

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

The meeting was called to order by Mayor Van Poucke.

Attendance Roll Call:

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

Smiley – Arrived late.

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 November 18, 2008, minutes of the regular meeting had previously been given to each Director. A motion was made by Long and seconded by Fuller that the minutes of the November 18, 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. 08-22. A motion was made by Nation and seconded by Fuller to place Ordinance No. 08-22, Rezone Development Permit R-2 to C-2 3400 East Cheri Whitlock/City of Siloam Springs, was read for its third reading suspending the rules and reading title only.

Roll Call:

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

No Nays.

Six 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 third reading.

A motion was made by Turner and seconded by Nation to adopt Ordinance No.08-22, Rezone Development Permit R-2 to C-2 3400 East Cheri Whitlock/City of Siloam Springs.

Roll Call:

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

No Nays.

Six Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 08-23. A motion was made by Nation and seconded by Turner to place Ordinance No. 08-23, Economic Development Rider/Electric Dept., on its third reading suspending the rules and reading title only. Nation asked how much money would be refunded, and Paul Calloway, Finance Director, stated that about \$530.00 from July 1st to the end of this year. This will be about \$1,100 per year.

Roll Call:

Turner, Nation, Wiles, Long, Wasson, Fuller -- Aye.

No Nays.

Six 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 third reading.

A motion was made by Fuller and seconded by Turner to adopt Ordinance No. 08-23, Economic Development Rider/Electric Dept.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 08-25. A motion was made by Turner and seconded Nation to place Ordinance No. 08-25, Amend Code Establishing H-1 Overlay District, on its first reading suspending the rules and reading title only. Don Bunker, 403 E. University, spoke in favor of this ordinance. David Williams, Community Development Director, stated concerns from the previous meeting had been changed in order to make this easier to understand and compatible for the older neighborhoods. David Williams gave details of the changes that were made. Long stated concerns with the setbacks, and requested to be assured of the street parking and the width being a minimum of 10 feet. Cameron reminded the Board this is in the H-1 District only, not new subdivisions. Smiley arrived.

Roll Call:

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

Long – Nay.

Six Ayes. One Nay. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING CERTAIN ZONING DISTRICT
REGULATIONS OF THE CITY; ESTABLISHING THE H-1 (HISTORIC)
OVERLAY DISTRICT; AMENDING SECTIONS 102-50 (H-1 DISTRICT) AND
102-21 (ZONING MAP) OF THE MUNICIPAL CODE.

was read for its first reading.

The next agenda item was Ordinance No.08-26. A motion was made by Fuller and seconded by Smiley to place Ordinance No. 08-26, Amend Code for General Zoning Regulations, on its first reading suspending the rules and reading title only.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING GENERAL ZONING
REGULATIONS OF THE CITY; AMENDING SECTION 102
OF THE MUNICIPAL CODE.

was read for its first reading.

The next agenda item was Ordinance No. 08-27. A motion was made by Smiley and seconded by Nation to place Ordinance No. 08-27, Amend Code Providing for Solid Waste Rate Increase, on its

second reading suspending the rules and reading title only. This rate increase will be pro-rated from January 01, 2009 on your next billing cycle.

Roll Call:

Wasson, Smiley, Fuller, Turner, Nation, Wiles, Long – 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 second reading.

The next agenda item was Ordinance No. 08-28. A motion was made by Nation and seconded by Turner to place Ordinance No. 08-28, Rezone Development Permit C-1A to C-2 1600 East Cheri Whitlock/Sager Creek Community Church, on its first reading suspending the rules and reading title only. David Williams, Community Development Director, addressed questions of what the zoning should be for a church.

Roll Call:

Smiley, Fuller, Turner, Nation, Wiles, Long, Wasson – 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 C-1A TO C-2 THE
PROPERTY DESCRIBED AS 1600 EAST CHERI WHITLOCK DRIVE.

was read for its first reading.

The next agenda item was Ordinance No. 08-29. A motion was made by Smiley and seconded by Wiles to place Ordinance No. 08-29, Parking Lot Closure/Donny Epp, on its first and final reading suspending the rules and reading title only. Nation asked Donny Epp why he did not want to use the park that is next to this parking lot so they would not have to close off the parking lot. Mr. Epp stated this is how they visualized the wedding to look with the concrete for the chairs to sit on instead of grass with the creek and bridge behind it. Nation stated concerns of setting a precedent by doing this.

Roll Call:

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

Nation, Smiley – Nay.

Five Ayes. Two Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE CLOSING THE PARKING LOT
LOCATED NORTH OF HOFFMANN CHIROPRACTIC OFFICE
AT 212 SOUTH BROADWAY DURING CERTAIN HOURS ON
MAY 10, 2009

was read for its first and final reading.

A motion was made by Fuller and seconded by Turner to adopt Ordinance No. 08-29, Parking Lot Closure/Donny Epp.

Roll Call:

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

Nation, Smiley – Nay.
Five Ayes. Two Nays. Motion Carried.

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. A motion was made by Long and seconded by Nation to stipulate that the certificate of occupancy be tied to the drainage being significantly completed. Randy Atkinson, Solid Waste/Street Director, stated he did not know if the City staff could have the City's part of this project completed in sixty days this time of the year. Ron Homeyer, Civil Engineering, stated the sixty days was to complete the earth work with their contractor. Jay Williams stated that since the last meeting the City had received a proposal from Homeyer to pay the City \$30,000 for materials as well as doing dirt work which is estimated to cost \$50,000 in order to get this done. The cost of this would be the responsibility of Crye-Leike and the Second Baptist Church with the idea that a proportionate share agreement would then be enacted that the other beneficiaries of the regional drainage would then contribute to that and then be reimbursed as those contributions come in. The City would contribute by doing some dirt work and excavation with staff. Staff has been reviewing the proposal to see what would be needed to make this work with some concerns in order to protect the City's interest. The 60 days is just to complete the drainage, and not for the whole project. The City has not yet reached a final agreement with Mr. Homeyer or Crye-Leike. Jay Williams recommended authority to the City Administrator to proceed with finalizing an agreement with Homeyer and his clients which then would be presented with all the details worked out. Cameron stated he felt this should not be held up any more since Crye-Leike has agreed to pay \$30,000. Cameron stated this would not significantly affect any other drainage projects staff is currently working on. Gary Gray, 1040 W. Twin Springs, chairman of the Planning Commission, was in support of this resolution being passed by the Board and not remanded to the Planning Commission. Cameron stated that per the pro rata share ordinance that Homeyer had presented an option, which we are in the process of drafting the pro-rata share ordinance. We will start working on this as part of this agreement. We will come up with a plan that is very consistent for all basins and not just this one so that it is easily applied. Wiles stated concerns with the egress and ingress from this property on to Hwy 412. A motion was made by Wiles and seconded by Turner to restrict southbound traffic from this property to a right turn only on to Hwy 412.

Roll Call: (Amendment Allow Right Turn Only)

Wiles, Long, Smiley, Turner – Aye.

Nation, Wasson, Fuller – Nay.

Four Ayes. Three Nays. Motion Carried.

Roll Call: (Amendment C of O for Drainage)

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

Roll Call: (Res. #34-08 with two Amendments)

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 46-08. A motion was made by Long and seconded by Nation to adopt Resolution No. 46-08, Request Federal-Aid Monies for Bridge at West University Street. These monies would not be available until 2010. The City's portion of these funds would be approximately \$400,000 if approved.

Roll Call:

Wasson, Smiley, Fuller, Turner, Nation, Wiles, Long – 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 Fuller to approve the recommendation of Trevor Bowman, Water/Wastewater Director, for the annual chemical bids to Brenntag Industries, G.S. Robbins, and Southwest Chemical.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was the approval of the revised 2008 budget and the 2009 budget. Cameron stated we are submitting a balanced budget. A motion was made by Fuller and seconded by Nation to approve the revised 2008 budget. Paul Calloway, Finance Director, stated the 2008 revised budget came in under budget.

Roll Call: (Revised 2008)

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

A motion was made by Long and seconded by Wiles to approve an amendment to the 2009 budget for an additional 1.8% discretionary performance evaluation above the 2% already budgeted for performances. All employees would receive a 2% COLA.

Roll Call: (Amendment)

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

Turner, Wasson – Nay.

Five Ayes. Two Nays. Motion Carried.

A motion was made by Smiley and seconded by Nation to approve the 2009 budget as amended.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was the Administrator's Report:

Cameron reported an expenditure of \$5,500 for the Fire Department for the system server. This Saturday, December 6th, is the Christmas Parade and Light Up Siloam starting at 5:30 which will start on Tulsa Street at Dogwood. Cameron stated he appreciates the dialogue even when we don't always agree on everything. Job well done!

The next agenda item was the Open Hearing for Directors:

Mayor reported that the Board of Directors met today at 11:50 a.m. in a special-called meeting to discuss a lawsuit against the City. This may be reported in the local news. Today the City agreed to submit motions to approve a settlement of a class action lawsuit to the Federal Judge in the case. In the motion which will be prepared and filed, the City and the Police Department will admit no fault but because of the exhausting nature of a class action lawsuit, the administrators and their legal counsels felt that the most responsible course of action was to avoid a long costly litigation. The most exposure the City could have if the motions are approved by the Federal Judge and the claims are settled is 1.85 million dollars with the possibility that a substantial portion would be recovered from the Municipal League's Defense Program. All further information about the development will be provided by our attorneys and all inquiries will be directed to them.

Wasson thanked Gary Gray, Planning Commission, Ron Homeyer, staff and Crye-Leike for working together so well for the betterment of our City.

Nation echoed what Wasson said.

Long encouraged all citizens to go out to the Christmas Parade.

Mayor Van Poucke stated we have officially received notification by the Election Commission that we have a new mayor which is David Allen. He appreciates both candidates for offering themselves for this position.

Nation reminded citizens that the City has approved closing Tulsa Street from Holly to Dogwood for the parade Saturday from 2:30 – 5:30 p.m.

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:

M. L. Van Poucke, Jr., Mayor

(SEAL)

ATTEST:

Peggy Woody, City Clerk, MMC