

MINUTES OF THE REGULAR MEETING OF  
THE CITY BOARD OF DIRECTORS OF THE  
CITY OF SILOAM SPRINGS, BENTON COUNTY,  
ARKANSAS, HELD NOVEMBER 04, 2008

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, November 04, 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.

Opening prayer was led by Nation.

Mayor Van Poucke led the Pledge of Allegiance.

A copy of the October 21, 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 October 21, 2008, meeting be approved. Mayor Van Poucke called for a voice vote on the motion, and it was approved unanimously.

A copy of the October 28, 2008, special-called meeting had previously been given to each Director. A motion was made by Long and seconded by Fuller that the minutes of the October 28, 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. Ron Homeyer, Civil Engineering, requested the Board reconsider the Crye-Leike project by either tabling it or remand it back to the Planning Commission so they can have more time to work out the technical issues such as drainage. Jay Williams stated it is permissible for a Board member who voted against the project to bring it back to the Board for reconsideration. Fuller requested this be placed on the next agenda. Nation asked if there were changes from what was originally presented. Homeyer stated this was turned down because of the drainage issues. This has been discussed with staff. A motion was made by Long and seconded by Wasson to place the Crye-Leike project on the agenda for discussion only.

Roll Call:

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

Fuller – Nay.

Six Ayes. One Nay. Motion Carried.

Adam Roark, City Engineer, stated the issue is the detention basin and has discussed with Homeyer considerations for the ditch which would convey water from the Crye-Leike property to the regional detention property the City has. Without the regional detention basin, this is only moving the problem downstream. The consensus of the Boards' discussion was to bring back a plan for a regional detention pond.

Julie Kelly, 706 Amanda Dr., SS Heritage League, requested the City allow the Christmas Parade to block off a portion of Dogwood Street between Tulsa and Jefferson. They also requested the City consider blocking off a portion of Tulsa Street between Holly and Dogwood. The request was to block off the streets from 2:30 p.m. to 5:30 p.m. A motion was made by Long and seconded by Nation to place the street closing request on the agenda. Mayor Van Poucke called for a voice vote on the motion, and it was approved unanimously. Chief Garrett stated they were concerned about emergency vehicles getting to the west side on Tulsa Street. If the parade could leave part of Tulsa open to them, it would not be a problem with fire or police department vehicles. Chief Garrett requested the turn lane be kept open for emergency vehicles. A motion was made by Nation and seconded by Wasson to approve an ordinance to allow the Heritage League to close Dogwood between Jefferson and Tulsa and to close Tulsa between Holly and Dogwood except for the center lane between 2:30 p.m. and 5:30 p.m. on Saturday, December 6, 2008.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.  
The ordinance was later numbered as Ordinance No. 08-24.

The next agenda item was Ordinance No. 08-20. A motion was made by Smiley and seconded by Fuller to place Ordinance No.08-20, Rezone Development Permit A-1 to P-D 3840 Cheri Whitlock Dr/Western Arkansas Nursing Inc., on its third reading 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.

An ordinance entitled:

AN ORDINANCE AMENDING SECTION 102-21 OF  
THE SILOAM SPRINGS MUNICIPAL CODE (CITY  
ZONING MAP); REZONING FROM A-1 TO P-D THE  
PROPERTY DESCRIBED AS 3840 CHERI WHITLOCK DRIVE.

was read for its third reading.

A motion was made by Smiley and seconded by Turner to adopt Ordinance No. 08-20, Rezone Development Permit A-1 to P-D 3840 Cheri Whitlock Dr/Western Arkansas Nursing Inc.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 08-22. A motion was made by Turner and seconded by Wiles to place Ordinance No. 08-22, Rezone Development Permit R-2 to C-2 3400 East Cheri Whitlock Drive/City of Siloam Springs, on its first reading suspending the rules and reading title only. Cameron stated this is for the proposed Hospital.

Roll Call:

Nation, Wiles, Long, Wasson, Smiley, Fuller, Turner – 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 C-2 THE  
PROPERTY DESCRIBED AS 3400 EAST CHERI WHITLOCK DRIVE.

was read for its first reading.

The next agenda item was Ordinance No. 08-23. A motion was made by Smiley and seconded by Fuller to place Ordinance No. 08-23, Economic Development Rider/Electric Department, on its first reading suspending the rules and reading title only. Mayor noted a change to the ordinance which added the effective date section on page two. Nation stated this is a good thing to promote our downtown, but has concerns about discounted rates to them, and then raising rates to our residential customers later. Long asked if we are anticipating raising rates next year. Cameron stated yes, but they have not discussed the budget yet. Long then asked if there was an electrical increase in the near future. Cameron stated they will have to present the budget, and that an electric rate has not been discussed. Art Farine, Electric Director, stated that if there was a rate increase this would not be affected. Their rates would still go up, but then get a discount off the top. It is important to know that this is a three year sunset program. This is to try to encourage new business in the downtown area and East Main corridor. We are not looking at large quantities of discounts. This is for electric only.

Roll Call:

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

Nation – Nay.

Six Ayes. One Nay. Motion Carried.

An ordinance entitled:

AN ORDINANCE CREATING AN ECONOMIC DEVELOPMENT  
RIDER FOR THE HISTORIC DISTRICT AND MAIN STREET  
CORRIDOR OF THE CITY OF SILOAM SPRINGS.

was read for its first reading.

The next agenda item was Resolution No. 41-08. A motion was made by Smiley and seconded by Fuller to adopt Resolution No. 41-08, Approve Temporary Suspension of Service Extension Fees/Electric Department.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 42-08. A motion was made by Smiley and seconded by Fuller to adopt Resolution No. 42-08, Significant Development Permit 1950 Hwy 412 East/Second Baptist Church. Long stated concerns about the drainage on this project, and recommended remanding this back. A motion was made by Long and seconded by Nation to remand Resolution No. 42-08 back to the Planning Commission to resolve the drainage issue for this project. Jay Williams stated the fee would have to be determined before a building permit can be issued. David Williams, Community Development Director, stated this is correct, and improvements to drainage must be made before issuing the certificate of occupancy. The third requirement for additional easements has been worked out.

Roll Call: (Remand)

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 43-08. Mayor Van Poucke requested the Sole Source be stricken from the agenda and changed to without competitive bidding. Paul Calloway, Finance Director, stated this proposal is in the best interest and value for the City. Keith Ekenseair, Partner with Moore Stephens Frost, was present. A motion was made by Long and seconded by Wiles to adopt Resolution No. 43-08, Approval of Agreement for Audit Services/Administration. This agreement is with Moore Stephens Frost for 2008, 2009 and 2010 for a total cost of \$135,500 waiving competitive bidding.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was approval of contract. A motion was made by Nation and seconded by Fuller to approve the contract with Garver Engineers for design of the 69kv transmission line with an estimated cost of \$220,300. David Cameron stated he appreciates Garver Engineers, and the work they do for the City. We are using sales tax proceeds that the community voted on. This is a budgeted item.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was the second approval of PRB Rule #4/Firemen Pension and Relief Board. A motion was made by Long and seconded by Nation to approve the PRB Rule #4/Firemen Pension and Relief Board. John Turbeville, Merrill Lynch Representative, is the investment consultant. He stated he would be glad to answer any questions of the Board. The Mayor stated the Firemens Pension & Relief Board is finally actuarially sound, and will be able to promote and give an increase to the firemen on this pension. This provides a benefit of an annual 3% COLA and \$35.00 per month to the retired volunteers or their spouse if they are deceased. Long thanked all those who worked hard on this Firemens Pension & Relief Board to get it to this point.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was appointment to Boards and Commissions. A motion was made by Nation and seconded by Smiley to appoint Art Morris to represent the City on the NWA Regional Airport Authority Board for a 6 year term. Mayor Van Poucke called for a voice vote on the motion, and it was approved unanimously.

The next agenda item was the Administrator's Report:

Cameron stated they have not had the budget meetings yet, and any rate increases are still up for discussion. We will do everything we can to minimize anything we have to do. The budget hearing is Monday, November 10<sup>th</sup>. The easement on the Crye-Leike project has been purchased for \$9,000. We have a number of areas we are still working on for drainage. One week from tonight at the Community Building, the Chamber of Commerce is hosting a banquet for the Mayor where we will have a roast and toast of the Mayor. Everyone is invited. The Chamber has tickets for sale.

The next agenda item was the Open Hearing for Directors:

Turner honored to pay to roast the Mayor.

Smiley wished her husband a happy birthday today.

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:

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M. L. Van Poucke, Jr., Mayor

(SEAL)

ATTEST:

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Peggy Woody, City Clerk, MMC