

MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY,
ARKANSAS, HELD NOVEMBER 03, 2009

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, November 03, 2009.

The meeting was called to order by Mayor Allen.

Roll Call:

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

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 October 20, 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 October 20, 2009, meeting be approved. Mayor Allen called for a voice vote on the motion, and it was approved unanimously.

A copy of the October 27, 2009, minutes of the special-called meeting had previously been given to each Director. A motion was made by Smiley and seconded by Long that the minutes of the October 27, 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. 09-21. A motion was made by Smiley and seconded by Turner to place Ordinance No. 09-21, Rezone Development Permit 4950 Hwy 412 East A-1 to C-2/ Eastgate Freewill Baptist Church, on its third 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 102-21 OF
THE SILOAM SPRINGS MUNIICPAL CODE (CITY
ZONING MAP); REZONING FROM A-1 TO C-2 THE
PROPERTY DESCRIBED AS 4950 HIGHWAY 412 EAST.

was read for its third reading.

A motion was made by Smiley and seconded by Fuller to adopt Ordinance No. 09-21, Rezone Development Permit 4950 Hwy 412 East A-1 to C-2/Eastgate Freewill Baptist Church.

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. 09-22. A motion was made by Smiley and seconded by Fuller to place Ordinance No. 09-22, Alley Closing Block 21 Lots 3 and 4 Beauchamps Addition/ Barnett, on its second reading suspending the rules and reading title only. Turner stated he spoke in favor of this at last meeting, but not necessarily in favor of closing an alley, but he felt in this instance this would not have an adverse impact on this neighborhood. Turner stated he is still

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going to support this, but go on record to make sure that his support of this does not mean that every time someone comes up wanting to close an alley, they can't count on him to vote to close that alley. This is a short alley and unnecessary and we will still be retaining the 20 feet utility easement. Nation asked David Williams, Community Development Director, if there have been any problems in this alleyway that the Police have had to respond to. David Williams stated he does not personally know that, but knows other residents in this area just to the north have had issues with people gathering in the alleyways at night. If someone other than the current owners who have signed this agreement purchase property along this alley, they are not bound by this agreement to not build in this alleyway. Wiles stated that since the last meeting he has had some explanation as to the intent, so for the record he is still unsure and unclear on this alley as to the full intent. Long stated his opposition to closing alleys. David Cameron stated his concern was setting a precedent and to establish a criteria for staff to follow.

Roll Call:

Turner – Aye.

Fuller, Nation, Wiles, Long, Wasson, Smiley – Nay.

One Aye. Six Nays. Motion Failed.

The next agenda item was Ordinance No. 09-23. A motion was made by Wiles and seconded by Nation to place Ordinance No. 09-23, Amend Code in Respect to Humane Treatment of Animals/ Animal Services, on its third 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 AMENDING SECTION 10-2 OF
THE SILOAM SPRINGS CODE WITH RESPECT TO
HUMANE TREATMENT OF ANIMALS.

was read for its third reading.

A motion was made by Smiley and seconded by Fuller to adopt Ordinance No. 09-23, Amend Code in Respect to Humane Treatment of Animals/Animal Services.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 09-24. A motion was made by Nation and seconded by Wiles to place Ordinance No. 09-24, Amend Code in Respect to Vicious/Dangerous Dogs/Animal Services, on its third reading suspending the rules and reading title only.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING ARTICLE III OF
CHAPTER 10 OF THE SILOAM SPRINGS CODE
WITH RESPECT TO VICIOUS AND DANGEROUS DOGS.

was read for its third reading.

A motion was made by Smiley and seconded by Fuller to adopt Ordinance No. 09-24, Amend Code in Respect to Vicious/Dangerous Dogs/Animal Services.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 09-25. A motion was made by Nation and seconded by Fuller to place Ordinance No. 09-25, Prohibit Non-Emergency Use of Engine Brakes, on its second reading suspending the rules and reading title only. Cameron stated the first issue was noise and how to address this. The attorney has drafted an amendment which would address the noise issue. The amendment adds that without all Department of Transportation required noise-suppression equipment in place and fully functional. Cameron requested the motion reflect this amendment wording. A motion was made by Long and seconded by Wiles to amend Sec. 94-263 (A) by adding “without all Department of Transportation required noise-suppression equipment in place and fully functional”. Evan Vohs, 14375 Reed Dr., made a statement regarding large trucks and their braking and muffler noise-suppression equipment. Vohs stated the problem is lack of mufflers. Dean Vohs, CPA at 501 West Tulsa, stated her experience in driving a large motor home and how the jake brake helps control stopping their RV. She stated she felt you would not be improving the safety of our roads by banning jake brakes. Long and Wiles withdrew the motion to amend. A motion was made by Nation and seconded by Smiley to amend the motion to add to Sec. 94-263 (A), “without all Department of Transportation required noise-suppression equipment in place and fully functional” and with language stating unmuffled engine brakes prohibited on the signs to Section (C).

Roll Call: (Amendment)

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

Roll Call:

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

Long, Wasson – Nay.

Five Ayes. Two Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE PROHIBITING NON-EMERGENCY USE
OF ENGINE BRAKES WITHIN THE CITY; AMENDING
SEC. 94-261 (DEFINITIONS) AND CREATING SEC. 94-263
OF THE MUNICIPAL CODE.

was read for its second reading.

The next agenda item was Ordinance No. 09-26. A motion was made by Turner and seconded by Smiley to place Ordinance No. 09-26, Proposed Issuance of Utility System Revenue Bonds, on its first reading suspending the rules and reading title only. A motion was made by Nation and seconded by Long to place Ordinance No. 09-26 on all three readings suspending the rules and reading title only.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

Vote was taken prematurely.

Cameron stated this is to accept the \$4,000,000 for the Wastewater Treatment Plant for bonds. This is stimulus monies which do not have to be paid back.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

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AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF
EXTENSION, BETTERMENTS AND IMPROVEMENTS TO
THE SEWER FACILITIES OF THE CITY OF SILOAM SPRINGS,
ARKANSAS; AUTHORIZING THE ISSUANCE OF A
UTILITY SYSTEM REVENUE BOND FOR THE PURPOSE
OF FINANCING THE COST OF CONSTRUCTION;
PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF
AND INTEREST ON THE BOND; AND PRESCRIBING OTHER
MATTERS RELATING THERETO.

was read for its first, second and third readings.

A motion was made by Long and seconded by Nation to adopt Ordinance No. 09-26, Proposed Issuance of Utility System Revenue Bonds, with emergency clause for the economic welfare of the City. (No separate motion or vote on emergency clause.)

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 09-27. A motion was made by Long and seconded by Fuller to place Ordinance No. 09-27, Rezone Development Permit R-2 to R-3 509 East Ashley/ Webber, on its first reading suspending the rules and reading title only. Cameron stated the applicant is wanting to develop a duplex. David Williams, Community Development Director, confirmed that the applicant is going to build a duplex and this lot will face on to Benton Street. There is another duplex one block west of this lot, and this is consistent with the long-range plans. Long stated there is heavy machinery, a water tower and some ugly buildings in this area. Cameron stated for the record that residents who move into this area need to be aware of the City's heavy equipment and the noise they make at various hours due to the City's compound located next to this property. Ron Homeyer, Civil Engineering, stated there has been a lot split recently and the 509 E. Ashley was zoned R-3, but the new lot was zoned R-2. This is to make the property all the same zoning.

Roll Call:

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

No Nay.

Seven 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 R-3 THE
PROPERTY DESCRIBED AS 509 EAST ASHLEY STREET.

was read for its first reading.

The next agenda item was Ordinance No. 09-28. A motion was made by Smiley and seconded by Fuller to place Ordinance No. 09-28, Prohibited Use Development Permit 701 Mimosa/Youmans, on its first reading suspending the rules and reading title only. Dr. Roger Youmans, 701 Mimosa, stated the tower he is proposing takes more space.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AUTHORIZING A PROHIBITED
USE DEVELOPMENT PERMIT FOR PROPERTY

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LOCATED AT 701 MIMOSA STREET.

was read for its first reading.

The next agenda item was review of bids. A motion was made by Nation and seconded by Wasson to approve the bid for striping and crack sealing/Street Department of various streets to Time Striping in the amount of \$72,200.00. Cameron stated this is coming from the proceeds from the Benton County Road Tax lawsuit which has \$700,000 to \$800,000. Randy Atkinson, Street/Solid Waste Director, stated they would be striping the south side of Hwy 412 at Mt Olive Street.

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 stated that Mt. Olive Street will be closed from Hwy 412 to Kenwood Street for water line relocation on Monday, November 9th. Please avoid this intersection for a few days. This is the major 20" line that feeds the entire community, and we do not want to rush the contractor. There was an article that we had made mention in the budget hearing about GRDA raising their rate to the community again. GRDA has to prove that their cost has gone up to the group of 13 cities. This is actually lower than what GRDA was proposing originally in their plan. They were looking at 15 % pca adjustment. We came out of the October meeting very optimistic from what the original reports could have been. This is a government owned power company and are regulated by the State of Oklahoma. We will continue to negotiate to keep the prices as low as we can. Other electric providers have raised their rates as well. We are sending out a letter to explain this better to our customers. This rate increase would not go into effect until January 1st. The Fall Cleanup numbers were 130 tons of debris and we spent \$14,647. Cameron thanked all the crews for a good job. There is a parade permit for the Veterans Day Parade November 7th at 11:00 a.m. on the regular route from Southside Elementary and end at the park by the Community Building.

The next agenda item was the Open Hearing for Directors:

Turner noted the sale of IGA Food liner by the Lamb family to Harp's Foods. Turner thanked the Lambs for everything they have done for Siloam Springs.

Wasson asked the community keep the family of Cody Noble in their prayers.

Fuller congratulated the high school girls volleyball team. Fuller noted the water tower by the National Guard Armory is starting to look bad and needs painting.

Nation stated it is exciting that our new restaurant is opening downtown, and makes downtown look even better. Nation stated she is proud of all the people who have worked hard on making our downtown a nice place to be. We have a lot to be proud of in Siloam Springs.

Long stated he had also noticed the water tower and it is the newest to have been painted. Cameron stated it was painted in 1997.

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:

David E. Allen, Mayor

Peggy Woody, City Clerk, MMC