

Mayor Kathy Harrison called the regular City Council meeting to order at 6:00 p.m. Monday, May 22, 2006, in the jury room of the Western District Carroll County Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Robert “Butch” Berry, Beverly Blankenship, Penny Carroll, Terry McClung, Rick Rojek, City Attorney Tim Weaver, Fire Chief David Stoppel, City Advertising and Promotion Commission Director Lynn Berry, Parks and Recreation Director Bruce Levine, Public Works Director Jay Wilson, Carroll County Solid Waste Authority (CCSWA) Director Roger Miner, CCSWA Administrative Assistant Brian Scheller, Greater Eureka Springs Chamber of Commerce President Jeff Feldman and City Clerk-Treasurer Mary Jean Sell. Alderman Lori Weaver was absent.

PLEDGE OF ALLEGIANCE:

Mayor Harrison led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

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

Mayor Harrison said the citizen requesting the New Business Item #3, discussion of deer problem, is unable to attend tonight and has asked for a postponement of the discussion to the June 12 meeting.

She added a request from Mr. Feldman to discuss a request to waive the parking fees for the Antique Automobile Festival in September as New Business Item # 1.

On the motion to approve the agenda as amended, all voted aye. Motion passed 5/0/0

APPROVAL OF THE MINUTES: May 8, 2006

Mr. Berry moved to approve the minutes of the regular meeting of May 8. Ms. Blankenship seconded.

Mr. McClung said in Old Business Item #4 on Page 2, he did not say the old ambulance and fire-truck building at 144 E. Van Buren had been torn down.

Ms. Blankenship said that New Business Item #3 the “Council could *not* remove members.” Also at the bottom of Page 3 in Item #5, the “attorney *said* the mayor”

Ms. Carroll said that in Council Comments Mr. McClung did not say the license to sell alcoholic beverages had been granted to the City Auditorium by the Alcohol Beverage Control Board (ABC). Mr. McClung agreed.

On the motion to approve the minutes of May 8 as amended, all voted aye. Motion passed 5/0/0

City Council 5/22/06 1

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Historic District Commission – 1 Position

CAPC – 2 Positions open – Nominee K.J. Zumwalt Ms. Blankenship moved to approve the nomination of K.J. Zumwalt for the restaurant position. Mr. Berry seconded. There was some discussion of her previous service on the Commission. On the nomination, three voted aye. Mr. Rojek and Ms. Carroll voted against. Mayor Harrison voted in favor. Nomination approved 4/2/0

Mayor Harrison nominated Michael Drennon and Robert McCool for the CAPC gift shop position.

Planning Commission – 3 Positions open - Nominee Ed Leswig Ms. Carroll moved to approve the nomination of Ed Leswig to the Planning Commission/Board of Zoning Adjustment. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0

DEPARTMENT & COMMISSION REPORTS

CAPC, Fire/EMS, Cemetery, Planning, Parks, Financials

CAPC – Ms. Berry gave her report. March 2% gross revenues collected in April are .4% less than projected and .5% less than collected in April 2005. Lodging was up .6%; restaurants down 8.7%; gift shops up 4.9%; and attractions up 177% compared with April of 2005. Collections overall are up 4.3% over 2005. She also reported the Alcohol Beverage Control Board (ABC) has granted a license to the City Auditorium for liquor sales during performances.

Fire/EMS – Chief Stoppel gave his report. Information for the second phase of the NIMS (National Incident Management System) for elected officials information is in the April edition of *City and Town* magazine published by the Arkansas Municipal League. He hopes construction will start on the ambulance and fire truck building at 144 E. Van Buren at the end of this week.

Cemetery – Ms. Sell said the Commission has not met. The memorial fountain is in place and will be dedicated in the next few weeks.

Planning – Ms. Sell said the Commission is waiting on additional members to revive committee work on several projects.

Parks – Mr. Levine said the Commission will be bringing a petition to have the quarter-cent tax for parks and recreation funding put on the November ballot to continue in perpetuity instead of expiring at the end of 2007. He asked to be allowed to draw funds in the budget set aside to match grants for the lighting and concession stand at Lake Leatherwood Ball Fields and the trail at Black Bass Lake rather than waiting to be reimbursed on receipts for the work. Council members said the money is allocated and he can access them at any time. He said the trail for handicapped persons at the Lake Leatherwood Ball Fields is finished. A portion of a stream bank will have to be rebuilt. He has submitted applications to the agencies involved for approval for the project.

Ms. Blankenship said she has researched the funding situation for paying an employee from the city’s street fund to work on the city’s gardens. She said the federal and state tax turnback monies could not be used, but the interest accrued on the monies could be used for a salary.

Financials – Mayor Harrison said the final 2005 numbers are not ready for

City Council 5/22/06 2

Ordinance 2019. She will invite CPA Dawn Allen to the June 12 meeting to go over the final figures with the Council.

Mayor Harrison said she has made a salary offer to the primary candidate for the financial director position and it has been accepted. The candidate hopes to start working three days a week on June 19. She will be paid an hourly wage until she begins full time work.

Mayor Harrison said she has received four applications for the building official’s job. She interviewed one candidate today and will arrange additional interviews.

OLD BUSINESS:

1. Discussion of recycling program (Rojek, Berry)

Mr. Miner and Mr. Scheller brought 2003 statistics on the amount of recycling materials collected and on the program as it exists, He outlined the proposal for a trash compactor site on Center Street and it potential use and effectiveness. Mr. Scheller has contacted many of the business owners and managers in the area for a survey of potential use. Mr. Miner discussed some ideas for creating growth in the recycling program. He said it will probably be September before he can give more attention to the proposals.

2. Discussion of Resolution 532 for financing construction of ambulance and truck bays at 144 Van Buren

Ms. Blankenship moved to read Resolution 532. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0 Mayor Harrison read the resolution aloud.

3. Discussion of bids for wastewater treatment plant construction

Terry W. Carpenter, vice-president of USI-Arkansas, Inc. Consulting Engineers of Springdale, Ark., presented his

formal recommendation to award the contract for the construction of the wastewater treatment on Highway 23 North to Branco Enterprises, Inc., of Neosho, Mo. The company bid \$2,415,000 on the project.

Bids were opened Tuesday, May 16, 2006. Branco was the lowest of three bidders, including M.D. Limbaugh Construction Co. of Sikeston, Mo., at \$2,556,000, and Van Horn Construction, Inc., of Russellville, Ark., at \$2,604,000.

Mayor Harrison said the city has a \$2,755,000 bond issue along with two certificates of deposit (CDs) totaling \$300,000 and a construction account with approximately \$670,000 to finance the project and the purchase of equipment already ordered for the plant.

Mr. Carpenter said he had notice that the Arkansas Department of Environmental Quality (ADEQ) has approved the project for construction. He estimated approximately two weeks to “get all the paperwork together and start construction on June 12, with April of 2007 as the target completion date.”

Mr. McClung moved to approve the Branco bid at \$2,415,000 for the construction of the wastewater treatment plant, as recommended by USI, including a 5% contingency fund, for a total cost of approximately \$3,400,000. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0

City Council 5/22/06 3

4. Discussion of appointments, removals from city commissions (Carroll, Blankenship)

Ms. Carroll summarized information from Mr. Weaver saying that the Planning Commission is the only city commission that the Council could have input on appointment and removal of members, if the current city ordinance is changed. She would like for the Council to have more input on all of the appointments and not leave the nominations only to the mayor.

Ms. Blankenship said she thinks the system works the way it is and if there is a breakdown, the people involved know where the breakdown happens. She said the Council could vote no and not approve anyone nominated to any commission.

Mr. Berry said he is hesitant to treat one commission differently from the others and would prefer to leave things as they are.

On Ms. Carroll's motion to change Section 2.24.02 of the Eureka Springs Municipal Code, tabled from the May 8 meeting, Ms. Carroll voted aye. Four voted no. Motion failed 1/4/0

Mr. McClung moved to take a short break at 8 p.m. Mr. Rojek seconded. The meeting resumed at 8:10 p.m.

NEW BUSINESS:

1. Discussion of request from Jeff Feldman, president of the Greater Eureka Springs Chamber of Commerce, to waive parking fees in the Courthouse parking lots Sept. 9 for the 36th Annual Antique Automobile Festival.

Mr. Feldman had provided copies of his request with information about the history of the event to the Mayor and Council. He had given the Mayor additional information, including survey responses from downtown merchants.

Mr. McClung moved to approve waiving the parking fees as requested. Mr. Rojek seconded.

Ms. Blankenship said the Council could not make a law and enforce it for some people or groups and not for others. She said she wants the Festival to be in Eureka but it isn't right to waive the fees.

Mr. Rojek asked if the CAPC and Chamber couldn't split the \$144 fee for the day's parking.

Mr. Berry said each request to waive fees for true festivals could be considered by the Council on a case-by-case basis.

Mr. Weaver said the Council would be creating classes of festivals if they followed Mr. Berry's suggestion and it would enhance someone's lawsuit against the city, should one be filed.

Mr. McClung withdrew his motion. Mr. Rojek withdrew his second.

Donations of \$125 in cash and \$40 in IOUs were collected from the Mayor, Council members, City Clerk and City Attorney to pay the fees.

2. Discussion of City Attorney position (Blankenship)

Ms. Blankenship said she wants a discussion on whether the city should appoint or elect a city attorney. She said even if an attorney is appointed, he or she would have to live within the city limits. If no in-town attorney was willing to be appointed, the Council could then look outside the city limits.

She wants the Council to consider restricting the attorney's duties to serving as the city's prosecutor and answering questions in writing put to him by Council members.

She also wants the Council to look at the city clerk's position and the mayor's position, but she did not elaborate on what she proposes for those posts.

Mr. Berry moved to table the discussion to the June 12 regular meeting. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

COUNCIL COMMENTS:

Mr. Berry said he did not feel the Mayor's "performance art" in the ARTrageous Parade Saturday, May 6, regarding the handing out of checks allegedly drawn on city accounts to pay for projects was appropriate. He said he was offended at the implications of wrongdoing by himself, his wife, the CAPC or the auditorium staff.

MAYOR'S COMMENTS:

Mayor Harrison said she did not mean to offend anyone, she was participating in a vein of humor. She said she had handed out "checks to buy votes" during her campaign for mayor. She thought her actions in the parade were out of fun, she was not trying to be personal.

She announced Gov. Mike Huckabee would be in Eureka Springs at 1 p.m. Thursday, May 25, to present the ACE (Arkansas Community of Excellence) Award to the city. The event will be at Harding Spring.

She read a list of up-coming events for the May Festival of the Arts.

ADJOURNMENT:

Mr. McClung moved to adjourn at 9:20 p.m. Mr. Rojek seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the minutes of the regular City Council meeting May 22, 2006.

Mayor Kathy Harrison

City Clerk-Treasurer Mary Jean Sell