

MINUTES OF THE REGULAR MEETING OF  
THE CITY BOARD OF DIRECTORS OF THE  
CITY OF SILOAM SPRINGS, BENTON COUNTY,  
ARKANSAS, HELD NOVEMBER 18, 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 18, 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 Captain Geoff Lewis – Present.

Opening prayer was led by Wiles.

Mayor Van Poucke led the Pledge of Allegiance.

A copy of the November 04, 2008, 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 November 04, 2008, meeting be approved. Mayor Van Poucke called for a voice vote on the motion, and it was approved unanimously.

A copy of the November 10, 2008, minutes of the special-called meeting had previously been given to each Director. A motion was made by Long and seconded by Wiles that the minutes of the November 10, 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. Donny Epp, 2055 W Twin Springs, requested to be allowed to close off the parking lot next to Hoffmann's Chiropractic Clinic for their wedding ceremony on May 10, 2009. This will be put on the next agenda.

The next agenda item was Ordinance No. 08-22. A motion was made by Smiley and seconded by Turner to place Ordinance No. 08-22, Rezone Development Permit R-2 to C-2 3400 East Cheri Whitlock Dr/City of Siloam Springs, on its second 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 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 second reading.

The next agenda item was Ordinance No. 08-23. A motion was made by Smiley and seconded by Wiles to place Ordinance No. 08-23, Economic Development Rider/Electric Department, on its second reading suspending the rules and reading title only.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. 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 second reading.

The next agenda item was Ordinance No. 08-25. A motion was made by Smiley and seconded by Turner to place Ordinance No. 08-25, Amend Code Establishing H-1 Overlay District, on its first reading suspending the rules and reading title only. David Williams, Community Development Director, gave an explanation of what this amendment involves. This will include the downtown area and the older parts of town. This will help deal with building on in-fill lots in older neighborhoods. This will allow better regulations which work in the older areas. Cameron clarified that the residential areas are not what is being discussed. This discussion came about when Main Street began to develop, and City Hall and a number of Board members complained or made notice that the structures were not exactly what you want coming into town. We should have some control of what the corridor or gateway to our downtown should look like. Cameron stated for the record there is no ordinance before this Board that dictates what color someone's house should be. I want to make sure that we have not presented something of that magnitude. It was recommended to separate the downtown area from the older residential areas in the H-1 district ordinance. Cameron recommended tabling the ordinance so that counsel can look into drafting one for downtown and one for residential areas. A motion was made by Nation and seconded by Fuller to table for further review. Cameron stated he felt the H-1 downtown ordinance could be ready by the next meeting. Mayor stated this ordinance will be revised by staff.

Roll Call: (Table)

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

Turner – Nay.

Six Ayes. One Nay. Motion Carried.

The next agenda item was Ordinance No. 08-26. A motion was made by Fuller and seconded by Wasson to place Ordinance No. 08-26, Amend Code for General Zoning Regulations, on its first reading suspending the rules and reading title only. David Williams, Community Development Director, recommended tabling this ordinance also because it contains elements regarding the H-1 district. A motion was made by Wasson and seconded by Nation to table Ordinance No. 08-26 to the December 2, 2008, meeting. Jay Williams stated if there were significant revisions this would then need to go back to the Planning Commission. Steve Stitt, attorney, stated this could come back at the same time the H-1 district ordinance does.

Roll Call: (Table)

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 08-27. A motion was made by Long and seconded by Wiles to place Ordinance No. 08-27, Amend Code Providing for Solid Waste Rate Increase, on its first reading suspending the rules and reading title only. Mayor Van Poucke noted this ordinance does not increase the rate to households age 65 or permanently disabled which is \$5.50 per month. Mayor and Fuller both noted this increase is due to increases made to the City by our hauler which the City has been absorbing for the past 6 months. Randy Atkinson, Solid Waste/Street Director, stated this increase is because of cost increases to the City. Cameron noted the City has made a reduction in staff to help cut costs.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING CERTAIN RATES AND

CHARGES FOR SOLID WASTE TRANSPORTATION AND  
DISPOSAL; AMENDING SEC. 82-41 ("RATES") OF THE  
MUNICIPAL CODE, AND DECLARING AN EMERGENCY.

was read for its first reading.

The next agenda item was Resolution No. 34-08. A motion was made by Smiley and seconded by Wasson to adopt Resolution No. 34-08, Significant Development Permit 1701 Hwy 412 East/Crye-Leike. Ron Homeyer, Civil Engineering, addressed the Board with some preliminary plans that have been worked on with staff. Homeyer requested additional consideration from the City or some more time to see if there are other options. Homeyer asked what the Board wanted the Planning Commission to do if this is remanded back to them. He requested good direction from the Board as to what they are expecting from the Planning Commission. Cameron stated for the record staff did meet and what the discussion was that the offer was again that the City was not going to be allocating cash, it was going to be our own resources. The offer was somewhere around a quarter million dollars to build the pond, and we are asking for the rental of the equipment. We would operate it. I believe that price tag came out about \$88,000. Cameron asked if they were looking for financial assistance to off-set the cost? Homeyer said yes. Adam Roark, City Engineer, gave options that the City has available.. There is approximately 18 – 19 days for excavating. This pond may be able to be completed in the \$50,000 range. This pond would be located directly behind the AR State Revenue Office on South Lincoln. Cameron stated this is a cash issue and if the developer is not willing to pay this, then we are back to where we started. A motion was made by Wasson and seconded by Fuller to table Resolution No. 34-08 to the December 2, 2008, meeting.

Roll Call: (Table)

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

Long -- Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 44-08. A motion was made by Smiley and seconded by Nation to adopt Resolution No. 44-08, Additional Employee Benefit in the amount of \$36,336.23.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was review of bids. A motion was made by Long and seconded by Smiley to approve the bids for City Lake Improvements: Contract Section I, Intake and Pump Station to Sweetser Construction for \$1,357,073.41; Contract Section II, 20" Water Line Transmission to Summit Construction for \$470,178.70; Contract Section III, Dam Construction to Sweetser Construction for \$642,570.00. This is a part of the agreement with SWEPCO, and this will be paid by SWEPCO.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

A motion was made by Nation and seconded by Fuller to approve the Change Order No. 1 for City Lake Improvements, Contract Section I, to Sweetser Construction for a reduction in the amount of \$12,930.21.

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 Roll Off Service, Inc. increase. A motion was made by Nation and seconded by Wasson to approve the increase to Roll Off Service, Inc. of \$6.16 per ton beginning January 01, 2009, per our contract Section 4.1. Randy Atkinson, Solid Waste/Street Director, stated that Roll Off Service had requested this retro back to November 1, 2008. Cameron stated for the

record that the City did retro last time, so we have been willing to work with them. Fuller stated that this is being put on the City by Roll Off Service, and the City is not doing this.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was the Administrator's Report:

Cameron stated on the solid waste contract that there is a fuel price cost adjustment due to fuel cost dropping. The cost of everything is going up. GRDA announced their power cost adjustment (PCA) estimates came out for the year. For the first six months they are projecting a 26 cent per household increase per month. The projected second half increase is \$4.88 to \$10.19 in 2009 for residential. We are still getting the cheapest power on the market through our contract with GRDA. There is a potential for some additional funds with the State Highway Commission through the STPU program which is for street projects in town. This is also how we built Progress Ave. Cameron requested to submit the application for funding which you have to be specific on which street that you are asking for. Cameron requested the Board's consideration to submit the application. It was requested to do Kenwood Street from Cherry to Mt. Olive with an estimate of \$800,000 to \$850,000 to complete the project. Cameron requested any suggestions or a motion. The City does have to contribute 20%, so our cost would be about \$200,000.

A motion was made by Long and seconded by Smiley to place this item on the agenda to have the City Administrator look into applying for state funds for the Kenwood project. Cameron stated the premise by which the million dollars was that this came about to complete the Tahlequah project. The discussion was to how the City could find additional funds from the State. There were a number of other streets on the list that are needed that were being considered. Long stated he felt Kenwood needs to be done. Mayor Van Poucke called for a voice vote on the motion, and it was approved unanimously.

A motion was made by Long and seconded by Nation to adopt Resolution No. 45-08, Submit Application for State Funds. This application is for state funds for construction of West Kenwood from Cherry to Mt. Olive Street through the STPU program.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

Cameron stated he and Paul Calloway, Finance Director, just returned from Nashville and continued their dialogue with our potential partner on the Hospital. It was a very productive meeting.

The next agenda item was the Open Hearing for Directors:

Mayor Van Poucke announced there will be a reception for our out-going House member, County Clerk and State Highway Commissioner here from 4:30 to 6:00 p.m. on December 3<sup>rd</sup>. They are Mike Kenney, Mary Lou Slinkard and Jonathan Barnett. Everyone is invited to attend to honor them. The Christmas parade is December 6<sup>th</sup> at 5:30 p.m. with the Light Up Siloam Springs. The vote for our Mayor has been confirmed, but not finalized by the County Election Commission. We received notification as of 5:15 this evening of the total count they have, but they have until tomorrow to give us a final directive as to who our next mayor will be. That's when we will know. We'll get this information out as soon as possible. We still can't say congratulations to anyone until it happens.

The next agenda item was Executive Session. Mayor Van Poucke called the meeting into recess for an executive session for personnel matters. Mayor Van Poucke called the meeting back to order. Mayor Van Poucke stated no action was taken.

There being no other business to come before this Board, a motion was made by Long and seconded by Wasson that this meeting be adjourned. A voice vote was called for on the motion, and it was approved unanimously.

APPROVED:

\_\_\_\_\_  
M. L. Van Poucke, Jr., Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Peggy Woody, City Clerk, MMC