

MINUTES OF THE REGULAR MEETING OF
THE CITY BOARD OF DIRECTORS OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY,
ARKANSAS, HELD DECEMBER 16, 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 16, 2008.

The meeting was called to order by Mayor Van Poucke.

Attendance Roll Call:

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

Wasson – Absent.

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 Turner.

Mayor Van Poucke led the Pledge of Allegiance.

A copy of the December 02, 2008, minutes of the special-called meeting had previously been given to each Director. A motion was made by Fuller and seconded by Nation that the minutes of the December 02, 2008, meeting be approved. Mayor Van Poucke called for a voice vote on the motion, and it was approved unanimously.

A copy of the December 02, 2008, minutes of the regular meeting had previously been given to each Director. A motion was made by Smiley and seconded by Fuller that the minutes of the December 02, 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. 08-25. A motion was made by Turner and seconded by Smiley to place Ordinance No. 08-25, Amend Code Establishing the H-1 Overlay District, on its second reading suspending the rules and reading title only. A motion was made by Long and seconded by Wiles to amend Ordinance No. 08-25 to state that if the setback is 5 ft. on both sides there must be rear alley access or one side must be 8 ft to allow for access. David Williams, Community Development Director, stated he agreed with this amendment.

Roll Call: (Amendment)

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

No Nay.

Six Ayes. No Nays. Motion Carried.

Roll Call:

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

No Nay.

Six Ayes. No Nays. 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 second reading.

The next agenda item was Ordinance No. 08-26. A motion was made by Smiley and seconded by Nation to place Ordinance No. 08-26, Amend Code for General Zoning Regulations, on its second reading suspending the rules and reading title only. A motion was made by Long and seconded by Smiley to amend Ordinance No. 08-26 to include the same amendment as for Ordinance No. 08-25.

Roll Call: (Amendment)

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

No Nay.

Six Ayes. No Nays. Motion Carried.

Roll Call:

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

No Nay.

Six 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 second reading.

The next agenda item was Ordinance No. 08-27. A motion was made by Fuller and seconded by Nation to place Ordinance No. 08-27, Amend Code Providing for Solid Waste Rate Increase, on its third reading suspending the rules and reading title only. Mayor Van Poucke stated this will be effective as of January 1, 2009, and retroactive on those billings that have not been made as of January 1st.

Roll Call:

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

No Nay.

Six 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 third reading.

A motion was made by Smiley and seconded by Turner to adopt Ordinance No. 08-27, Amend Code Providing for Solid Waste Rate Increase.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

A motion was made by Nation and seconded by Fuller to adopt the emergency clause for Ordinance No. 08-27, Amend Code Providing for Solid Waste Rate Increase.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 08-28. A motion was made by Fuller and seconded by Nation to place Ordinance No. 08-28, Rezone Development Permit C-1A to C-2 1600 East Cheri Whitlock/Sager Creek Community Church, on its second reading suspending the rules and reading title only.

Roll Call:

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

No Nay.

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 C-1A TO C-2
THE PROPERTY DESCRIBED AS 1600 EAST CHERI
WHITLOCK DRIVE.

was read for its second reading.

The next agenda item was Resolution No. 47-08. A motion was made by Smiley and seconded by Turner to adopt Resolution No. 47-08, Suspend Fees for Residents for Drop-Off Bagged Trash 12/26/08 – 12/30/08/Solid Waste Department.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 48-08. A motion was made by Nation and seconded by Smiley to adopt Resolution No. 48-08, Authorize Signature for City Accounts.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was review of bids. A motion was made by Long and seconded by Nation to approve the bid for a LTC Refurbishment of L-R65 Tap Changer for the Electric Dept. to Marathon Electric Company in the amount of \$33,155.00. Art Farine, Electrical Director, noted the only other bid did not bid the replacement of the contacts on the load tap changer which was one of the most important things needed, and therefore, did not meet the bid requirements.

Roll Call:

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

No Nay.

Six 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 bid for the purchase of Street Light Poles for the Electric Dept. to North Pacific in the amount of \$64,384.00. These poles are for East Main from Washington Street to Ravenwood Blvd.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda items are approval of the 2009 Service Contracts for non-profits.

A motion was made by Fuller and seconded by Nation to approve the 2009 Service Contract with the Lions Club in the amount of \$8,000.00.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

A motion was made by Turner and seconded by Nation to approve the 2009 Service Contract with the Sager Creek Arts Center in the amount of \$20,000.00. Nation noted that the amounts being approved are less than what these organizations requested, and less than what was allocated in 2008.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

A motion was made by Fuller and seconded by Nation to approve the 2009 Service Contract with the Boys and Girls Club in the amount of \$25,000.00. Turner noted this organization is receiving more than they did last year.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

A motion was made by Turner and seconded by Nation to approve the 2009 Service Contract with the Flyers Swim Team in the amount of \$1,500.00.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

A motion was made by Smiley and seconded by Wiles to approve the 2009 Service Contract with the Main Street Siloam Springs in the amount of \$7,000.00.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

A motion was made by Nation and seconded by Smiley to approve the 2009 Service Contract with the St. Francis Clinic in the amount of \$20,000.00.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

A motion was made by Smiley and seconded by Nation to approve the 2009 Service Contract with the Museum in the amount of \$50,000.00. Mayor noted this amount is slightly higher from \$48,000.00 last year.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

A motion was made by Smiley and seconded by Nation to approve the 2009 Service Contract with the Adult Development Center subject to the contract in the amount of \$8,000.00.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was approval of change order for Wisteria Street Construction. A motion was made by Nation and seconded by Long to approve the Change Order #1 in the amount of \$10,101.21 to DECCO Contractors-Paving Inc. This change order was due to changing the requirements of the street construction from residential to commercial usage.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was approval of an easement/SWEPCO Project. A motion was made by Nation and seconded by Turner to approve the easement with the SWEPCO Project for City Lake Water Line. Trevor Bowman, Water/Wastewater Director, stated this is an easement from the new pump station being built at City Lake to SWEPCO Lake. This is to allow SWEPCO access to their water line in order to maintain it. David Allen, 1600 Villa View, stated his concern regarding this easement is forever, and there is no map showing where this is actually located.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was Appointments to Boards and Commissions. Cameron stated he needed to add one appointment to the Hospital Board for Terry Lee. A motion was made by Fuller and seconded by Nation to approve the following appointments:

Hospital Board of Governors – Terry Lee – term expires when sale transaction is complete

Planning Commission – terms expire December 2011

Evan Vohs, Seat 1

Derek Spicer, Seat 2

Larry Winder Seat 3

Parks Advisory Board – terms expire December 2011, except Allen Broyles

Allen Broyles, Position 5 – term expires December 2010

Shane Cowger, Position 7

David Van Sandt, Position 8

Deanna Davis, Position 9

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

The next agenda item was the Administrator's Report:

Cameron requested the Board add to the agenda a revision for the 2009 Budget which reflects what the Board did at the previous meeting on 12-02-08 addressing salaries and wages. This only reflects increases voted on by the Board at the last meeting.

A motion was made by Long and seconded by Smiley to place the revised 2009 Budget on the agenda. 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 Smiley to approve the amended 2009 Budget.

Roll Call:

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

No Nay.

Six Ayes. No Nays. Motion Carried.

Cameron continued with the Administrator's Report. Cameron stated the District Court budgeted for a new heating system in 2009. Cameron informed the Board of an allocation not to exceed \$14,000 to order this equipment. They are going to go ahead and proceed with ordering the parts which takes at least two weeks. The 2008 Fall/Winter Newsletter should be distributed this week or next, and Cameron thanked staff for their hard work. There will be an article coming out about the EMS Service in Oklahoma. We are approaching the end of 2008 which was the timeline that we had given for the State to contribute some level of funding for us to continue our service into Oklahoma. They have not been able to come up with the funding. We have been in contact with them letting them know the timeline is approaching. This is unfortunate as we started in June 2007 with a dialogue trying to come up with a plan. We are still willing to work with the State. Elaine Carr has done an outstanding job. This is something we can no longer ask our citizens to pay the bill. The statement was that the sales tax that we generate from people shopping is paying for those services, but those in Siloam understand that sales tax in Siloam pays for the streets. The 1 cent sales tax we have is a street fund, and is not something that funds EMS. What funds our EMS is the electric bill, and if your electric bill is \$115.00, then \$15.00 of your electric bill funds fire and EMS. It is unfortunate that we have come to this point, but effective December 31, 2008, we will no longer be running our ambulance in to Oklahoma without funding. We are very open and willing to discuss this with Oklahoma representatives. We will continue to be that way. I will keep this Board and the media informed of any updates. The next item is the Solid Waste Department will be picking up Christmas trees the first Monday after Christmas, December 29th, or residents can take trees to the transfer station (there is no charge). We did apply for and received a matching grant from the AHTD department for a new 7-passenger van for the taxi, which the City's portion is \$3,827.00. This will be good for the community. The old 95 station wagon is no longer in service. Today we opened bids

for Tahlequah St. and the apparent low bid was \$1.5 million from J. Johnson Construction, who also did Hico and is doing Carl St. We are making sure this company can keep up with the amount of projects, especially getting Tahlequah done in a timely fashion. The engineers estimate on this project was \$2.25 million. Cameron gave an update on the Hospital sale. We are trying to get this transaction complete by the end of the year. We hope to have this transaction complete by February 1, 2009. CHS would be providing the funding and the City a ground lease. They anticipate construction starting by December 2010 and completion in 18 months to 2 years. This will be coming to the Board for approval in the next 30 to 45 days. Tonight is our last night with our Mayor Van Poucke. The Mayor deserves recognition for all he has done for the City. Cameron thanked Mayor Van Poucke on behalf of the staff for what he has done, his contributions to the community, and he always has put the City first. Vice-Mayor Smiley read a proclamation declaring December 22, 2008, as M. L. Van Poucke, Jr. Day in Siloam Springs. Mayor recognized Ed Fite, Scenic Rivers Commission Administrator, as being present. Ed Fite thanked the Mayor for everything he has done.

The next agenda item was the Open Hearing for Directors:

Mayor thanked the citizens of Siloam Springs who elected him as their Mayor 20 years ago, and continued to place him back in this office. It has always been his honor to serve you. He appreciates all these things that have been said and done this past week. Mayor Van Poucke stated he has done this because he love us. He has wanted to do this, not something for the money. The City will continue to grow in a positive direction.

Turner stated it has been an honor and a privilege to serve on this Board with the Mayor for the last 2 years.

Fuller stated he appreciates the Mayor, and they have worked together for a long time. He wished everyone a Merry Christmas and a Happy New Year.

Nation wished everyone a Merry Christmas. She thanked the Mayor for all the times that he has been there for her and given her good advice. He will be missed.

Wiles stated that this past year has been challenging for a lot of us, but it has been a good year. He expressed his appreciation to staff and citizens for the support they have shown. He wished everyone a Merry Christmas.

Smiley wished everyone a Merry Christmas and a Happy New Year. The Mayor will be missed, and she appreciates all the support the Mayor has given her.

Long thanked Mayor Van Poucke.

Nation stated she was asked questions about the City Administrator as to whether or not he was allowed to use his City vehicle and if the Board was aware he was doing that. It's important that the citizens know that yes we as the Board do know that our City Administrator is using his City vehicle for personal use. That is a privilege that we allow him by ordinance. For those that have questions and are wondering, yes.

Mayor Van Poucke called the Board in to 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 in the executive session.

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

(SEAL)
ATTEST:

APPROVED:

Peggy Woody, City Clerk, MMC

David Allen, Mayor