

MINUTES OF THE REGULAR MEETING OF
THE CITY BOARD OF DIRECTORS OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY,
ARKANSAS, HELD DECEMBER 18, 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 18, 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 Fuller.

Mayor Van Poucke led the Pledge of Allegiance.

A copy of the minutes of the December 04, 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 December 04, 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. 07-37. A motion was made by Smiley and seconded by Fuller to place Ordinance No. 07-37, Amend Potable Water Rates/Water Department, on its third reading suspending the rules and reading title only. Mayor Van Poucke stated this third reading includes the clarification in Section II, last line.

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 POTABLE CITY WATER; AMENDING
SUBSECTIONS 98-173(a) AND (d) OF THE MUNICIPAL CODE.

was read for its third reading.

A motion was made by Smiley and seconded by Nation to adopt Ordinance No. 07-37, Amend Potable Water Rates/Water Department.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

A motion was made by Smiley and seconded by Wiles to adopt the emergency clause for Ordinance No. 07-37, Amend Potable Water Rates/Water 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. 07-38. A motion was made by Nation and seconded by Fuller to place Ordinance No. 07-38, Amend Solid Waste Rates/Solid Waste Department, on its third reading suspending the rules and reading title only. Mayor Van Poucke stated there is a clarification in Section II, last sentence.

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 SOLID WASTE TRANSPORTATION AND
DISPOSAL; AMENDING SEC. 82-41 ("RATES") OF THE
MUNICIPAL CODE.

was read for its third reading.

A motion was made by Fuller and seconded by Nation to adopt Ordinance No. 07-38, Amend Solid Waste Rates/Solid Waste Department.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

A motion was made by Nation and seconded by Wiles to adopt the emergency clause for Ordinance No. 07-38, Amend Solid Waste Rates/Solid Waste Department.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

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

was read for its second and final reading.

A motion was made by Nation and seconded by Turner to adopt Ordinance No. 07-39, Prohibited Use Development Permit 111 West Tulsa/Carroll.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 07-40. A motion was made by Wasson and seconded by Turner to place Ordinance No. 07-40, Rezone Development Permit 2213 West Central/Pearson, on its second and third reading suspending the rules and reading title only. Matt Pearson, 2211 West Central, stated he would be out of town at the next meeting and requested both readings, if possible, but it was not a critical item. Wasson and Turner rescinded their motion and second to place this on its second and third readings. A motion was made by Nation and seconded by Smiley to place Ordinance No. 07-40, Rezone Development Permit 2213 West Central/Pearson, on its second reading suspending the rules and reading title only. David Williams, Community Development Director,

stated this would be a stand alone R-1 in this area. The other zonings are either R-2 or R-4. Staff has no concerns about rezoning this property to R-1.

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 R-2 TO R-1) THE PROPERTY
DESCRIBED AS 2213 WEST CENTRAL STREET.

was read for its second reading.

The next agenda item was Ordinance No. 07-41. A motion was made by Nation and seconded by Fuller to place Ordinance No. 07-41, Approve Regulations for Adult-Oriented Businesses, on its second reading suspending the rules and reading title only. Nation asked if this ordinance is as restrictive as we can make it and hold up in court. John Bass, attorney with Harrington and Associates, stated yes.

Roll Call:

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

The next agenda item was Resolution No. 66-07. A motion was made by Smiley and seconded by Fuller to adopt Resolution No. 66-07, Sole Source Authorize Contract with Arkansas Cleaning & Televising/I & I with unit price not to exceed \$65,000. Trevor Bowman, Water/Wastewater Director, addressed questions of the Board.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 67-07. A motion was made by Smiley and seconded by Nation to adopt Resolution No. 67-07, Final Plat Development Permit 2000-2400 Block North Mt. Olive/Autumn Glen Addition/Mathias. David Williams, Community Development Director, addressed the question as to if this final plat is the same as the preliminary plat by stating it is still the same.

Roll Call:

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

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was review of bid. A motion was made by Long and seconded by Wiles to approve the bid for the purchase of Computer Aided Dispatch (CAD) /Police Department to Southern

Software for option 2 for a total of \$184,675.00. Police Chief Joe Garrett addressed questions of the Board. Fire Chief Jimmy Harris also addressed questions.

Roll Call:

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

No Nays.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was approval of Mutual Aid Agreement/MESO. A motion was made by Nation and seconded by Wasson to approve the Municipal Electric Systems of Oklahoma (MESO) Mutual Aid Agreement.

Roll Call:

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

No Nays.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was approval of Hwy. 412 Water/Wastewater Relocation Engineering Contract with Garver Engineers, LLC. A motion was made by Wasson and seconded by Nation to approve the engineering contract with Garver Engineers, LLC for basic services not to exceed \$147,250 and supplemental surveys not to exceed \$19,670. The contract also contains a special services item to be subcontracted at actual cost estimated to be \$19,000. Trevor Bowman, Water/Wastewater Director, addressed questions about the contract and time frame for moving utilities.

Roll Call:

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

No Nays.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was the Administrator's Report:

Cameron stated our electric crews are in Oklahoma helping with the ice storm. He commended the electric crews. Cameron gave an update on the Twin Springs Fountain project. They will begin taking down the old fountain within the next few days. In cooperation with the Hwy 412 project, the Mayor will be signing a document for electrical relocation engineering cost to TransTec Services for \$19,000 for lighting design. This is subject to reimbursement. Long asked if we have to do this project, since we don't have to have lights on 412 and whether we should wait on this. Long stated he was against spending money for anything we don't have to spend. Art Farine, Electric Director, stating a rough estimate of \$800,000 cost for lighting on Hwy 412. Fuller stated concerns about the City's credit rating if money is taken from the reserves. Paul Calloway, City Treasurer, stated this could be correct. Cameron stated the Year in Review/Look Toward the Future publication will be distributed to the public on January 16th. Cameron stated he appreciates this Board and staff. Cameron wished everyone a Merry Christmas and Happy New Year.

The next agenda item was the Open Hearing for Directors:

Mayor Van Poucke wished everyone a Merry Christmas and Happy New Year. He noted the first meeting of the year will be on Wednesday, January 2nd at 6:00 p.m. in accordance with state law.

Turner stated he has enjoyed his first year and appreciates everyone's patience.

Wasson, Fuller, Nation, Wiles, Smiley, and Long each wished everyone a Merry Christmas and Happy New Year, and thanked all the City employees.

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