

Mayor Pro Tem Robert D. "Butch" Berry called the regular City Council meeting to order at 6:02 p.m. April 24, 2006, in the jury room of the Western District Carroll County Courthouse.

**PRESENT:** Mayor Pro Tem Robert "Butch" Berry, Aldermen Beverly Blankenship, Terry McClung, Rick Rojek, Lori Weaver, City Attorney Tim Weaver, Fire Chief David Stoppel, City Advertising and Promotion Commission Director Lynn Berry, Parks and Recreation Director Bruce Levine and City Clerk-Treasurer Mary Jean Sell. Mayor Kathy Harrison and Alderman Penny Carroll were absent.

**PLEDGE OF ALLEGIANCE:**

Mayor Pro Tem Berry led the Pledge of Allegiance to the Flag.

**APPROVAL OF THE AGENDA:**

Mr. McClung moved to approve the agenda. Mr. Rojek seconded.

Ms. Sell said there are two proclamations, one for Arbor Day and one for National Day of Prayer, and Resolution 530 for preservation housing repairs, to be added to the agenda.

Mr. McClung asked if a discussion could be held regarding an attorney's letter and a possible lawsuit. Mr. Weaver cautioned the Council about discussing the matter, saying they could become individually liable should a lawsuit be filed. He said he would talk individually with Council members about the letter.

On the motion to approve the agenda as amended, all voted aye. Motion passed 4/0/0

**APPROVAL OF THE MINUTES:** April 10, 2003 Special meeting April 13, 2006

**April 10** – Ms. Blankenship moved to approve the minutes of the regular meeting of April 10. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0

**April 13** – Ms. Blankenship moved to approve the minutes of the special meeting April 13. Mr. Rojek seconded. Ms. Blankenship noted a correction in the line regarding the purpose of the meeting.

On the motion to approve the minutes of the special meeting as amended, all voted aye. Motion passed 4/0/0

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:**

Historic District Commission – 1 Position

CAPC – 2 Positions open

Planning Commission – 3 Positions open

Mayor Pro Tem Berry encouraged citizens to volunteer to serve on the commissions.

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**DEPARTMENT & COMMISSION REPORTS**

Hospital, CAPC, Fire/EMS, Cemetery, Planning, Parks, Building/Grease Trap Inspections, Financials

**Hospital** – Administrator David Wheeler gave a brief overview of 2005 and the first quarter of 2006. He said 2005 has been called a transition year and the transition is almost complete. The audit report should be ready in four to six weeks. He discussed some of the staff changes, billing department efforts, etc. A foundation will be established in the next month or so to begin fund raising efforts.

**CAPC** – Ms. Berry gave her report. The March collections (of February revenue) were approximately 21% more

than projected and 21% more than collected in March of 2005. Collections through the first quarter of the year are up 7% over last year. She reported on meetings she has attended, conferences held here and requests for photos, stories and familiarization tours.

**Fire/EMS** – Chief Stoppel gave his report. EMS calls for 2006 are at 286, down from last year's 331. Fire calls are at 50, twice the number of last year's. He said there has not been an agreement reached on the 911 dispatch funding situation with the Carroll County Quorum Court.

**Cemetery** – Ms. Sell said the work on the memorial fountain is almost complete. When it is finished, the Cemetery Commission will hold an open house for the community.

**Planning** – Ms. Sell read aloud the report from Planning Commission Chairman Leah Karnes. She said the Commission has decided to bring existing multi-family housing units along Pivot Rock Road into the R-3 zoning. A tree cut at Lake Leatherwood Ball Fields for the construction of the concession stand has been approved. Resolution 2-2006 supporting the hiring of a full-time city planner and a code enforcement officer has been approved and forwarded to the Council.

**Parks** – Mr. Levine announced an Arbor Day celebration set for 1 p.m. Friday at Lake Leatherwood. He said he is waiting on a legal opinion from the Municipal League regarding whether or not the Public Works Department can use street funds to pay for a part-time employee to work on the city's gardens.

**Building** – Ms. Sell read aloud from the Building Official's report. Permit fees for March total \$3,115.10, ahead of the 2005 total of \$2,706. Permits for the year total \$8,784.60 with \$7,161 for 2005.

**Financials** – Ms. Blankenship said the professional services line item in the mayor's office budget needs to be increased because almost all of the budget amount has been spent. She moved to have a resolution prepared for the May 8 meeting increasing the legal services budget by \$10,000. Mr. McClung seconded. Four voted aye. Ms. Weaver recused herself. Motion passed 4/0/1

Ms. Blankenship said she is concerned that \$7,797 of the \$18,000 set aside in the budget for a new accounting program has been spent on upgrades of the current computer accounting program. She moved to put a discussion of the situation on the May 8 agenda. Mr. McClung seconded.

## **OLD BUSINESS:**

### **1. Discussion of bids for construction of ambulance and truck bays at 144 Van Buren.**

Chief Stoppel reported there are several persons interested in taking down the existing metal building for the metal.

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Mr. McClung moved to approve the base bid of \$464,552, plus options for trenching and rock work, from Greer Excavating, Inc. of Green Forest, Ark. Mr. Rojek seconded.

Ms. Blankenship said she is not comfortable awarding a contract to a single bidder if 13 contractors had been contacted.

Mr. McClung said he had talked with Chief Stoppel about where the bid package had been advertised and the procedure used for contacting potential contractors. He said he is satisfied with the process and the single bid.

There was additional discussion about how the bid package was advertised in the Northwest Arkansas area.

On the motion to approve the Greer bid, Mr. Rojek, Mr. McClung and Ms. Weaver voted aye. Ms. Blankenship voted nay. Mayor Pro Tem Berry voted aye. Motion passed 4/0/1.

There was additional information for the Council regarding the financing of the project through local banks. Mr. Weaver said the information could not be discussed because the process used to gain the information was not a true bidding process because the Mayor had not signed the letter of invitation to bid.

Ms. Blankenship moved to table the discussion to the regular meeting of May 8. Ms. Weaver seconded. All voted aye. Motion passed 4/0/0

## **NEW BUSINESS:**

### **1. Discussion of recycling program**

Carroll County Solid Waste Authority Director Roger Miner did not have information for the discussion.

Mr. Rojek moved to postpone the discussion to the regular meeting of May 8. Ms. Weaver seconded. All voted aye. Motion passed 4/0/0

**2. Presentation of revised plans for Planer Hill Park and Ride lot**

No one was on hand to make the presentation.

Mr. McClung moved table the discussion to the regular meeting of May 8. Ms. Blankenship seconded. All voted aye. Motion passed 4/0/0

**3. Discussion of Resolution 529 Amending 2006 Budget**

Resolution 529 has not been prepared.

Ms. Blankenship moved table the discussion to the regular meeting of May 8. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0

**4. Discussion of proclamation for National Day of Prayer**

Mr. McClung moved to read the proclamation. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0

Mayor Pro Tem Berry read the proclamation aloud naming Thursday, May 4, as the 55<sup>th</sup> observation of the National Day of Prayer.

**5. Discussion of proclamation for Arbor Day.**

Ms. Blankenship moved to read the proclamation. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0

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Mayor Pro Tem Berry read the proclamation aloud naming Friday, April 28, as Arbor Day and announcing a celebration for 1 p.m. at Lake Leatherwood. Eureka Springs is the oldest Tree City in Arkansas, having participated in the Arbor Day Foundation program for 26 consecutive years.

**6. Discussion of Resolution 530 regarding funding for preservation of housing in the Historic District.**

Ms. Blankenship moved to adopt Resolution 530. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0

Mayor Pro Tem Berry read the resolution aloud supporting the application to the United States Department of Agriculture, Rural Housing Services, authorizing the Eureka Springs Certified Local Government Coordinator to submit an application to the USDA Rural Housing Services for the purpose of securing grant funds in the amount of \$800,832 to aid and assist very low and low income homeowners in the rehabilitation of contributing residences in the Eureka Springs Historic District for the purpose of housing preservation.

**7. Discussion of letter regarding the Sunday Market and potential lawsuit by area merchants.**

Mr. McClung moved to open the discussion. There was no second.

**CITY COUNCIL COMMENTS:**

**Ms. Blankenship** said she knew several citizens were attending the meeting wanting to speak on the Sunday Market. She said the city attorney had advised the Council not to discuss the matter. She thanked the Parks Department for the landscaping of the street divider at the intersection of Planer Hill and Highway 62. She said attendance at the second Chain Saw Carving Festival was excellent and there were a lot of people in town over the weekend.

She asked if Mr. Weaver had made a determination in the K-Tours matter. He said he has not had a request from the Mayor to look into it. He will need a referral from the Mayor to talk with the Transit Department director about the matter.

**ADJOURNMENT:**

Mr. McClung moved to adjourn at 7:30 p.m. Mr. Rojek seconded. All voted aye. Motion passed 4/0/0

This is the signature page for the regular City Council meeting April 24, 2006.

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Mayor Pro Tem Robert D. Berry

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City Clerk-Treasurer Mary Jean Sell

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