Sager Creek low-water bridge. It's now up to the Street crews to finish the top of the bridge this week, weather permitting. The construction continues on Carl Street. The street remains closed between Garland and Amanda. Cameron thanked the JBU students for the Day of Caring. They worked around town cleaning. They did a great job. There was a telephone switch that was hit by lightning on Saturday morning that caused a crash that did about \$40,000 worth of damage to our equipment. Cameron is required to explain that we did spend \$40,000 which is beyond the \$20,000 spending limit. This is an emergency expenditure. Cameron thanked everyone who worked hard to get us working as quickly as possible. We're still trying to work out the bugs. This will be turned over to our insurance. Our deductible is \$5,000. Fall Cleanup is scheduled for October 6th. Please do not set it out yet. At the last Board meeting it was brought up about the Gateway, there is a drainage ditch that runs to the east of La

Hacienda restaurant. We are working with staff to buy the pipe which is about \$9,000 and about \$10,000 worth of dirt work that our staff can not get to because they are on other projects. We are going to have to consider subbing this out at an hourly rate not to exceed \$10,000. You may see us begin work at a price not to exceed \$20,000.

The next agenda item was the Open Hearing for Directors:

Mayor Van Poucke reflected on the Day of Caring by the entire John Brown student body that came in. In their first few days on campus, they went all over the community and really did great work. Mayor publicly thanked each of them, and great job!

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:

M. L. Van Poucke, Jr., Mayor

Peggy Woody, City Clerk, MMC