

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

PRESENT: Mayor Kathy Harrison, Aldermen Penny Carroll, Robert "Butch" Berry, Karen Lindblad, Gayle Money, Bill Ott Earl "Bud" Umland, City Attorney Tim Weaver, Parks Director Bruce Levine, Parks Commission Chairman Bill Featherstone and City Clerk Mary Jean Sell.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Harrison led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA

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

Ms. Carroll asked to have a Proclamation for the Lights On Afterschool Program added as item #4 under New Business. Ms. Money seconded the request.

All voted aye to approve the agenda as amended. Motion passed 6/0/0

APPROVAL OF MINUTES September 29, 2003

Ms. Money asked that the paragraph on Page 2 under item #2, following the recording of the vote on the motion, be removed since the discussion did not occur during the actual meeting.

Ms. Money moved to approve the amended minutes of Sept. 29. Ms. Carroll seconded. All voted aye. Motion passed 5/0/0 (Mr. Ott had not arrived.)

NO COMMISSION OR COMMITTEE REPORTS

NO DEPARTMENT HEAD REPORTS

OLD BUSINESS

1. First reading of Ordinance 1929, an ordinance adopting the International Fire code. (First reading)

(Mayor)

Ms. Money moved to put Ordinance 1929 on its first reading. Mr. Umland seconded.

Ms. Sell read the ordinance aloud.

Ms. Money moved to approve Ordinance 1929 on its first reading. Ms. Lindblad seconded. All voted aye. Motion passed 5/0/0 (Mr. Ott had not arrived.)

Ms. Money moved to suspend the rules and place Ordinance 1929 on its second reading by title only. Mr. Umland seconded.

Mayor Harrison explained the ordinance has to be sent to the state Fire Marshall in Little Rock for review before further readings should take place.

Ms. Money withdrew her motion. Mr. Umland withdrew his second.

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2. Discussion of Ordinance 1926, an ordinance concerning the duties of the City Attorney. (Umland,

Money)

Ms. Money noted the ordinance needs a new number since 1929 has been defeated and will be amended before it can be voted on again. Mayor Harrison said the ordinance will be assigned #1932.

Ms. Money moved to discuss the ordinance amendments. Mr. Umland seconded.

Ms. Money said she would like to see another workshop on the ordinance.

Mr. Ott reminded the council that any changes in the ordinance were to have been brought to this meeting.

Mr. Umland said he was comfortable with the changes he had suggested: that the attorney would not attend all of the council meetings, he or she could attend council meetings at the request of the mayor or the mayor and two council members.

Mr. Ott moved to bring the ordinance to the table for discussion during the Oct. 13 council meeting with the suggested amendments and the new number. Mr. Umland seconded.

Mr. Ott, Mr. Umland and Ms. Lindblad voted in favor of the motion. Mr. Berry, Ms. Carroll and Ms. Money opposed. Mayor Harrison voted aye to pass the motion 4/3/0.

3. Discussion on reconsidering Ordinance 1924, an ordinance waiving competitive bidding for the lights at Lake Leatherwood sports field. (Ott, Berry).

Mr. Ott said it was appropriate that the ordinance be brought back to the table in light of information gained after the last council meeting that approving the ordinance might put the council in jeopardy. He said he was disappointed that Mayor Harrison thought the council made her feel as if she couldn't bring information to the table if her information was germane to the topic of discussion.

Mayor Harrison said the building official had brought it to her attention that it is illegal to waive competitive bidding on projects unless there are extraordinary circumstances. Projects are not to be broken into sections costing less than \$20,000. She said she had a state's attorney general's opinion on the matter and that to go around the bidding procedure is illegal.

Parks Chairman Levine said he would encourage the council to rescind the vote approving the ordinance to waive the bidding.

Ms. Money suggested once the bid package was written and the bids taken, if additional funding, over the \$80,000 allocated from the city's budget, was needed that Levine return to the council for assistance from next year's budget.

Mr. Ott moved to rescind the vote approving Ordinance 1924. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

4. Proclamation for Lights On Afterschool Program.

Mayor Harrison said the proclamation for the program, which includes Eureka Kids, supported the local and national programs. Eureka Kids Director Barbara Deschner had provided the proposed proclamation for adoption.

Mr. Ott moved to read the proclamation. Ms. Money, Mr. Umland, Mr. Berry seconded. All voted aye. Motion approved 6/0/0

Mayor Harrison read the proclamation aloud.

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Ms. Carroll said there would be a "block party" on Thursday afternoon to celebrate the proclamation and the Eureka Kids program.

Mr. Ott moved for the council's endorsement of the proclamation. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

5. Discussion regarding bids for repair of fire truck pumping mechanism.

Firefighter/EMT Tim Collins said the pump of Engine #1, the truck used as "first out" on fire fighting calls, was no longer working. He presented an estimate of \$12,451.96 from Leeco, Inc. Fire Equipment Sales of Damascus, Ark., for repair and an estimated cost of \$20,000 to \$25,000 for a new pump and gear case combination, depending on accessories.

He said Leeco was the only company in the region willing to come here to look at the pump and to estimate repairs. The company has estimated three weeks for the repairs.

The council asked Collins to get three bids from other companies and to bring them back to the council. Ms. Money suggested a special meeting could be called to vote on the repairs as soon as the information could be gathered. Other council members agreed.

6. Set agenda and next meeting date.

Mr. Umland and Ms. Lindblad asked for discussion of the sewer line replacement project.

Mayor Harrison said she would like to have an executive session for two personnel matters.
Other items from this meeting will be carried forward as necessary for the Oct. 13 meeting.

CITY COUNCIL COMMENTS: There were none

MAYOR'S COMMENTS:

Mayor Harrison said she has contracted with CPA (Certified Public Accountant) Dawn Allen of Berryville to conduct an independent audit of the Planer Hill Sidewalk project since federal funds were used and the project expenses ran over \$400,000. The independent federal compliance audit is required by law and the state legislative auditor Mark Marley is not qualified to do the audit. Allen is charging \$2,980 for the work.

She said Mr. Berry had asked that the proposed sign ordinance be returned to the Planning Commission for changes due to changes in state statutes.

Ms. Sell said the Historic District Commission (HDC) has withdrawn its proposed amendments to Chapter 62, Historic Preservation, of the Municipal Code so additional information might be included in the amendments.

ADJOURNMENT:

Mr. Ott moved to adjourn at 7:07 p.m. Mr. Umland seconded. All voted aye. Motion passed 6/0/0

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This is the signature page for the minutes of the Oct. 6 regular City Council meeting.

Mayor Kathy Harrison

City Clerk Mary Jean Sell

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