

MINUTES OF THE REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
CITY OF SILOAM SPRINGS, BENTON COUNTY,  
ARKANSAS, HELD SEPTEMBER 6, 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 September 6, 2016.

The Meeting was called to order by Mayor Turner.

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

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

Opening prayer was led by Carol Smiley.

Mayor John Turner led the Pledge of Allegiance.

A copy of the August 16, 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.  
No one came forward.

The next item on the agenda: Swearing-In of Board of Director Position 5 At-Large / Jerry Cavness.

Discussion: Judge Stephen Sloan Thomas administered the Oath of Office to Jerry Cavness. After the swearing in, Cavness took his position on the Board.

The next item on the agenda: Housing Authority of the City of Siloam Springs / Charles Adams.  
Discussion: A Motion to approve the recommendation from the Commissioners of the Housing Authority to appoint Charles Adams to the Housing Authority Board was made by Cavness and seconded by Johnson.

Roll Call:

Johnson, Smiley, Burns, Beers, Smith, Cavness, Coleman –Aye.

7 Ayes.

No Nays.

Motion passed.

The next item on the agenda: Parks Advisory Board / Jason Worrell.

Discussion: Don Clark, Community Services Director, briefed the item. A Motion to appoint applicant Jason Worrell to fill a vacant seat on the Parks Advisory Board for the term expiring December 31, 2017 was made by Smiley and seconded by Coleman.

Roll Call:

Smiley, Burns, Beers, Smith, Cavness, Coleman, Johnson –Aye.  
7 Ayes.                      No Nays.                      Motion passed.

The next item on the agenda: Master Engineering Service Agreement / Airport / Garver, LLC.  
Discussion: Don Clark, Community Services Director, briefed the item. A Motion to approve the Master Services Agreement with Garver, LLC was made by Burns and seconded by Beers.

Roll Call:

Burns, Beers, Smith, Cavness, Coleman, Johnson, Smiley –Aye.  
7 Ayes.                      No Nays.                      Motion passed.

The next item on the agenda: Contract / 2017 Medical Insurance Benefits / United Healthcare / \$1,615,062.89.

Discussion: Adrienne Barr, Human Resources Manager, briefed the item. Smith asked about walking incentives and cost benefits. Barr addressed the questions. Burns asked what the number of retirees was and the costs to them. Barr stated there are approximately 15, and monthly cost is \$108.20 for employee only, \$265.49 for employee plus one, \$401.19 for employee plus family. Burns asked if retirees are able to participate in wellness program. Barr answered yes, but wants to verify to be sure. Smiley asked if the wellness program still includes the labs. Barr answered no. Smiley asked for further explanation of the walking program. Barr went over the number of steps required. Smiley asked if a specific number of participants are required. Barr stated that in order to get a 6% cap on the rate increase next year, we are required to have 60% participation. Smiley asked if this policy includes a physical. Barr answered yes, covered at 100%. Phillip Patterson, City Administrator, reviewed the levels details and amount contributed. Cavness asked if it's only during work hours. Barr stated its all year. Cavness asked if other activity will be recognized. Barr stated only steps taken and swimming counts, but bicycling does not count actual number of pedals but some credit would be given. Beers expressed thanks for the hard work and appreciates getting everyone walking. Smith asked if this plan has the same suite of doctors and facilities as the current one. Barr stated there are more providers. Burns asked what the yearly deductible would be. Barr stated it will remain \$2,000. Smiley asked if the deductible hasn't been met, is there copay for the physical. Barr stated, as long as it is a true wellness visit, it is covered at 100%. Smiley asked if the wellness visit is mandated. Barr answered no; it is mandated that it is covered. A Motion to approve the contract with United Healthcare for employee medical insurance benefits in 2017 in the amount of \$1,615,062.89 was made by Smiley and seconded by Smith.

Roll Call:

Beers, Smith, Cavness, Coleman, Johnson, Smiley, Burns –Aye.  
7 Ayes.                      No Nays.                      Motion passed.

The next item on the agenda: Contract / Cheri Whitlock Overpass / Water and Sewer Relocates / Ground Zero Construction / \$773,080.19.

Discussion: Justin Bland, City Engineer, briefed the item. Beers asked if there was room where future improvements can be made. Bland stated they are looking further into it, but thought the City was okay for future growth. A Motion to approve the Cheri Whitlock Water and Sewer Relocation bid from Ground Zero Construction in the amount of \$773,080.19 was made by Beers and seconded by Burns.

Roll Call:

Smith, Cavness, Coleman, Johnson, Smiley, Burns, Beers –Aye.  
7 Ayes.                      No Nays.                      Motion passed.

The next item on the agenda: Right-of-Way License Agreement / 102 E. Central / Bill O'Hare.  
Discussion: Mayor announced staff requested the item to be pulled.

The next item on the agenda: 1<sup>st</sup> Reading / Ordinance 16-12 / Amend Chapter 74 of the City Municipal Code / Establish Rental Rates for Sager Creek Soccer Complex.  
Discussion: Don Clark, Community Services Director, briefed the item. Smiley thanked Clark for his research. Smiley stated it is nice to have funding coming in to help with the maintenance. Burns asked if funding will go toward lighting, facilities, etc. Clark stated possibly at a certain level. Smith asked how the fees calculated. Clark said they reach out to other facilities and compared. He said the local soccer clubs are okay with the fees. Smith asked if this covers the cost of maintenance. Clark answered yes. Beers asked who is painting the pitches. Clark said the City will and that a new paint was being used which is supposed to last longer. A Motion to Place Ordinance 16-12 / Amend Chapter 74 of the City Municipal Code / Establish Rental Rates for Sager Creek Soccer Complex on its first reading, suspending the rules and reading title only, was made by Smiley and seconded by Johnson.

Roll Call:

Coleman, Johnson, Smiley, Burns, Beers, Smith, Cavness –Aye.  
7 Ayes.                      No Nays.                      Motion passed.

An Ordinance entitled:

**AN ORDINANCE PROVIDING RENTAL RATES FOR THE SAGER CREEK SOCCER  
COMPLEX LOCATED AT 608 SUE ANGLIN DRIVE.**

Was read on its first reading.

The next item on the agenda: 1<sup>st</sup> Reading / Ordinance 16-13 / Amend Section 102-21 Rezone from I-1 to C-2 / 1084 and 1198 Hwy. 412 E.

Discussion: Ben Rhoads, Senior Planner, briefed the item. Mike McGooden, 212 South Prospect, asked it be expedited as quickly as possible. Coleman asked if there has been any objection to the rezoning. Rhoads answered no. Coleman asked if traffic patterns have been considered. Rhoads answered yes. Mayor asked if special use permit was State mandated for liquor stores. Rhoads answered yes. A Motion to Place Ordinance 16-13 / Amend Section 102-21 Rezone from I-1 to C-2 / 1084 and 1198 Hwy. 412 E. on its first, second and third reading, suspending the rules and reading title only, was made by Burns and seconded by Smith.

Discussion on the Motion: Smiley said she understands the want to have the first, second and third reading all at once, and that the business wants to open quickly, but she doesn't like all three readings at once. She stated this has no emergency clause on it. Coleman stated he understands the rushing of this, and wonders why we don't enact an emergency clause so it can go into effect immediately. Phillip Patterson, City Administrator, said, per the State, it will go into effect 45 days after publication. He also said he wanted the Board to be aware the idea of having an emergency clause is that there is a public emergency. Beers asked if this moves to all three readings, how would there be an opportunity for the public to object. Rhoads stated all

planning permits require legal notification. Smiley stated she doesn't want the Board to set a precedent of doing all three readings at once, unless when appropriate. Burns agreed with Smiley, but is still asking for all three readings to help small business. Cavness stated every ordinance would stand alone, with no precedent set.

Roll Call:

Johnson, Smiley, Burns, Beers, Smith, Cavness, Coleman –Aye.

7 Ayes.                      No Nays.                      Motion passed.

An Ordinance entitled:

**AN ORDINANCE AMENDING SECTION 102-21 OF THE SILOAM SPRINGS  
MUNICIPAL CODE (CITY ZONING MAP); REZONING (FROM I-1 TO C-2) THE  
PROPERTY LOCATED AT 1084 AND 1198 HWY. 412 E.**

Was read on its first, second and third reading.

A Motion to Adopt Ordinance 16-13 was then made by Smiley and seconded by Burns.

Roll Call:

Johnson, Smiley, Burns, Beers, Smith, Cavness, Coleman –Aye.

7 Ayes.                      No Nays.                      Motion passed.

The next item on the agenda: Resolution 29-16 / Special Use Development Permit / Mike McGooden / 1084 Hwy. 412 E.

Discussion: Ben Rhoads, Senior Planner, briefed the item. Mayor clarified what would happen if this did not pass. Mike McGooden, 212 South Prospect, stated he was unaware that the driveway had been closed. He stated the two drives were there before the furniture store went in. He then went over several other driveways west of Mt. Olive. Phillip Patterson, City Administrator, asked if there is opportunity to put in an aerial view. Rhoads showed the view, and went over concerns. Coleman stated he thinks there should be more concern with the west driveway. Burns asked what can be done to close that drive. Rhoads stated putting boulders, stones, etc. would be doable, or a temporary solution would be putting cones out. Patterson stated if the board wishes to add this, the condition would be the applicant would work with staff to find a solution to closing drive. Mayor asked what the reasoning was for the drive being closed. Rhoads explained the property had been somewhat abandoned, and then lost its grandfather status. Beers pointed out that a lot of the mentioned driveways are protected by a median. He stated moving forward with the administrations' recommendation would be the best choice. Burns asked where Planning and Zoning get their data from. Rhoads stated it's included in the staff report. Burns stated he can see where the applicant can see a misuse of power due to grandfathering in other areas, but not here. Smiley asked when this was presented to Planning and Zoning, if there was one entrance or two. Rhoads stated he believes there was only one, with the other closed off. He stated today during a routine site visit, staff noticed both entrances open. Smith stated she has full faith in staff and proposed the land owner temporarily close the eastern entrance and then takes it back to Planning and Zoning to open the entrance. Jay Williams, City Attorney, stated there isn't a procedure set for that kind of request. Patterson pointed out the request would be made to the Board of Adjustment for a variance for the two driveways instead of the Planning Commission. A Motion to approve Resolution 29-16, authorizing a special use permit for 1084

Hwy. 412 E, subject to the eastern most driveway remaining closed and subject to pending review by the Board of Adjustment subject to the applicant requesting a Variance for possible second driveway was made by Beers and seconded by Burns.

Further Discussion: Cavness asked if the other business on the property has any issues with the driveway. McGooden stated he has not heard anything from them regarding such. Smith asked if both buildings were vacant. Rhoads stated both were vacant in 2012.

Roll Call:

Smiley, Burns, Beers, Smith, Cavness, Coleman, Johnson –Aye.

7 Ayes.                      No Nays.                      Motion passed.

The next item on the agenda: Resolution 30-16 / Significant Development Permit / Burger King / 2354 Hwy. 412 E.

Discussion: Ben Rhoads, Senior Planner, briefed the item. Burns expressed his appreciation for work and design. Smith asked what the detention pond looks like. Rhoads told her a depression in the ground and further detailed the function of a detention pond. A Motion to approve Resolution 30-16, authorizing a significant development permit for 2354 Hwy. 412 E. with staff conditions was made by Burns and seconded by Johnson.

Roll Call:

Burns, Beers, Smith, Cavness, Coleman, Johnson, Smiley –Aye.

7 Ayes.                      No Nays.                      Motion passed.

The next item on the agenda: Resolution 31-16 / Authorize the Rate of Property Tax / 2016 to be Collected in 2017.

Discussion: Christina Petriches, Finance Director, briefed the item, including the fact that there was no increase from 2016. A Motion to approve Resolution 31-16, authorizing the rate of property tax in 2016 to be paid in 2017 without any changes from those paid in 2016 was made by Burns and seconded by Beers.

Roll Call:

Beers, Smith, Cavness, Coleman, Johnson, Smiley, Burns –Aye.

7 Ayes.                      No Nays.                      Motion passed.

The next item on the agenda: Staff Reports / Best Places to Work.

Adrienne Barr, Human Resources Manager, gave background including a scheduled trip to Little Rock to find where we placed.

The next item on the agenda: Staff Reports / Graffiti Update.

Jim Wilmeth, Police Chief, briefed this item. He stated costs of the project are minimal and possibly helps in reducing other crimes. Johnson expressed appreciation of staff removing the graffiti quickly.

Administrator's Report: Phillip Patterson, City Administrator, reported three purchases. He stated the Maintenance Department purchased two tool boxes and tools in the amount of \$42,022.26, which was bid out and went with the second lowest bidder due to bad experiences with lowest bidder. He reported a Capital Purchase for the Main Street Gateway Fountain System in the amount of \$34,635.34, and the Electric Department purchased inventory for the new Simmons Plant, 2 pad mount transformers, in the amount of \$49,486.00. He then went over

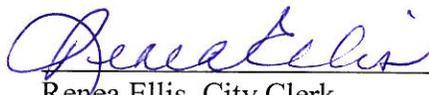
an incident from late 2015, which resulted in a demand for payment from Mercy Hospital. He reported the matter had been settled in the amount of \$30,000.

Open Hearing of Directors: Mayor welcomed Cavness and stated he'd make his dad proud. He stated he is glad there was no earthquake damage. Beers also welcomed Cavness to the Board. He then stated he had the opportunity to rake mulch at a park with returning students. He expressed appreciation for the work that Parks and Recreation staff does. He stated how great it is being one of the best places to work, as well as the drop in graffiti traffic. He thanked the Police Department and Code Enforcement for their hard work on it. Burns stated the City got 'Cutest Town' in the State of Arkansas in a magazine. He expressed his appreciation for the healthy debate on certain items. He said the workshop was excellent and encouraged everyone to attend the Sidewalk Trail Connectivity Master Plan workshop once announced. He expressed appreciation for the work staff is doing on projects, specifically downtown with difficult business owners. He pointed out the Homegrown Festival is coming up, and is developing nicely. He said he is excited for all the new businesses opening downtown, and in the 412 corridor throughout the City. He thanked the public for their patience on the street diet project which is almost complete. Johnson reminded everyone that the reception for Meredith Bergstrom is tomorrow from 4pm-6pm at the Creekside Taproom garden. He then stated a lady from church moved to the City because of an article in the *Smithsonian* magazine that named the City one of the top 20 best smaller towns to live in. Smith welcomed Cavness. She then echoed the comments expressing thanks to staff. She then stated she had been asked by 7-year-old Sawyer when the old library will be torn down or the sign taken down. Cavness expressed his appreciation of being on the Board and the ability to fill Jones' vacancy. He stated he will do his best to move things forward, and looks forward to working with everyone. Smiley welcomed Cavness, and stated she looks forward to working with him. She expressed appreciation for the staff reports at the end of each meeting; they are very informative. She stated, even though it's not completed, the esthetics of the street diet look so much better, and looks forward to its completion. Coleman welcomed Cavness. He stated they had a very exciting Labor Day, and got to see his grandson baptized in the White River near Elkins.

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

Meeting adjourned.

ATTEST:

  
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Renea Ellis, City Clerk

APPROVED:

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

