



**A G E N D A**  
**SILOAM SPRINGS BOARD OF DIRECTORS**  
**FEBRUARY 16, 2016**  
**WORK SESSION – EMPLOYEE HANDBOOK – 5:30 PM**  
**BOARD MEETING - 6:30 PM**  
**ADMINISTRATION BUILDING, 400 N. BROADWAY**

**Work Session – Employee Handbook – 5:30 pm**

**Regular Board of Directors Meeting:**

**Opening of Regularly Scheduled Meeting**

Call to Order

Roll Call

Prayer

Pledge of Allegiance

**Approval of Minutes**

Regular Meeting of February 2, 2016

**I. Public Input**

Items from the Public not on the Agenda (public may address any City business not listed on the agenda)

**II. Regularly Scheduled Items**

**Ordinances**

**A.** Ordinance 16-02 / 3<sup>rd</sup> Reading / Amend Article VI, Division 1 of the Municipal Code / Preference Among Municipal Bidders

**B.** Ordinance. 16-03 / 3<sup>rd</sup> Reading / Amending Section 74-72 of the Municipal Code to revise the Family Aquatic Center rates

**Resolutions**

**C.** Resolution 05-16 / Authorize Sale of Real Property to La-Z-Boy Chair Company

**Staff Reports**

Administrator's Report

**III. Directors Reports**

**IV. Adjournment**

MINUTES OF THE REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
CITY OF SILOAM SPRINGS, BENTON COUNTY,  
ARKANSAS, HELD FEBRUARY 2, 2016

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, on February 2, 2016.

The Meeting was called to order by Mayor Turner.

Roll Call: Johnson, Smiley, Burns, Beers, Smith, Jones –Present  
Coleman – Absent

Phillip Patterson, City Administrator; Jay Williams, City Attorney; Renea Ellis, City Clerk; James Wilmeth, Police Chief; Greg Neely, Fire Chief; Justin Bland, City Engineer; Ben Rhoads, City Planner, Don Clark, Community Services Director, Christina Petriches, Finance Director; present.

Opening prayer was led by Brad Burns.

Mayor John Turner led the Pledge of Allegiance.

A copy of the January 19, 2016 minutes of the regular meeting had previously been given to each Director. A Motion was made by Smiley and seconded by Beers to accept the minutes. Mayor called for a voice vote. Motion passed unanimously.

The first agenda item was the Open Hearing for Citizens Present.  
Don Cundiff, 601 W. Tahlequah, spoke about the Morris, Contempt of Court, matter and the amounts ordered to pay.

The next item on the agenda: Approve Purchase / Kenwood Drainage Court / Scurlock Industries.

Discussion: Justin Bland, City Engineer, briefed the item. A Motion to approve the purchase of the Kenwood Drainage Box Culvert from Scurlock Industries in the amount of \$130,350.00 was made by Burns and seconded by Johnson.

Roll Call:

Smiley, Burns, Beers, Smith, Jones, Johnson –Aye.

6 Ayes.                      No Nays.                      Motion passed.

The next item on the agenda: Ordinance 16-01 / 3<sup>rd</sup> Reading / Amending Chapter 6 of the Code of Ordinances / Alcoholic Beverages.

Discussion: Phillip Patterson, City Administrator, briefed the item. A Motion to Place Ordinance 16-01 amending Chapter 6 of the City's code of ordinances regarding alcoholic beverages on its third reading, suspending the rules and reading title only, was made by Smiley and seconded by Burns.

Roll Call:

Burns, Beers, Smith, Jones, Johnson, Smiley, –Aye.  
6 Ayes.                      No Nays.                      Motion passed.

An Ordinance entitled:

**AN ORDINANCE AMENDING CHAPTER 6, ALCOHOLIC BEVERAGES, OF THE SILOAM SPRINGS MUNICIPAL CODE TO ADD DEFINITIONS, STATE SPECIFIC GROUNDS FOR SUSPENSION OR REVOATION OF PERMITS, AND FOR OTHER PURPOSES.**

Was read on its third reading.

A Motion to adopt Ordinance 16-01 / 3<sup>rd</sup> Reading / Amending Chapter 6 of the Code of Ordinances / Alcoholic Beverages was made by Johnson and seconded by Smith.

Roll Call:

Beers, Smith, Jones, Johnson, Smiley, Burns –Aye.  
6 Ayes.                      No Nays.                      Motion passed.

The next item on the agenda: Ordinance 16-02 / 2<sup>nd</sup> Reading / Amend Article VI, Division 1 of the Municipal Code / Preference Among Municipal Bidders.

Discussion: Phillip Patterson, City Administrator, briefed the item. A Motion to Place Ordinance 16-02 providing a five percent (5%) preference to local resident bidders, up to a maximum of \$500 on its second reading, suspending the rules and reading title only, was made by Smiley and seconded by Jones.

Roll Call:

Smith, Jones, Johnson, Smiley, Burns, Beers –Aye.  
6 Ayes.                      No Nays.                      Motion passed.

An Ordinance entitled:

**AN ORDINANCE AMENDING ARTICLE VI, DIVISION 1 OF THE SILOAM SPRINGS MUNICIPAL CODE TO ADD SECTION 2-227 REGARDING A PREFERENCE FOR MUNICIPAL BIDDERS.**

Was read on its second reading.

The next item on the agenda: Ordinance 16-03 / 2<sup>nd</sup> Reading / Amending Section 74-72 of the Municipal Code to revise the Family Aquatic Center rates.

Discussion: Don Clark, Community Services Director, briefed the item. Smiley asked if any public comments had been received since the prior reading. Clark answered no. Smith asked about rates for out-of-town residents. Clark explained it was for simplicity. A Motion to Place Ordinance 16-03 Family Aquatic Center Rates on its second reading, suspending the rules and reading title only, was made by Burns and seconded by Smiley.

Roll Call:

Jones, Johnson, Smiley, Burns, Beers, Smith –Aye.  
6 Ayes.                      No Nays.                      Motion passed.

An Ordinance entitled:

**AN ORDINANCE AMENDING SECTION 74-72(a) OF THE SILOAM SPRINGS  
MUNICIPAL CODE; REVISING RATES FOR THE FAMILY AQUATIC CENTER.**

Was read on its second reading.

The next item on the agenda: Resolution 03-16 / Referendum on City Contributions of Social Security.

Discussion: Christina Petriches, Finance Director, briefed the item. Smiley asked if this was referring to only staff or if the Board was included. Petriches answered it is for part-time staff and Board members which included the Mayor. Smiley asked for pros and cons. Petriches explained part-time staff needs 10 years' work history to become eligible for social security. She stated this referendum allows polling of both classes and a decision made based on majority vote. After continued discussion, Phillip Patterson, City Administrator, clarified issues of the item. Jones asked why we have been paying Social Security if there was an agreement from 1951 not to and for the length of time it had been being paid. Petriches answered it is unknown. Smith asked if anyone would fall through the cracks if this fails. Petriches answered potentially. Beers confirmed if this passes, employees and the Board are left to decide. A Motion to approve Resolution 03-16 / Referendum on City Contributions of Social Security was made by Burns and seconded by Beers.

Roll Call:

Johnson, Smiley, Burns, Beers, Smith, Jones –Aye.

6 Ayes.                      No Nays.                      Motion passed.

The next item on the agenda: Resolution 04-16 / Significant Development Permit / 2500 Hwy 412 E. / Burger King.

Discussion: Ben Rhoads, City Planner, briefed the item. Johnson stated in the past, concern was always traffic. He stated there is no protective arrow west off of Highway 16, and traffic piles up and it seems like it doesn't fit on that lot. Burns asked about Master Plan in that area and if the Arkansas Highway and Transportation Department has any plans to improve Highway 16. Rhoads stated none that he is aware of. Jones pointed out the State won't respond to maybes, and shouldn't keep businesses out of there. Smith echoed concerns about ingress and egress. She then asked if parking could be reduced. Rhoads stated they felt it was prudent to provide as much parking as possible. Smiley asked if Burger King has met all requirements. Rhoads told her it had. She then agreed with Jones regarding the traffic count. She also expressed her excitement. Beers stated he is excited for this as well. He pointed out the similarity with this project and McDonald's on Hwy 412. He then stated the City has done their job and we need to support the item. Jones asked if it's the long term plan for the median to go out to this area. Rhoads answered yes. Mayor echoed excitement about Burger King coming to town. A Motion to approve Resolution 04-16 / Significant Development Permit / 2500 Hwy 412 E. / Burger King was made by Smiley and seconded by Smith.

Roll Call:

Smiley, Burns, Beers, Smith, Jones, Johnson –Aye.

6 Ayes.                      No Nays.                      Motion passed.

Tim Clower, 415 Star St., Corpus Christie, TX, expressed his appreciation to the City and stated he is the preferred Burger King developer.

Administrator's Report: Phillip Patterson, City Administrator, reported the Scroggin v. City of Siloam Springs has been officially settled for \$20,000 from the City and \$20,000 from Arkansas Municipal League. He then went over a program called SeamlessGov that allows online forms that don't require downloading. He stated it will allow the forms to be truly seamless with no printing or downloading required, as well as the ability to receive payments accompanying the forms. He stated they are looking over total cost and that it may be a possibility down the road. He then stated they are looking at a mid-March grand opening for the Library, but no official date has been set. He asked Jay Williams, City Attorney, will go over the Morris lawsuit status. Jay Williams, City Attorney, recapped the Morris v. City of Siloam Springs case and contempt matter.

Open Hearing of Directors: Mayor gave his condolences to Bill Allison's family. Beers expressed how impressed he is with the American Legion service while in conflict, but also how they really try to reach out. He then stated he attended a meeting of a group of mountain bikers in the area who are set on supporting additional mountain biking trails and help with the upkeep of those trails. Burns reminded everyone of the Adult Development Center 1<sup>st</sup> Friday Coffee at 7:30 a.m. and encouraged attendance. Johnson stated he bought a bike at Goodwill this past Thursday and that on his way home, he went by the new Library and went in to see the progress. He expressed his excitement for the upcoming grand opening. Smith wished everyone a happy Groundhog Day. She then announced the Daddy Daughter dance is this Saturday, which is a big deal in her household. She thanked Tony Peevyhouse for the tour of the Fire department, and she also thanked the Library for taking ordering suggestions. Jones stated sales tax numbers are up over 10%, which is a good sign.

Smiley then made a motion to adjourn; seconded by Jones. The Mayor called for a voice vote. All Ayes. Motion passed.

Meeting adjourned.

APPROVED:

ATTEST:

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John Mark Turner, Mayor

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Renea Ellis, City Clerk

{seal}



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## STAFF REPORT

TO: Mayor and Board of Directors  
FROM: Phillip Patterson, City Administrator  
DATE: January 12, 2016  
RE: Ordinance 16-02 / 1<sup>st</sup> Reading / Amend Article VI, Division 1 of the Municipal Code / Preference Among Municipal Bidders

**Recommendation:** Approval of Ordinance No. 16-02 providing a five percent (5%) preference to local resident bidders, up to a maximum of \$500.

**Background:** In 2015, the Arkansas General Assembly passed Act 1059 which permits cities to grant a bidding preference of up to five percent (5%) to firms residing within the city limits. This preference will allow the City to purchase from local businesses even if they are not the lowest bidder or have the lowest quote. Studies have shown that spending in one's local community produces economic benefits for that community. Some studies indicated that the benefit is two-fold, while others have shown that the economic benefit is three times as much. One study found that the local businesses return an average of 52 percent of their revenue to the local economy. For these reasons, staff recommends approval of Ordinance No. 16-02.

**Fiscal Impact:** The financial impact of this ordinance may result in increases of up to \$500 on certain purchases. However, it is anticipated that any such increase will produce additional economic benefits for the community as a whole.

**Attachments:**

Ordinance No. 16-02

ORDINANCE NO. 16-02

AN ORDINANCE AMENDING ARTICLE VI, DIVISION 1 OF THE  
SILOAM SPRINGS MUNICIPAL CODE TO ADD SECTION 2-227  
REGARDING A PREFERENCE FOR MUNICIPAL BIDDERS

WHEREAS, Act 1059 of the 2015 Arkansas General Assembly created a new statute, codified at A.C.A. § 14-58-105, which allows the City to grant a bidding preference to a firm residing within its city limits; and

WHEREAS, in order to support and encourage the growth and sustainability of local businesses, it is in the best interests of the citizens of the City of Siloam Springs, Arkansas, that Section 2-227 be added to the Code of Ordinances of the City of Siloam Springs to grant the bidding preference authorized by Act 1059 of the 2015 Arkansas General Assembly. **Now Therefore:**

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF SILOAM SPRINGS, ARKANSAS, THAT:**

The Siloam Springs Municipal Code is amended to add Section 2-227 to read as follows:

**Section 2-227. Preference among municipal bidders.**

- (a) The following words and phrases shall for the purpose of this section have the following meanings:

*Commodities* means all property, including without limitation, equipment, printing, stationery, supplies (to the extent not purchased pursuant to section 2-182(d)), and capital improvements, but excluding leases on real property, real property, or a permanent interest in real property, and exempt commodities and services;

*Firm resident in the city* means any individual, partnership, association, or corporation, whether domestic or foreign, that:

- (1) Maintains at least one (1) staffed place of business located within the corporate limits of the city;
- (2) For not less than two (2) successive years immediately before submitting a bid, has paid taxes to the county that benefit the city on either real or personal property used or intended to be used in connection with the firm's business; and,
- (3) Has a valid business registration/license with the city.

*Lowest qualified bid* means the lowest bid that conforms to the specifications and request for bids.

*City* means the City of Siloam Springs.

*Nonresident firm* means a firm that is not included in the definition of a firm resident in the city.

*Services* means labor, time, or effort furnished by a contractor.

- (b) In the purchase of commodities or services by competitive bidding, a reference of five percent (5%) shall be granted to the lowest qualified bid for a bidder that qualifies as a firm resident in the city.
- (1) The maximum monetary amount of any preference granted, regardless of the bid amount

or percentage of preference, shall be Five Hundred Dollars (\$500.00).

- (2) In calculating the preference to be allowed, the total amount of each bid of each firm resident in the city who claims the preference shall be reduced by five percent (5%), up to the maximum allowed as described above, from the total amount of each bid.
  - (3) If after making the deduction, the bid of any firm resident in the city claiming the preference is lower than the bid of the nonresident firm, then the award shall be made to the firm resident in the city that submitted the lowest qualified bid, whether or not that particular firm resident in the city claimed the preference.
- (c) The preference provided for in this section only applies in comparing bids when one (1) or more bids are by a firm resident in the city and the other bid or bids are by a nonresident firm.
- (1) The preference provided for in this section does not apply to competing bids of firm residents in the city after preferential rejection of the bids of nonresident firms, nor to the situation where all bidders are firm residents in the city.
- (d) If any provision or condition of this section conflicts with any provision of federal or state law or any rule or regulation made under federal or state law pertaining to federal grants-in-aid programs or other federal or state aid programs, the provision or condition shall not apply to the state-supported or federal-supported contracts for the purchase of commodities or services to the extent that the conflict exists. However, all provisions or conditions of this section with which there is no conflict apply to contracts to purchase commodities or services to be paid, in whole or in part, from federal funds.
- (e) The provisions of this section shall apply, without limitation, to public works projects, capital improvements, commodities, materials, equipment, and services procured by the city.
- (f) When circumstances arise to which this section and Ark. Stat. Ann. § 19-11- 259 (regarding preferences among bidders) apply, both the preference provided under this section and the preference provided under Ark. Stat. Ann. § 19-11-259 shall also apply.
- (g) To the extent that federal purchasing laws or bidding preferences conflict, this section does not apply to projects related to supplying water or wastewater utility services, operations, or maintenance to a federal military installation by a municipality of the state.

**Ordained and Enacted** this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Renea Ellis, City Clerk

\_\_\_\_\_  
John Mark Turner, Mayor

(SEAL)



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## STAFF REPORT

To: Phillip Patterson, City Administrator  
From: Don Clark, Community Services Director  
Date: January 12, 2015  
Subject: Ordinance No. 16-03 / Amending Section 74-72 of the Municipal Code to revise the Family Aquatic Center rates.

**Recommendation:** Approve of Ordinance No. 16-03 Family Aquatic Center Rates

**Background:** The Parks and Recreation Department is proposing a revision be made to the season membership rate schedule. In an attempt to address patron complaints and concerns and to avoid discrepancies between the Parks and Recreation office and the Family Aquatic Center, a simplified and consistent enrollment policy and fee schedule is needed.

Issuing season passes based on a household rather than a family and including a 4-person cap will address the following inconsistencies:

1. Capping the number of members per pass to four and charging \$15 for additional members will provide a more consistent schedule for patrons and staff. i.e. The current cost of a 6 plus family member pass is \$175. Families of 10 members are paying \$17.50 per member, where as a family of three is paying \$50 per member (the price of up to 4 members).
2. Include care givers on memberships. The City currently does not permit grandparents and child care givers to be listed on family memberships.
3. Discontinue the April 10% discount.
4. Discontinue the two out of school district rates and include one for out of school district.
5. Requiring proof of residency may be needed to determine the out of school district rates.
6. Discontinue the one-time out-of-town relative free admittance.

**Fiscal Impact:** There will be a minimal fiscal impact to the City.

**Attachments:** Current Family Aquatic Center rate schedule;  
Proposed Family Aquatic Center rate schedule; and  
Ordinance No. 16-03



## EXISTING FAMILY AQUATIC CENTER RATES

Opening Day - May 23, 2015

### Annual Membership Passes

10% discount if purchased during the month of April.

NUMBER OF MEMBERS	RESIDENT		NON-RESIDENT WITHIN SCHOOL DISTRICT		NON-RESIDENT OUT OF SCHOOL DISTRICT	
	REGULAR	DISCOUNTED	REGULAR	DISCOUNTED	REGULAR	DISCOUNTED
INDIVIDUAL	\$75.00	\$67.50	\$105.00	\$94.50	\$115.00	\$103.50
UP TO FOUR	\$150.00	\$135.00	\$165.00	\$148.50	\$175.00	\$157.50
FIVE	\$165.00	\$148.50	\$180.00	\$162.00	\$190.00	\$171.00
SIX OR MORE	\$175.00	\$157.50	\$190.00	\$171.00	\$200.00	\$180.00

### Daily Admission Fee

Age 4 and up \$4.00

Age 3 and under \$3.00

Children under the age of ten must be accompanied by a parent or authorized guardian.

### Large Group Rental

Groups up to 550 people may rent the Family Aquatic Center for their exclusive use during evening hours when the Center is not open to the public. Rental must be reserved at least two weeks in advance.

Security Deposit: \$250.00

Rental Fee: \$250.00 per hour

### Swim Lessons

Classes for all ages are \$35.00 per person per session (one session consists of eight 50-minute lessons).

Session 1 June 8<sup>th</sup> – 18<sup>th</sup> Classes meet mornings Monday through Thursday each week  
 June 8<sup>th</sup> – 24<sup>th</sup> Classes meet Monday, Wednesday and Friday evenings

Session 2 July 6<sup>th</sup> – 16<sup>th</sup> Classes meet mornings Monday through Thursday each week  
 July 6<sup>th</sup> – 22<sup>nd</sup> Classes meet Monday, Wednesday and Friday evenings

Morning classes begin at 9:30 and 10:30 / Evening classes begin at 6:30 and 7:30.



## PROPOSED FAMILY AQUATIC CENTER RATES

Opening Day - May 28, 2016

### Annual Season Passes

RESIDENT		OUT OF SCHOOL DISTRICT	
\$135	Up to 4 household members; \$15 Each additional member	\$165	Up to 4 household members; \$15 Each additional member
\$60	Youth Pass 15 Years of age or younger	\$90	Youth Pass 15 Years of age or younger
\$60	Senior Pass	\$90	Senior Pass
\$70	Adult Pass	\$100	Adult Pass

**Member benefits:**

- Unlimited access to the FAC during normal business hours
- Member's Only Window: No waiting in line
- Members only swim: Saturday mornings from 10:00 AM to noon
- Dive in Movie August 12th, 9-11 PM. Free with membership

### Daily Admission Fee

Age 4 and up \$4.00

Age 3 and under \$3.00 Children under the age of ten must be accompanied by a parent or authorized guardian.

### Large Group Rental

Groups up to 550 people may rent the Family Aquatic Center for their exclusive use during evening hours when the Center is not open to the public. Rental must be reserved at least two weeks in advance.

Security Deposit: \$250.00

Rental Fee: \$250.00 per hour

### Swim Lessons

Classes for all ages are \$35.00 per person per session (one session consists of eight 50-minute lessons).

Session 1 June 13 – 23 Classes meet mornings Monday through Thursday each week at 9:30 and 10:30  
 June 13 – 29 Classes meet Monday, Wednesday and Friday evenings at 6:30 and 7:30

Session 2 July 11 – 21 Classes meet mornings Monday through Thursday each week 9:30 and 10:30  
 July 11 – 27 Classes meet Monday, Wednesday and Friday evenings at 6:30 and 7:30

**PLEASE CONTACT THE PARKS AND RECREATION OFFICE FOR ADDITIONAL INFORMATION**  
 120 South Mt. Olive ~ (479) 524-5779 ~ [parks@siloamsprings.com](mailto:parks@siloamsprings.com)

**ORDINANCE NO. 16-03**

**AN ORDINANCE AMENDING SECTION 74-72(a) OF  
THE SILOAM SPRINGS MUNICIPAL CODE;  
REVISING RATES FOR THE FAMILY AQUATIC  
CENTER.**

WHEREAS, City staff has reviewed the governing ordinance for the Family Aquatic Center and has identified revisions to improve efficiency and simplify the pricing and purchasing process for consumers; and

WHEREAS, the Family Aquatic Center membership fee schedule includes separate rates for residents, non-residents within the school district and non-residents out of school district; and

WHEREAS, a ten percent discount is applied to annual memberships purchased in the month of April; and

WHEREAS, to reduce confusion by the public and simplify sales and accounting procedures, usage fees for the Family Aquatic Center should be adjusted to discontinue the non-resident in school district rates and the ten percent discounted rate for memberships purchased during the month of April; and

WHEREAS, annual group memberships are currently based on family units; and

WHEREAS, in order to accommodate a greater variety of living arrangements, that annual memberships should be issued based on households rather than family units;

Now Therefore:

Be It Enacted, by the Board of Directors of the City of Siloam Springs, as follows:

**SECTION I.**

**THAT** Chapter 74-72(a) of the City Code ("Policies and Procedures for Facility Use") is hereby amended as follows (added terms are underlined, deleted terms are ~~struck through~~):

**Sec. 74-72. Policies and procedures.**

*(a) Family Aquatic Center.*

- (1) *General policy and authority.* Fees and memberships shall be instituted to offset the cost of operating the city's Family Aquatic Center. The Family Aquatic Center is available for use by various groups and organizations for swimming activities.

- (2) *Requirements for rental.* Individuals and groups must contact the parks and recreation department at least two weeks prior to the date which they wish to reserve the Family Aquatic Center or receive a group discount and enter into a rental agreement which must be approved in writing by the parks and recreation department.
- (3) *Fees and deposits.* All deposits collected will be deposited with the city administrator or his designee. A refund check will be issued within two weeks after the event. The following schedule will be in effect for admission to the Family Aquatic Center:

a. *Annual Siloam Springs School District resident memberships.-*  
 Memberships are available to city residents only at a ten percent discount on the following fees if the membership is purchased between April 1 and April 30:

1. Annual resident family household membership (family of four) (up to 4 household members) . . . ~~\$125.00~~ \$135.00
2. ~~Fifth family member . . . 15.00~~ Each additional member \$15.00
3. Sixth family member (or more) . . . 10.00
4. Maximum cost . . . 150.00
5. ~~Annual resident individual membership . . . 75.00~~
6. Youth Pass (15 years of age and younger) . . . \$60
7. Senior Pass . . . \$60
8. Adult Pass . . . \$70

b. *Nonresident memberships of the city school district.* Memberships shall also be available to nonresidents of the city who are members of the city school district as follows:

1. Annual nonresident family membership (family of four) . . . ~~\$135.00~~ \$165.00
2. ~~Fifth family member . . . 15.00~~
3. Sixth family member (or more) . . . 10.00
4. Maximum cost . . . 160.00
4. ~~Annual nonresident individual membership . . . 105.00~~

c. Nonresident memberships Outside the city school district memberships.

Memberships shall also be available to ~~nonresident s of the city from~~ persons residing outside of the city school district as follows:

1. Annual ~~nonresident out of school district family~~ membership  
(family of four) . . . \$175.00 (Up to 4 household members) \$165.00
2. ~~Fifth family member . . . 15.00~~ Each additional member \$15
3. ~~Sixth family member (or more) . . . 10.00~~
4. ~~Annual nonresident individual membership . . . 115.00~~
5. Youth Pass (15 years of age and younger) . . . \$90
6. Senior Pass . . . \$90
7. Adult Pass . . . \$100

d. *Daily admission fee.* Daily admission fees shall be as follows:

1. Age 4 and Up .... \$4.00
2. Age 3 and Under ....3.00

e. *Slide fee.* All day is included in membership and daily admission.

f. *Large group rental.* The "large group rental" fees are as follows:

1. Groups to 550 may rent the Family Aquatic Center for their exclusive use during evening hours when the center is not open to the public.
2. Rental fee will be \$250.00 per hour with a security deposit of \$250.00.
3. Large groups must rent the facility at least two weeks in advance.

g. *Annual CPI adjustment.* Unless otherwise provided by the board of directors, beginning with the 2015 season, and each year thereafter, rates shall be adjusted annually in accordance with the All Items Consumer Price Index for Urban Consumers (CPI-U), South Region, for the preceding year. The city administrator or his designee may, at their discretion, round such rates to the nearest plus or minus \$1.00 increment.

(4) Children under the age of ten must be accompanied by a parent or authorized guardian.

(No amendments are proposed for 74-72 sections (b) through (d), which are omitted herein for brevity.)

**SECTION II.** Repealer and severability.

Prior Ordinances in conflict with the provisions enacted herein are repealed to the extent of the conflict as of the effective date of this Ordinance. If any provision of a section of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

**ORDAINED AND ENACTED** this \_\_\_\_ day of \_\_\_\_\_ 2016.

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
John Mark Turner, Mayor

\_\_\_\_\_  
Renea Ellis, City Clerk

(SEAL)



**Siloam Springs**  
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## STAFF REPORT

TO: Phillip Patterson, City Administrator  
FROM: Jay C. Williams, City Attorney  
DATE: February 8, 2016  
RE: Resolution 05-16 / Authorize Sale of Real Property to La-Z-Boy Chair Company

**Recommendation:** Approve Resolution 05-16 authorizing the sale of real property to La-Z-Boy Chair Company.

**Background:** The City has received notification from counsel for La-Z-Boy Chair Company (La-Z-Boy) that La-Z-Boy intends to exercise its option to purchase the La-Z-Boy manufacturing facility, located at 2601 North Country Club Road, from the City for \$100.00. This amount is specified in the lease agreement between La-Z-Boy and the City.

The City took title to the property and leased it back to La-Z-Boy in 1994 pursuant to a statutory bond financing arrangement (Act 9.) In accordance with the terms of Act 9 and the lease, La-Z-Boy is entitled to re-purchase the facility after having retired the bond indebtedness. We have received notice verifying discharge and satisfaction of the indenture from the Bond Trustee.

As this request appears to be fully consistent with the terms of the 1994 agreement, I recommend that the City authorize termination of the lease and the sale of the property. You have received a resolution to this effect, and upon its passage I will work with legal counsel for La-Z-Boy to complete these transactions.

**Fiscal Impact:** \$100.00 to be received by the City at closing.

**Attachments:**

- Purchase request letter
- Bond Indenture release
- Resolution No. 05-16



WRIGHT LINDSEY JENNINGS

3333 Pinnacle Hills Parkway, Suite 510 Rogers, AR 72758-8960 Main 479.986.0888 Fax 479.986.8932 wlj.com

P. Delanna Padilla  
ATTORNEY

Direct: 479.631.3276 | dpadilla@wlj.com

February 8, 2016

Mayor John Mark Turner  
400 N. Broadway  
P.O. Box 80  
Siloam Springs, AR 72761

Re: Release of La-Z-Boy Industrial Revenue Bonds

Dear Mayor Turner:

Please allow this letter to serve as written notice of intent to exercise the purchase option as allowed in Section 10.2 of the Lease dated June 1, 1994 between the City of Siloam Springs and La-Z-Boy Chair Company. To that end, I enclose a check in the amount of One Hundred Dollars (\$100.00) to consummate the purchase. A proposed Warranty Deed and Bill of Sale have previously been provided to your office and reviewed by the City Attorney.

Please do not hesitate to contact me if you should have any questions. I appreciate your assistance with this matter.

Sincerely,

WRIGHT, LINDSEY & JENNINGS LLP

P. Delanna Padilla

Enclosures  
cc: Jay Williams

**RELEASE:**

RELEASE effective as of January 20, 2015, executed by The Bank of New York Mellon Trust Company, N.A., Cleveland, Ohio, as ultimate successor trustee to Society National Bank, as Trustee.

**WITNESSETH:**

WHEREAS, the City of Siloam Springs, Arkansas (the "Issuer") has issued its \$7,500,000 (Original Principal Amount) Variable/Fixed Rate Demand Industrial Development Revenue Bonds (La-Z-Boy Chair Company Project), Series 1994, (the "Bonds"); and

WHEREAS, the Bonds were issued under a Trust Indenture dated as of June 1, 1994 (the "Indenture"), by and between the Issuer and Society National Bank, predecessor trustee to The Bank of New York Mellon Trust Company, N.A. as Trustee, recorded in the office of the Circuit Clerk and Ex Officio Recorder of Benton County, Arkansas in book number 94 at page number 041710; and

WHEREAS, the Issuer, in the Indenture, did grant, bargain, sell, convey, mortgage, assign and pledge as security for the Issuer's obligations thereunder the property described in the granting clauses thereof (the "Mortgaged Property"); and

WHEREAS, the Issuer has provided for the discharge and satisfaction of the Indenture by paying or causing to be paid to the owners of the Bonds, in the manner provided by the Indenture, the principal and interest due thereon, and by the payment of all other sums payable by the Issuer under the Indenture;

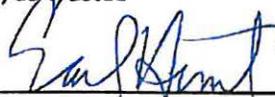
WHEREAS, all conditions precedent to the satisfaction and discharge of the Indenture have been complied with;

NOW, THEREFORE, the lien of the Indenture on the Mortgaged Property is hereby released and discharged in full.

IN WITNESS WHEREOF, the Trustee has caused these presents to be signed in its name and behalf by its duly authorized officer as of the date first above written.

THE BANK OF NEW YORK MELLON TRUST  
COMPANY, N.A.  
(ultimate successor trustee to Society National  
Bank), as Trustee

By

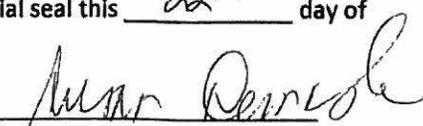


Earl T. Hunt, Vice President

ACKNOWLEDGMENT

On this the 22<sup>nd</sup> day of January, 2015, before me, Susan Demaske, the undersigned officer, personally appeared Earl T. Hunt, who acknowledged himself to be the Vice President of The Bank of New York Mellon Trust Company, N.A., a trust company, and that he, as such Vice President, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the bank by himself as Vice President.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 22<sup>nd</sup> day of January, 2015.

  
Notary Public

My Commission expires: \_\_\_\_\_

(SEAL)

SUSAN DEMASKE - Attorney At Law  
Notary Public, State of Ohio  
My commission has no expiration date  
Section 147.03 R.C.

**RESOLUTION NO. 05 - 16**

**A RESOLUTION AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY  
TO LA-Z-BOY CHAIR COMPANY AND AUTHORIZING THE MAYOR AND  
CITY CLERK TO EXECUTE DEEDS AND OTHER DOCUMENTS AS  
REQUIRED FOR THE CONVEYANCE.**

**WHEREAS**, the City of Siloam Springs, a political subdivision and municipal corporation of the State of Arkansas ("City") is the owner of premises located at 2601 North Country Club Road, in the City of Siloam Springs, commonly known as the La-Z-Boy facility; and

**WHEREAS**, pursuant to Title 14, Chapter 164, Subchapter 2 of the Arkansas Code (1987) the City has entered into a lease agreement with La-Z-Boy Chair Company ("La-Z-Boy") with respect to said facility; and

**WHEREAS**, said agreement, dated June 1, 1994, provides to La-Z-Boy the option to purchase the property for \$100.00, if certain Bond indebtedness has been fully discharged; and

**WHEREAS**, La-Z-Boy has notified the City of its intent to exercise its purchase option; and

**WHEREAS**, said property is not currently needed for public use; and

**WHEREAS**, satisfaction of the above conditions effectively renders the lease agreement moot and subject to termination;

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Directors of the City of Siloam Springs, as follows:

**Section 1. Sale approved.** The property above-referenced is declared to be surplus to the needs of the City, and its sale for the consideration provided in the June 1, 1994 lease agreement is approved. The Mayor and City Clerk are authorized and directed to execute for and on behalf of the City such deeds, documents and instruments required to convey the property to La-Z-Boy,

upon receipt of documentation establishing satisfaction of all necessary pre-conditions, and payment to the City of the purchase price as specified.

**Section 2. *Lease terminated.*** That upon receipt of the documentation specified in the preceding section, the lease agreement of June 1, 1994, shall be deemed to be moot. The Mayor and City Clerk are authorized and directed to execute for and on behalf of the City such instruments as may be reasonably necessary to declare said agreement, and the duties and obligations associated therewith, to be terminated.

**Section 3. *Repealer.*** All prior resolutions, policies, or parts of any such material, in conflict with the provisions of this resolution are hereby repealed to the extent of such inconsistency.

**Done and Resolved** this \_\_\_\_ day of February, 2016.

Approved:

Attest:

\_\_\_\_\_  
John Mark Turner, Mayor

\_\_\_\_\_  
Renea Ellis, City Clerk

(SEAL)