

Mayor Kathy Harrison called the regular City Council meeting to order at 6:03 p.m. Monday, Oct. 27, 2003, in the jury room of the Western District Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Penny Carroll, Karen Lindblad, Gayle Money, Bill Ott, Earl "Bud" Umland, City Attorney Tim Weaver, Public Works Director Kirby Murray, Transit Director Lamont Richie, Arkansas Community of Excellence (ACE) Coordinator Glenna Booth, Police Chief Earl Hyatt, Parks Director Bruce Levine and City Clerk Mary Jean Sell. Alderman Robert "Butch" Berry was absent.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Harrison led the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA

Ms. Money moved to approve the agenda. Mr. Ott seconded.

Mayor Harrison noted numbers mixed up on Unfinished Item #2, Ordinance 1934 should be 1935 and Item #3, Ordinance 1933 should be 1934.

Ms. Money asked to have a workshop on New Business Item #1, Ordinance 1830, Landscaping and Screening and to postpone Item #2, discussion of Ordinance 1821, Preservation of Trees, until after the landscaping ordinance has been taken care of. Council members agreed to a workshop on 1830 at 5 p.m. Monday, Nov. 10, prior to the 6 p.m. council meeting.

Mr. Ott asked that New Business Item #3, discussion regarding deer challenges in the city, be postponed indefinitely.

Ms. Money moved to approve the agenda as amended. Mr. Ott seconded. All voted aye. Motion passed 5/0/0

APPROVAL OF MINUTES: Oct. 13, Oct. 20

Ms. Money moved to approve the minutes of **Oct. 13** as presented. Ms. Lindblad seconded. All voted aye. Motion passed 5/0/0

Ms. Money moved to approve the minutes of **Oct. 20**. Ms. Lindblad seconded.

Ms. Money noted on Page 2, item #4, Mr. Ott had moved to have the emergency clause written.

Ms. Money moved to approve the minutes as amended. Ms. Lindblad seconded. All voted aye. Motion passed 5/0/0

COMMISSION, COMMITTEE REPORTS AND VACANCIES

Hospital Commission – Position 1- expired 9/7/03 No nomination

CAPC- Position 1- expires 6/30/05 – Jan Watson/ B&B Rea Svendsen/Motel

Mayor Harrison read aloud a letter from Jan Watson withdrawing her name from nomination, saying she is not able to serve at this time.

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Mayor Harrison said she has applications for the position from Rea Svendsen, Martin Roenigk and Bryan Sumpter. She asked council members to contact these people and talk with them.

DEPARTMENT HEAD COMMENTS

Public Works Director Kirby Murray corrected comments he had previously made concerning the broken sewer line repair at 39 S. Main St., the Main Street Café. He said he had quoted Rick Clark, one of his employees, as saying the area around the line had not been properly compacted when it was installed by a contractor hired by the State of Arkansas.

He said former Building Official Deborah James had made the statement.

Murray said the break in the line was actually several feet away from the city's main line. He said his crew had put a new tap into the main line for the private line. He said property owner Jay Gustin and café owner Joe Summers had agreed to pay half each for the cost of repairing the line.

Easements for the sewer line project on Pivot Rock Road and Martz Circle have not been completed.

The Planer Hill Sidewalk is finished but not finally inspected by the engineers and the Arkansas Highway and Transportation Department (AHTD).

Parks Director Bruce Levine gave the council an update on the five-year plan developed in a public hearing this summer. Work at Lake Leatherwood Fields will include completion of Phase III, construction of a concession stand and wastewater treatment facility.

At Harmon Park, plans include installation of a spray ground, improvements to the picnic and playground areas, creating a community garden, a butterfly garden, a water feature and tennis court.

He said students from the University of Arkansas in Fayetteville Landscape Architecture Department would make a presentation of their recommendations for improvements to Basin Spring Park at 6 p.m. Thursday, Nov. 6, in the Basin Park Hotel Ballroom.

Trail development, green zone planning and development of recreational facilities at Black Bass are also in the plan.

Police Chief Earl Hyatt said his officers have investigated 31 accidents, made 20 arrests, gotten 288 call for service, issued 71 citations and taken 80 incident reports in the past 30 days. He said \$34,717 worth of property has been stolen and \$29,400 worth recovered. He said 41 warnings have been issued, 14 arrest warrants served, and the Criminal Investigation Division officers have 27 open felony and large misdemeanor cases open.

He read a letter from a visitor from Beggs, Okla., complimenting Officer Jeremy Arndt on his courteous and helpful attitude when the visitor had a flat tire going the wrong way on a one way street.

Ms. Lindblad complimented all of the officers for the efficient ways they handled the extra traffic volume during Folk Festival and War Eagle weekends.

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Transit Director Lamont Richie handed out a summary of his department's activities and projections for the coming year. He said the transit system has carried more passengers this year than any other system in the state. He is adding three months to the operations schedule. The Green Route has been reconfigured for next year.

Richie asked the council to consider raising transit employees salaries to parity with other city employees. He said 22 of his 30 employees are the lowest paid in the city.

He said he is working with ACE Coordinator Booth to put together a grant request to build Phase II of the Planer Hill Sidewalk along North Main to the railroad station. He wants to include benches, water fountains and public restrooms in the plan.

ACE Coordinator Glenna Booth reported on the 100 volunteers working on the nine action teams within the ACE program. The Arts & Culture Team is working on a website, grants and joining the Northwest Arkansas Arts Council. The Beautification Team is working with the Carroll County Western District Community Development Partnership (CDP) organization to get a downtown trash compactor. The Business and Industry Team has mailed a 700 piece survey to area businesses. Rhonda Tanton of the Film Team is working on a website and database of information about Eureka Springs.

UNFINISHED BUSINESS:

1. Ordinance 1932, an ordinance regarding the duties of the city Attorney (3rd reading)

Ms. Money moved to suspend the rules and read Ordinance 1932 by title only. Ms. Lindblad seconded. By roll call, all voted aye.

Ms. Sell read the title aloud.

Ms. Money moved to approve Ordinance 1932 on its third reading by title only. Ms. Lindblad seconded. All voted

aye. Motion passed 5/0/0

2. Ordinance 1935, an ordinance rescinding waiving the bid on Public Works Sewer Project (3 readings and emergency clause)

Ms. Lindblad moved to put Ordinance 1935 on its first reading. Mr. Umland seconded.

Ms. Sell read the ordinance aloud.

Ms. Lindblad moved to approve Ordinance 1935 on its first reading. Mr. Umland seconded. Four voted aye, Ms. Carroll voted nay. Motion passed 4/1/0

Ms. Money moved to suspend the rules and place Ordinance 1935 on its second reading by title only. Mr. Umland seconded. By roll call, all voted aye.

Ms. Sell read the title aloud.

Ms. Money moved to approve the ordinance on its second reading by title only. Ms. Lindblad seconded. Four voted aye, Ms. Carroll voted nay. Motion passed 4/1/0

Ms. Lindblad moved to suspend the rules and place Ordinance 1935 on its third reading by title only. Mr. Umland seconded. By roll call, Mr. Ott, Mr. Umland, Ms. Lindblad voted aye. Ms. Carroll and Ms. Money voted nay. Mayor Harrison voted aye to pass the motion 4/2/0

Ms. Sell read the title aloud.

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Mr. Ott moved to approve Ordinance 1935 on its third reading. Mr. Umland seconded. Mr. Ott, Mr. Umland, Ms. Lindblad voted aye. Ms. Carroll and Ms. Money voted nay. Mayor Harrison voted aye to pass the motion 4/2/0

Ms. Lindblad moved to read the emergency clause. Mr. Ott seconded.

Ms. Sell read the emergency clause aloud. Ms. Carroll left the meeting.

Ms. Money moved to approve the emergency clause. Ms. Lindblad seconded. All voted aye. Motion passed 4/0/0.

3. Ordinance 1934, an ordinance regarding Rezoning Property from R-2, Contemporary Residential, to C-2, Contemporary Commercial.

Ms. Money moved to suspend the rules and place Ordinance 1934 on its third reading by title only. Mr. Umland seconded. By roll call, all voted aye. Motion passed 4/0/0

Ms. Sell read the title.

Ms. Money moved to approve Ordinance 1934 on its third reading by title only. Ms. Lindblad seconded. All voted aye. Motion passed 4/0/0

4. Discussion regarding Robert's Rules of Order and debate time.

Ms. Money suggested the council continue to engage in unlimited debate, allowing the mayor to set limits as needed.

Ms. Lindblad suggested council members hone their debate skills to best use the time they are given.

Mr. Umland said he did not want any council member shunned out or not allowed to speak to any issue.

There was no action beyond the general discussion and agreement to continue debates without specific time allocations.

NEW BUSINESS

1. Discussion regarding Ordinance 1830, an ordinance regarding Landscaping and Screening.

There will be a workshop on the ordinance at 5 p.m. Monday, Nov. 10, prior to the 6 p.m. council meeting.

2. Discussion regarding Ordinance 1821, an ordinance regarding the Preservation of Trees in the City of Eureka Springs.

Postponed until after Ordinance 1830 has been dealt with.

3. Discussion regarding deer challenges in the city.

Postponed indefinitely.

4 Discussion regarding Bids – proper procedure opening and awarding

Mayor Harrison said state auditor Mark Marley has recommended establishing a Bid Committee with council members, the involved department head and the mayor, according to state law.

Mr. Umland and Ms. Money volunteered to serve on the committee.

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Ms. Money moved to form a bid committee and operate according to state law. Ms. Lindblad seconded. Ms. Money moved to amend her motion to include opening of bids. Ms. Lindblad seconded the amendment.

Mayor Harrison suggested the mayor, the city clerk, two council members and affected department head serve on the committee. Ms. Money put that into a motion. Ms. Lindblad seconded. All voted aye. Motion passed 4/0/0

COUNCIL COMMENTS

Mr. Ott reported on a recent tour of travel writers in Eureka Springs, brought here by the Arkansas Department of Parks and Tourism. He complimented CAPC Marketing Director Lynn Berry on her efforts in coordinating this tour and others.

Ms. Money asked to have the names of sponsoring council members added to agenda items. She moved to have the animal-drawn vehicle ordinance on the Nov. 10 agenda, if it is ready. Ms. Lindblad seconded.

Ms. Money moved to return to the regular meeting schedule of twice a month, on the second and fourth Mondays. Ms. Lindblad seconded. All voted aye. Motion passed 4/0/0

MAYOR'S COMMENTS

Mayor asked citizens to not sweep leaves into the street to be picked up by the street sweeper. It clogs the sweeper. Municipal Code requires gutters and ditches being kept open.

The next budget workshop was set for 5:30 p.m. Monday, Nov. 3.

Mayor Harrison announced Paramount Pictures would be filming *Elizabethtown* in Eureka Springs and the area just after the first of the new year.

ADJOURNMENT:

Mr. Ott moved to adjourn at 7:53 p.m. Mr. Umland seconded. All voted aye. Motion passed 4/0/0

This is the signature page for the City Council minutes of Oct. 27, 2003.

Mayor Kathy Harrison

City Clerk Mary Jean Sell