

**CITY OF EUREKA SPRINGS**

**CITY COUNCIL**

**REGULAR MEETING**

**MONDAY**

**FEBRUARY 12, 2007**

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Mayor Dani Wilson called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Feb. 12, 2007, in the jury room on the second floor of the Western District Carroll County Courthouse.

**PRESENT:** Mayor Dani D. Wilson, Aldermen Patrick Brammer, Charlotte Buchanan, Rae Hahn, Kathy Harrison, Eric Scheunemann, Joyce Zeller, City Attorney Tim Weaver, Building Official Marion Chrysler, Public Works Director Jay Wilson, Parks Director Bruce Levine, Cemetery Commission Chairman Frank Green Jr., Greater Eureka Springs Chamber of Commerce President Jeff Feldman and City Clerk-Treasurer Mary Jean Sell.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Wilson led the Pledge of Allegiance to the Flag.

Mayor Wilson asked everyone to recognize a hero in our midst. She said Michael Fitzpatrick had taken action to keep a school bus from sliding off a hill on Grand Avenue during the recent snow and ice storm.

Fitzpatrick said he had picked up his grandson at Clear Spring School when he saw the school bus coming down the hill. He realized the bus would be in trouble on the slick roadway and would not be able to safely negotiate the hill. He left his own vehicle and guided the school bus driver up the hill.

Mayor Wilson said Fitzpatrick's actions probably saved children on the bus from serious injury or worse. His own truck slid off the road and was damaged. She thanked him for his actions and presented a plaque to him from the city.

**APPROVAL OF THE AGENDA:**

Mr. Scheunemann asked about reading a resolution provided by Ms. Hahn regarding the Glenwood/Crescent Park Condominium Project.

Ms. Hahn said she had a telephone call regarding the low priority marijuana issue approved by voters in November. Mayor Wilson said she had checked with Arkansas Municipal League and the issue had been approved as an ordinance and could be included in the city's Municipal Code book.

Ms. Hahn said the minutes of Jan. 22 show three positions open in the Planning Commission/Board of Zoning Adjustment and tonight's agenda shows four positions.

Mr. Brammer moved to approve agenda. Ms. Buchanan seconded. All voted aye. Motion passed 6/0/0

**APPROVAL OF THE MINUTES:** Jan. 22, 2007 Jan. 29, 2007-two special meetings

**Jan. 22** – Mr. Brammer moved to approve the minutes of the regular City Council meeting for Jan. 22, 2007. Ms. Hahn seconded. All voted aye. Motion passed 6/0/0

**Jan. 29** – Ms. Zeller moved to approve the minutes of the special City Council meeting of Jan. 29 regarding amending the 2006 budget. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

**City Council 2/12/07 1**

**Jan. 29** – Ms. Zeller moved to approve the minutes of the special City Council meeting of Jan. 29 regarding approving the 2007 budget. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

**DEPARTMENT HEAD AND COMMISSION REPORTS:**

**Public Works** - Mr. Wilson asked the Council to waive the noise ordinance and give him permission to fire the sonic cannons to try to remove the turkey vultures from the Linwood/Ridgeway area. He wants to fire the shots in the evening for a week.

Whit Brittain, 26 Linwood, said the bird problem was not solved by the efforts in late summer and now the birds are here for the winter roost. He wants the city to call in federal agency representatives to assess the situation and to do

something about it, since “they are their birds because they are federally protected.”

Ms. Harrison moved to allow Mr. Wilson to fire the sonic cannon, to waive the noise ordinance and to call the federal agency to get representatives involved in solving the problems. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

Jeannie Daines, 14 Fairmount, read a statement regarding the numbers of birds in the trees, the noise and smells associated with them, not being able to sit outside and the stress associated with having them in the area. She said the birds are making her mother a prisoner in her own home because she is afraid to go into her yard.

Virginia Daines said the birds are in her back yard and something needs to be done about them.

Mr. Wilson said he wants permission to use his capital funds to purchase an upgraded leak detector. He had budgeted \$20,000 for one, but has decided the upgraded model, at \$43,000, is what he wants. He asked the Council to waive the bidding process because there is only one manufacturer of the type of detector he wants.

Ms. Harrison moved to have the City Attorney draw an ordinance to waive the bidding procedure on the leak detector and to allow the purchase of the equipment. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

**Parks-** Mr. Levine asked to have a discussion at the next Council meeting of the funding for a gardener to take care of the city’s gardens this year. (This refers to city property, not the Parks’ gardens.) He asked if other sources of funding could be considered, other than the Parks Commission revenues. He asked if a workshop might be possible or volunteers from the Council and City Advertising and Promotion Commission (CAPC).

Parks Commissioners David Renko and Dan Bennett presented additional information in support of the request for funding of a gardener’s position.

Ms. Harrison, Ms. Buchanan and Ms. Hahn volunteered to be a committee to work with Parks on the issue.

Mr. Levine said \$30,000 had been allocated in the capital budget for the Harmon Park bathroom/storage facility in 2005, but had never been requested by the Commission for expenditure. Commissioners had assumed the amount would be held in the budget and carried over to the next year. He has been told that did not happen. He wants to discuss the funding with the Council at the next meeting.

**Cemetery** – Mr. Green and Linda Clark presented a request for capital funding to purchase a riding lawn mower for maintenance of the cemetery.

**City Council 2/12/07 2**

Ms. Clark said they have gotten prices on several models and have found the one they want to purchase.

Ms. Harrison said to bring the specific information to the next Council meeting.

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

**Historic District Commission** – Position 1, expiring 11/30/09 Mayor Wilson nominated Richard Grinnell for re-appointment to the HDC.

Position 5, expiring 11/30/08

**CAPC** – Position 1, expiring 6/30/09 Mayor Wilson nominated Alvin Byrd.

Cemetery - Position 5, expiring 2/15/08

Parks – Position 1, expiring 5/1/07 Mayor Wilson nominated Dawn Hagin.

**Planning Commission** – Position 3, expiring 7/1/11 Mayor Wilson nominated Lany Balance. Position 5, expiring 1/1/10 Mayor Wilson nominated Stan Shaw. Position 7, expiring 1/1/09 Mayor Wilson nominated Beverly Blankenship.

Position 4, expiring 7/1/09

**OLD BUSINESS:**

**1. Request from Mike Klecha to lease city property for access to Civil War Cave behind 29 S. Main.**

Mr. Weaver said he has talked with local abstractors and no one is willing to do a title search on the property. He asked for more time to try to get the work done.

Mr. Scheunemann moved to table the discussion until Mr. Weaver can bring more information. Ms. Harrison seconded. All voted aye. Motion passed 6/0/0



Scheunemann seconded.

Ms. Hahn read the resolution aloud.

Mayor Wilson said there are legal issues that the resolution creates. Mr. Weaver cautioned the Council against voting to adopt the resolution.

City Council 2/12/07 4

- There was additional discussion of other motions in other meetings relating to the project. Mr. Weaver said it would be wise to wait on Judge Ohm's opinion before going ahead with any other actions.

Ms. Harrison moved to amend the agenda to have the reading of Ordinance 2037, amendments to Chapter 7.84, Signs. Ms. Buchanan seconded.

- **2. Discussion of Ordinance 2037, amendments to Chapter 7.84, Signs.**

Ms. Zeller moved to place Ordinance 2037 on its first reading. Mr. Brammer seconded.

Ms. Chrysler said the amendments address enforcement issues, limits on flags and sizes of banners.

Ms. Sell read the ordinance aloud.

Ms. Harrison moved to approve Ordinance 2037 on its first reading. Ms. Zeller seconded.

Mr. Weaver said he has some issues with the ordinance as it is written and wants to make some changes before the next reading.

On the motion, all voted aye. Motion passed 6/0/0

**3. Discussion of Ordinance 2040, reimbursement for prisoner transportation costs.**

Ms. Zeller moved to place Ordinance 2040 on its first reading. Mr. Brammer seconded.

Mayor Wilson read Ordinance 2040 aloud.

Ms. Hahn moved to approve the first reading of Ordinance 2040. Ms. Harrison seconded. All voted aye. Motion passed 6/0/0

**4. Discussion of proposal to allow elected officials to do business with the city.**

Ms. Hahn moved to open discussion. Ms. Harrison seconded.

Ms. Buchanan said she has asked for an ordinance to allow elected officials to do business with the city.

*Amendment: Because there is a limited number of event producers in our community, she said everyone should have an opportunity to contract with the city. She has a letter from Arkansas Municipal League Attorney David Schoen saying a city official would have to go through the same procedures as any other producer to put on a festival or event funded by the city or CAPC.*

Ms. Hahn moved to have an ordinance drawn to allow an elected official to do business with the city. Ms. Harrison seconded. Five voted aye. Ms. Buchanan recused from voting. Motion passed 5/0/1

**5. Discussion of waiving bidding process for software updates for all city computers.**

Mayor Wilson explained the ordinance is to update Microsoft software in the city's computers so they can "talk to one another." Some of the computers are several years behind others. Police Chief Earl Hyatt and Transit Director Lamont Richie have investigated the various vendors and have decided to go directly to Microsoft for the updates.

In reviewing the ordinance, Mr. Weaver said it does not accomplish the purpose of waiving the bidding process and additional information is needed within the text. He asked that it be postponed and said he would amend the ordinance.

**AGENDA SETTING:**

Citizens are given the opportunity to speak during this portion of the meeting.

**Enid Swartz** read aloud a statement and request from Megan Boes of the Eureka Activist Alliance asking the Council to pass a resolution declaring the city to be a Patriot Act Free Zone. She presented information and the resolution to the Council. Ms. Hahn moved to have the resolution on the next agenda. Mr. Brammer seconded.

**Steve Shell** read aloud a statement regarding the operation and management of the City Auditorium. Mayor Wilson said she would ask her Economic Development Committee to review his suggestions and to look into the status of the operation of the Auditorium. She said they should be able to bring a report to the Council in a month.

**EXECUTIVE SESSION:**

Mr. Brammer moved to go into executive session to discuss a personnel matter at 9:32 p.m. Mr. Scheunemann seconded.

The meeting resumed at 9:37 p.m.

Ms. Hahn moved to hire Yvonne Kline as finance director, moving her up from accounts payable, and to hire someone to work on accounts payable. Ms. Harrison seconded. All voted aye. Motion passed 6/0/0

**COUNCIL COMMENTS:**

**Ms. Hahn** congratulated Ms. Buchanan on being named Woman of the Year during the recent Chamber of Commerce annual banquet.

**Ms. Buchanan** said she is honored by the award.

**Mr. Scheunemann** said he wanted to address comments in The Lovely County Citizen newspaper regarding the Roenigk project. He read a brief statement aloud.

**Ms. Harrison** said the Quorum Court is still discussing an intergovernmental agreement for the distribution of the collected 911 fees from county residents' telephone bills. She said AT&T has sued the city and the county because there is no direction for the deposition of collected funds.

**Ms. Hahn** congratulated Ms. Buchanan again and said she is researching the preservation of old records.

**MAYOR'S COMMENTS:**

Mayor Wilson congratulated Ms. Buchanan on her award. She said CAPC Director Lynn Berry has resigned her position and will be taking a similar job in Branson, Mo. She read a list of February events.

**ADJOURNMENT:**

Ms. Hahn moved to adjourn at 9:47 p.m. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular Eureka Springs City Council meeting of February 12, 2007.

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City Clerk-Treasurer Mary Jean Sell

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Mayor Dani D. Wilson  
**City Council 2/12/07 6**