

MINUTES OF THE REGULAR MEETING OF
THE CITY BOARD OF DIRECTORS OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY,
ARKANSAS, HELD DECEMBER 04, 2007

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, December 4, 2007.

The meeting was called to order by Mayor Van Poucke.

Attendance Roll Call:

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

Opening prayer was led by Wasson.

Mayor Van Poucke led the Pledge of Allegiance.

A copy of the minutes of the November 20, 2007, 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 20, 2007, 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. 07-36. Mayor noted an addition to the ordinance by adding to Section 18-89 #17 the wording “minimum eleven (11) circuits”. A motion was made by Wiles and seconded by Turner to place Ordinance No. 07-36, Amend Electric Code/Electric Department, on its third reading suspending the rules and reading title only. Art Farine, Electric Director, stated this was inadvertently left out, but should be in this ordinance.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING REGULATIONS FOR
CONSTRUCTION AND INSTALLATION OF ELECTRIC
WIRING AND SYSTEMS; AMENDING SECTIONS 18-81, 18-83,
18-84, 18-85, 18-87, AND 18-88; AND CREATING
SECTION 18-89 OF THE MUNICIPAL CODE;
FINDING AN EMERGENCY.

was read for its third reading.

A motion was made by Smiley and seconded by Nation to adopt Ordinance No. 07-36, Amend Electric Code/Electric Department.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

A motion was made by Fuller and seconded by Nation to adopt the emergency clause for Ordinance No. 07-36, Amend Electric Code/Electric Department.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 07-37. A motion was made by Smiley and seconded by Nation to place Ordinance No. 07-37, Amend Potable Water Rates/Water Department, on its second 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 CERTAIN RATES AND
CHARGES FOR POTABLE CITY WATER; AMENDING
SUBSECTIONS 98-173 (a) AND (d) OF THE MUNICIPAL CODE.

was read for its second reading.

The next agenda item was Ordinance No. 07-38. A motion was made by Smiley and seconded by Fuller to place Ordinance No. 07-38, Amend Solid Waste Rates/Solid Waste Department, on its second reading suspending the rules and reading title only.

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.

was read for its second reading.

The next agenda item was Ordinance No. 07-39. A motion was made by Turner and seconded by Wiles to place Ordinance No. 07-39, Prohibited Use Development Permit 111 West Tulsa/Carroll, on its first 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 AUTHORIZING A PROHIBITED
USE DEVELOPMENT PERMIT FOR PROPERTY
LOCATED AT 111 WEST TULSA STREET.

was read for its first reading.

The next agenda item was Ordinance No. 07-40. A motion was made by Smiley and seconded by Nation to place Ordinance No. 07-40, Rezone Development Permit 2213 West Central (R-2 to R-1)/Pearson, 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 SECTION 102-21 OF THE
SILOAM SPRINGS MUNICIPAL CODE (CITY ZONING
MAP); REZONING (FROM R-2 TO R-1) THE PROPERTY
DESCRIBED AS 2213 WEST CENTRAL STREET.

was read for its first reading.

The next agenda item was Ordinance No. 07-41. A motion was made by Fuller and seconded by Nation to place Ordinance No. 07-41, Approve Regulations for Adult-Oriented Businesses, on its first reading suspending the rules and reading title only. Mayor Van Poucke introduced John Bass, attorney, who drafted this ordinance and gave an explanation. He noted this is more restrictive than before. There are constitutionally protected expressive actions protected by the First Amendment. The City can regulate these businesses, but can not ban them out-right. Mayor noted that per legal counsel that on page 4, Section 22-403 (A)(2) should be struck from this ordinance. Also on page 6, Sec. 102-41, Unit 21, wording that was struck thru should be included which states "and including any tattoo business". John Turner stated on the record he would vote to outright ban these types of businesses, but can't. He does not endorse these businesses. David Cameron clarified where the City started with this issue. Steve Stitt, City Attorney, responded to Wasson's question about where tattoo businesses can be located.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE PROVIDING TIME, PLACE, AND
MANNER REGULATIONS FOR CERTAIN SEX-
ORIENTED COMMERCE; PROVIDING PENALTIES;
CREATING ART. X OF CHPT. 22, AND AMENDING
SECS. 102-41 AND 102-54, OF THE MUNICIPAL
CODE; FINDING AN EMERGENCY.

was read for its first reading.

The next agenda item was Resolution No. 64-07. A motion was made by Nation and seconded by Fuller to adopt Resolution No. 64-07, Special Use Development Permit 116 North Broadway, DRC Investments.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 65-07. A motion was made by Nation and seconded by Smiley to adopt Resolution No. 65-07, Authorize Design and Purchase of Easements for Hwy 412 Widening. Cameron stated the City has not come in and taken easements, this City has historically paid for easements. The City is putting the easement within the setback. The State is working with us to minimize the movement of our utilities. Cameron stated he would recommend funding out of the reserves at this time. Fuller asked the Administrator for a funding plan to replace our money back in the reserves later this year. Long stated for the record that his opinion on even this level changes if we're going to take it out of reserve. I understand that we've got to temporarily take it out of reserves, that the way cities work, but if we have no plan of refunding this, and the intention of the Board not to refund it, then my opinion on this vote changes. Cameron stated this vote and all votes for funding are pending a plan. There are options of rate increases or a ½ cent sales tax. He does not recommend this without a way of replenishing the reserves. Wasson stated for the record that he is against the road and the plan the way it is going. This in the beginning was supposed to be a bypass, but we're not getting a bypass. We're getting a wider road straight through town with a big median where people are going to be making u-turns. I think what they're doing is a mistake. In voting for

this tonight, this doesn't have anything to do with how I feel about the road. This has to do with what the City has to do to get things in order because we don't have a choice.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was review of bid. A motion was made by Nation and seconded by Fuller to approve the bid for the Twin Springs Fountain Replacement Project to All Around Landscaping, Inc. in the amount of \$82,855.52. Gary Wilfong, City Engineer, stated the fountain will be completely replaced because of age and condition. The intent is replacement with as close to duplication as possible. The intent is that the stone part of the fountain is to be salvaged as much as possible. Paul Calloway, City Treasurer, stated that funds raised for this project are \$34,104, with a balance of \$48,751 from state turn back.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was approval of Change Order #3/Progress Avenue. A motion was made by Long and seconded by Nation to approve the Change Order #3/Progress Avenue in the amount of \$28,088.16 due to revised plans.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was appointments to boards and commissions. A motion was made by Long and seconded by Nation to approve the appointments of Travis M. Rogers, Claud Todd and Marilyn Meeker to the Planning Commission/Board of Adjustment to serve until December 31, 2010.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was the Administrator's Report:

Cameron stated thanks to all the crews for getting the downtown crosswalks, striping and lights done before the Christmas parade. He appreciates all the employees and their hard work this year. We are meeting with the Hospital broker. There will be a news release this Friday as to who will be selected to buy the Hospital.

The next agenda item was the Open Hearing for Directors:

Mayor congratulated the Heritage League for the Siloam Springs Christmas Parade. He also thanked all the City staff that helped with this parade and the lighting.

Turner thanked everyone who applied to serve on the Planning Commission.

Wasson thanked everyone involved with the Christmas parade.

Wiles stated the downtown area looks great.

Smiley thanked everyone for the parade, and thanked everyone in our community for making it such a great place to live.

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