

MINUTES OF THE REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
CITY OF SILOAM SPRINGS, BENTON COUNTY,  
ARKANSAS, HELD DECEMBER 01, 2009

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, December 01, 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 Captain Geoff Lewis – Present.

Opening prayer was led by Turner.

Mayor Allen led the Pledge of Allegiance.

A copy of the November 17, 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 November 17, 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. Shelley Simmons, Director of Main Street, 110 S. College, requested the Board reconsider not funding the Main Street program for 2010.

The next agenda item was Ordinance No. 09-27. A motion was made by Smiley and seconded by Nation to place Ordinance No. 09-27, Rezone Development Permit R-2 to R-3 509 East Ashley/Webber, on its third reading suspending the rules and reading title only. David Williams, Community Development Director, gave an overview of the H-1 (Historic Overlay District) zoning. Several residents spoke against this rezoning and wanting to preserve the historic nature of this area. Dalton Webber, 509 East Ashley, stated he has not made any official statement to the effect that they are going to build a duplex on this property. The property is vacant, and has been split into two lots. They plan to use the vacant lot for their children if they chose to move here. They do not plan to build a duplex.

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

was read for its third reading.

A motion was made by Smiley and seconded by Wasson to adopt Ordinance No. 09-27, Rezone Development Permit R-2 to R-3 509 East Ashley/Webber.

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. 09-28. A motion was made by Nation and seconded by Turner to place Ordinance No. 09-28, Prohibited Use Development Permit 701 Mimosa/Youmans, on its third reading suspending the rules and reading title only.

Roll Call:

Board of Directors' Minutes  
December 01, 2009

Page 2

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

No Nay.

Seven Ayes. No Nay. Motion Carried.

An ordinance entitled:

AN ORDINANCE AUTHORIZING A PROHIBITED  
USE DEVELOPMENT PERMIT FOR PROPERTY  
LOCATED AT 701 MIMOSA STREET

was read for its third reading.

A motion was made by Smiley and seconded by Nation to adopt Ordinance No. 09-28, Prohibited Use Development Permit 701 Mimosa/Youmans.

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. 09-29. A motion was made by Smiley and seconded by Wasson to place Ordinance No. 09-29, Amend Municipal Code Article II of Chapter 98 with Respect to Rates and Conditions of Electrical Service, on its second reading suspending the rules and reading title only. Cameron stated that since last meeting there was some confusion about the senior discount. If you are a senior resident already receiving the solid waste discount, it will automatically go into effect for an additional \$5.00 decrease. If not, you can come in and fill out the form in order to receive the discount. We will post this on the website. Residents Don Cundiff, John Sawyer and Susie Gilbert addressed the Board with questions and concerns. Long stated this increase is not to assist the City to pay salaries or for spending money where we have overspent, but an increase from the electric company to the City. We are not getting more money, but have cut cost by not filling positions for police and fire, and cut everywhere we can. If we were not to pass this along, we would have to cut services. This is not about us making our budget, but it cost more, so we have to charge more. We are not getting more money for us to spend at all. Cameron commended the staff for cuts that were made beginning in early 2009, and noted several types of things done internally to make these cuts.

Roll Call:

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

Fuller – Nay.

Six Ayes. One Nay. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 98 OF THE  
SILOAM SPRINGS CITY CODE BY AMENDING RATES AND CHARGES,  
UPDATING DEPARTMENT SUPERVISOR'S TITLE, EXPANDING HOURS  
FOR CERTAIN SERVICES, PROVIDING A DISCOUNT FOR DISABLED AND  
SENIOR CITIZENS AND DECLARING AN EMERGENCY

was read for its second reading.

The next agenda item was Ordinance No. 09-30. A motion was made by Long and seconded by Wasson to place Ordinance No. 09-30, Rezone Development Permit A-1 to R-2 1803 Dawn Hill Road/Stewart, on its first reading suspending the rules and reading title only. Cameron clarified the point of egress and ingress will not be what is called East Villa View Dr., but will be amended to Copper Leaf Street to avoid confusion, and this will be the address for this property. Jeff Stewart, 1803 Dawn Hill Rd., stated this property is southeast of his residence.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

Board of Directors’ Minutes

December 01, 2009

Page 3

An ordinance entitled:

AN ORDINANCE AMENDING SECTION 102-21 OF  
THE SILOAM SPRINGS MUNICIPAL CODE (CITY  
ZONING MAP); REZONING FROM A-1 TO R-2 THE  
PROPERTY DESCRIBED AS 1803 DAWN HILL ROAD

was read for its first reading.

The next agenda item was Ordinance No. 09-31. A motion was made by Long and seconded by Smiley to place Ordinance No. 09-31, Rezone Development Permit R-2 to C-2 200-300 Block Hwy. 412 West/Leach, Tran, Tan, on its first reading suspending the rules and reading title only. David Williams, Community Development Director, stated this is a housekeeping item.

Roll Call:

Long, Wasson, Smiley, Fuller, Turner, Nation, Wiles – 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 THE 200 AND 300  
BLOCK OF HIGHWAY 412 WEST

was read for its first reading.

Mayor Allen called the meeting into a five minute recess. Mayor Allen called the meeting back to order.

The next agenda item was approval of a contract with Benton County Health Unit. A motion was made by Nation and seconded by Smiley to approve the annual service contract with the Benton County Health Unit in Siloam Springs. Cameron stated the City is assisting with the utilities by this contract in order to get them reopened in Siloam Springs. There are also benefits to the City employees in this agreement which will save the City money on insurance.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was approval of revised 2009 budget and the 2010 budget. A motion was made by Wasson and seconded by Smiley to approve the revised 2009 budget.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

A motion was made by Wasson and seconded by Nation to approve the 2010 budget. Cameron made a point of clarification that the 2010 budget has a number of freezes through July and includes a capital freeze. There are a lot of cuts in this budget in order to maintain the same level of service that we are providing now. Several members of Main Street Siloam Springs spoke requesting consideration for Main Street funding for 2010. Long noted that the City notified non-profits a year ago regarding the lack of funding. Wasson stated he wished the City could fund all non-profits, and if you do for one you have to do for all. He appreciates the great job Shelley Simmons is doing with Main Street. Long suggested having a workshop session with Main Street members regarding ways they can partner with the City. Mayor Allen stated he supports Main Street, and gave his opinion of funding the non-profits. Long made a motion to call for the question. Mayor Allen stated Long did

Board of Directors' Minutes  
December 01, 2009

Page 4

not have the floor. Wasson seconded the motion. Mayor Allen stated he did not recognize Director Long until he spoke what he was going to say. Jay Williams stated there are certain motions that actually can interrupt the speaker, but calling for the question is not one of them. A motion was made by Long to adjourn, but died for lack of a second. Jay Williams stated this is a motion that can interrupt the speaker that if it is seconded has to be placed on a vote. Mayor Allen asked if Long wanted to know that he had found some discrepancies in the budget, and Long replied "no". Mayor Allen stated they were in the explanation pages and not in the budget itself, but when the Board relies on those explanation pages, it is a concern. Long left the meeting. He requested Cameron look at it. There were two or three departments the explanation numbers did not jive. Smiley asked why these questions were not brought up at the workshop session. Mayor Allen stated it was because the budget was not given to them two weeks in advance. Cameron stated he would look into any discrepancies. Cameron stated he looks forward to a revised budget process. Cameron stated he appreciates all the comments made regarding Main Street program, and the City will continue to work with them to continue the partnership.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was appointments to Boards and Commissions. A motion was made by Fuller and seconded by Wiles to approve the following appointments:

Planning Commission:

Stephen Milbourn – Seat 4 - term expires 2012

Ross Dorsey – Seat 5 – term expires 2012

Paul Eldridge – Seat 6 – term expires 2012

Parks Advisory Board:

Vicki Halley – Position 1- term expires 2012

Dan Lambert – Position 2 – term expires 2012

Tom Elgie – Position 3 – term expires 2012

Gene Isaacs – Position 5 – term expires 2010 (fill remaining term of Allen Broyles)

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was the Administrator's Report:

Cameron requested that Jay Williams give an explanation of the Kuriatnyk lawsuit. Jay Williams stated this case involved a woman who was tased by the police after she had injured some EMT's

who had been dispatched to attend to her. She was very agitated and combative. This was investigated by the police department and determined that no wrongful action by the police was taken. A suit was filed in federal court in Fayetteville. Municipal League is defending the City. We have maintained there is no City liability throughout. The judge has scheduled a settlement conference at the federal court in Fayetteville for December 8<sup>th</sup> at 2:00 p.m. They are requesting we convene a special session of the Board at the courthouse in order to respond to any settlement request or demands. It was agreed that it would be more appropriate if we could appoint a settlement representative. A motion to dismiss has been filed on the City's behalf. Cameron requested this item be added to the agenda regarding the Kuriatnyk lawsuit. A motion was made by Nation and seconded by Fuller to place discussion of a representative for the City in the Kuriatnyk lawsuit settlement on the agenda.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

After discussion, a motion was made by Turner and seconded by Wasson that the City Administrator be appointed as the City's settlement representative, Mark Long as the first alternate representative and Ken Wiles as the second alternate, in the case of Kuriatnyk v. City of Siloam Springs. Said representatives shall have full settlement authority on behalf of the City of Siloam Springs.

Roll Call:

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

Board of Directors' Minutes

December 01, 2009

Page 5

No Nay.

Six Ayes. No Nays. Motion Carried.

Cameron continued with the Administrator's Report:

Cameron stated the U.S. Census Bureau will be using the Board room on December 10<sup>th</sup>, 17<sup>th</sup>, 22<sup>nd</sup> and 31<sup>st</sup> at 10:00 a.m. for testing anyone who would like to be considered for the upcoming census workers. They need help on various levels of employment, and this information is available on our website. A permit has been issued for the 29<sup>th</sup> Annual Siloam Springs Christmas Parade which will be December 5<sup>th</sup> at 5:30 p.m. We did issue some permits for fireworks which may be coming up at the next Board meeting. The City is finishing the project on Sager Creek by removing the slit. The crews have finished the wall. It looks much better, and thanked everyone who worked on that project.

The next agenda item was the Open Hearing for Directors:

Mayor Allen noted he has received more requests for applications for liquor licenses.

There being no other business to come before this Board, a motion was made by Smiley 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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David E. Allen, Mayor

(SEAL)

ATTEST:

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Peggy Woody, City Clerk, MMC