

Mayor Dani Wilson called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Jan. 22, 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, Parks Director Bruce Levine, Transit Director Lamont Richie, Planning Commission/Board of Zoning Adjustment member Ken Pownall and City Clerk-Treasurer Mary Jean Sell.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

Mayor Wilson led the Pledge of Allegiance to the Flag.

**STATE OF THE CITY ADDRESS:**

Mayor Wilson read her first State of the City Address aloud:

“Members of the City Council, honored guests, citizens of Eureka Springs.

I am honored to be giving my first State of the City Address.

I wrote two speeches in the last four days. One was upbeat and positive, your typical feel good speech, the other tells the truth. I believe we should look at the truth.

As we meet tonight, it has never been more clear that the state of our city depends on the state of mind of our citizens.

As I have listened to our citizens over the last nine months during the campaigning process it has become painfully obvious that ours is a fractured city. We are a city that has a crisis of confidence. That label was coined by former President Jimmy Carter in 1979 in reference to the country. I think it also applies to us today. As he says, it is a crisis that strikes at the very heart and soul of our community. We can see it in the growing doubt and lack of trust in the political governing system.

First, we must fact the truth and then we can change our course. We simply must have faith in each other, faith in our ability to govern ourselves, and faith in the future of our city. Restoring that faith is now the most important task that I have ahead of me.

We will need the strength and courage of our citizens to turn our course around and work to make a prosperous and vibrant city. It has taken years to come to this point, and with God’s help and our focus, we will rapidly see a reversal. We have got to stop complaining and start working, stop talking and get motivated to rebuild Eureka in to the financially sound and progressive city that we know she can be. The strength that we need cannot only come from the courthouse, but from you.

Our challenges are formidable, but I see a new spirit of unity and resolve in our community. For the first time, I see a willingness to compromise and walk hand in hand down this path to improve our future together.

St. Francis of Assisi said, “Start by doing what’s necessary, then what’s possible, and suddenly you are doing the impossible.”

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That is where we’re going to start. We begin by focusing on the basics if we are to rebuild people’s confidence in their city government.

We prioritize our spending and balance our budget by living within our means.

We begin to re-connect the city to her people.

Throughout the coming year we will make choices that will define the legacy that we leave to our children and grandchildren.

Our values must never waiver from focusing on their futures. We will build a city that reflects our humanity. We will make decisions for our soul and respect our neighbors with the dignity that they deserve.

The Department Heads and I have been meeting and laying out our agenda for this year in particular, and for future years in general. In the first 15 days, we put our heads together and produced a balanced budget that we could present to the City Council. Of course, this would not have been possible without the dedication and assistance of Yvonne Kline of our finance department. We recognize that any budget is a blueprint, a document that takes the best information we have at the moment and becomes kind of a crystal ball for the next 12 months. That doesn't make us fortunetellers, however, merely forecasters. We will monitor the budget on an on-going basis and bring proposals to the Council whenever we believe adjustments are needed. As we are committed to an open dialogue with this community, we are committed to an open dialogue with this Council.

We are also in the early stages of developing another blueprint, one that will be our forecast for capital projects over the next 5-10 years. This blueprint will not be just a list of "wants", but it will be a list of needs that are prioritized and come with some ideas of how they will be paid for.

In overview:

The Planer Hill Park & Ride Lot will become a reality this year. It will provide 75 off-street parking spaces in a location that also will serve as the gateway to Downtown. Designed as a parking lot with a park-like setting, this facility will be landscaped with a variety of shrubs and trees to provide shade, color and beauty along with a water-feature. "The Blue Heron", the piece that won the sculpture contest during last year's May Festival of the Arts, will be permanently installed on this site.

The Transit Department fleet will be enhanced with a 10-passenger Paratransit Van that will be used for our call and ride service and will replace a 1993 minibus. In addition, we will be adding another minibus. This will give us 11 vehicles for regular transit use, along with the smaller Paratransit Van for special needs and as a backup.

Our Police Department has been working diligently with the district court in an effort to clear up unpaid fines and outstanding warrants for failure to appear. They have been serving warrants all over northern Arkansas and returning the arrestees to Eureka Springs where Judge Marianne McBeth has been levying stiff fines and penalties. Through cooperative effort, the police and the court have cleared up a majority of the outstanding arrest warrants and have increased the fines collected by 73%. That means an increase from \$191,399 collected in 2005 to \$331,027 collected in 2006. Along with the increase in revenues, the effort has seen 1,427 traffic and criminal citations issued and 432 people incarcerated in the city jail.

The Fire and EMS services answered more than 1,200 calls for emergency assistance in 2006. Their revenue increased this year to \$398,000 that is a 3.6% increase over 2005.

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The rebuilding of the truck bays at Station One, next to McDonald's, is about 60% complete and we expect this project to be completed in the next 60 days.

In 2006, our building official, Marion Chrysler, has tightened up enforcement of our ordinances in the form of sign, tree and building permits. We believe that she has establish and excellent relationship with the community at large by keeping the lines of communication open and listening to the concerns of the citizens. Under her watch, the revenues have increased by \$11,000 dollars over the last year. We are proud that she has made the office of the building official a more efficient and helpful place for citizens of Eureka Springs.

The Parks Department has seen the fruition of a two-year process to acquire funding thru the state with the help of former St. Representative Phil Jackson, and build for the first time in Eureka Springs' history, a first class playground for our children at Harmon Park. Every bit of construction work to erect the park, which took months of work, was donated by Chuck Schmidt and Rick Momper. These are truly two citizens who put their love of Eureka and her children first. Guys, if you are watching at home, thank you so very much.

They have also build a half-mile asphalt handicap accessible trail around the Leatherwood playing fields. The concession and restroom facilities building are expected to be finished March 1.

The City Advertising and Promotion Commission will respond to the will of the people in the last election by moving forward through our state representatives to see changes in enabling legislation that reflect the current state of the tourism industry in Eureka Springs, including adding an at-large position to the make-up of the Commission. There are many adjustments and plans for 2007 and the CAPC welcomes citizen participation at the weekly workshops along with reviving the old Commercial Club-style booklet complete with Festival and Events calendars. These will be distributed to visitors at Welcome Centers around the state and other regions. A PR/publicist will be added to the staff with responsibilities for public

relations and publicity activities with special emphasis focused on generating feature articles and press releases. CAPC collections were up over 2005 by 2% which amounted to \$21,000.

Our Public Works Director has been focusing a large portion of his time on the construction of the new sewer plant, which with weather permitting, will be on line in July.

He has diligently been monitoring the progress and making sure that proper construction procedures are being followed.

For 2007, Public Works will be concentrating on repairing the street system with specific emphasis on the Historic Loop by replacing asphalt patches with concrete.

Regular smoke testing of the sewer lines will start this year. The department's main objective will be to maintain and fix the city's water and sewer infrastructure, an extremely large undertaking in itself.

And as for the crew at city hall...

With my first hand experience of the last three weeks, we could not have a better set of employees who are dedicated to their jobs. They have gone out of their way to make sure the transition has been smooth and as easy as possible. I cannot say thank you enough to them.

We at City Hall are committed to make our citizens feel welcome at your public building. We want to make sure that if you have questions, we'll find the answers. The Mayor's office is also proud to announce that the Mayor's Economic Advisory Board is up and running and ready to go to work. I believe that their input into our economy will be invaluable for our future plans.

I have assembled a think tank of economic knowledge to encourage more prudent

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assessment of the economic issues facing our city. There have been rifts between various segments of our community for generations. Hopefully, that economic advisory group will construct a conductive bridge to fill the void that has existed for so long in our community.

I expect great insight to come from this group. Yet again, this is another way to involve citizens who would otherwise not be able to serve the city they depend upon.

All of these departments are committed to do the best job possible for our city. They brave weather conditions both cold and hot and, at times, put themselves in harm's way to take care of our city. I am extremely grateful to all of our city employees for their dedication. The next time that you see a city employee, take the time to tell them thank you...thank you for making our lives a little easier.

2007 will not be politics as usual. It will be a year of inspiration and hope, but also a year of concern. This should be a time of reassessment of our character and purpose as was envisioned by our founding fathers. It is a time that we will acknowledge our failures and mistakes and work them into our learning process to become the town we all envision. I reject the idea that we are destined to be mediocre. Even though our city government has its limits on what it is capable of doing, we will face our future with our heads up and a positive direction guiding our vision.

We will harness the strength and attributes of our citizens and allow them to become closer to the governing process. Your knowledge and love of Eureka will help us thru the difficult initial months of this administration. Your courage will give me the focus that will be needed to keep me strong.

To our new council members, we have a very large job ahead of us. Each of you brings a unique set of values and skills to the table. It's this very uniqueness that will help us to advance the interests of our community. Our residents expect nothing less from us, and I want you to know that my door will always be open to help in any way.

We have some big issues ahead, but there is nothing that cannot be accomplished if we work together as a community. However, that means compromise; and it means having to walk in someone else's shoes to experience their feelings; and it means having to listen with an open mind. It also means having the courage to know when it is time to make a decision for what is best for the whole. This is the approach I am following.

I ask for your indulgence; I ask for your trust; and when you are along with your thoughts, I ask that you extend to me and to Eureka Springs your best wishes for a tomorrow filled with prosperity, good health, and the continuation of the dream that each of us is living.

Thank you"

## **APPROVAL OF THE AGENDA:**

Mr. Scheunemann moved to approve the agenda. Mr. Brammer seconded.

Ms. Zeller said Item #4 of New Business, a resolution for "protecting the city's gateways" to have been provided by the Greater Eureka Springs Chamber of Commerce has not been prepared. She asked that the item be postponed to the February meeting.

Mr. Scheunemann moved to approve the agenda as amended. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

## **APPROVAL OF THE MINUTES: Jan. 8, 2007**

Ms. Hahn moved to approve the minutes of the regular City Council meeting of Jan. 8,

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2007, as presented. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

## **DEPARTMENT HEAD AND COMMISSION REPORTS**

**CAPC** – City Advertising and Promotion Commission Director Lynn Berry presented her monthly report.

**Building** - Building Official Marion Chrysler presented Ordinance 2036, regarding the annual inspection fees for grease traps, and Ordinance 2037, amending Chapter 7.84, Signs, of the Municipal Code. She said the changes to the sign ordinance will make it more enforceable.

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

Historic District Commission – Position 1, expiring 11/30/09

Position 5, expiring 11/30/08

CAPC – Position 1, expiring 6/30/09

Cemetery - Position 5, expiring 2/15/08

Parks – Position 1, expiring 5/1/07

Planning Commission – Position 3, expiring 7/1/09    Position 4, expiring 7/1/09    Position 5, expiring 1/1/10    Position 7, expiring 1/1/09

Mayor Wilson read the names of several applicants for commission positions, but did not nominate any candidates.

## **OLD BUSINESS:**

### **1. Amendments to 2006 budget.**

Mayor Wilson said Yvonne Kline is working on the numbers for the amendments to the 2006 budget, but is not finished. She said a special meeting will be necessary to get the 2006 budget amended and the 2007 budget approved before the end of the month.

Council members agreed to hold a special meeting at 4 p.m. Monday, Jan. 29, to discuss the 2006 budget. They will hold a special meeting at 4:15 p.m., Monday, Jan 29, to discuss the 2007 budget.

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

Mr. Scheunemann moved to take the topic from the table. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

Ms. Buchanan moved to discuss the request. Ms. Hahn seconded.

Ms. Hahn said the discussion was tabled so Council members could visit the site at 5 p.m. today. She is still not sure where everything lies. Mr. (Bill) Earngey has presented documentation saying there is an issue of actual ownership of the land in question. She said the citizens spoke in 1982 with petitions to keep Rock House available to the public.

**Karen Lindblad** said she is completely opposed to leasing or the sale of any property to the cave. She wants the Council to have a definitive answer about the ownership before anything is done. The cave is historic public property and the public should have access.

**Mike Klecha** said he is trying to find a solution to the situation. The access to the cave crosses his property. He has opinions from attorneys about ownership. He wants to beautify the area, but when he is conducting weddings and other

events, he does not want the public interfering.

Mr. Klecha has offered to work with the city in rebuilding the stairs up from Spring St. He says they are in dangerous condition and do not meet the current safety code.

**Bill Earngey** reviewed the history of the cave and spring reservation, citing city ordinances and other legal documents regarding the area.

**Beau Satori** said the cave has the oldest building in the city and is the marker of the beginning of Eureka Springs' place as having healing springs. The area needs to be preserved, maintained and protected.

**Jack Moyer** said that when the Community Development Partnership (CDP) placed a plaque at the cave five years ago, it was not visible because of trees, vines, weeds, etc. He sees the situation as an opportunity for compromise. He supports Mr. Klecha's proposal as giving access to the public that it has never had.

Ms. Hahn said she wanted a legal opinion on what the Council can do.

Mr. Weaver said he would have to look at the documents and do a title search before he could make recommendations on how to preserve the area.

Ms. Harrison moved to approve the expenditure from professional services to have the title search done. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

### **3. Ordinance 2035 repealing Ordinance 2017-3<sup>rd</sup> reading**

Ms. Buchanan moved to suspend the rules and place Ordinance 2035 on its third reading by title only. Mr. Brammer seconded. By roll call, five voted aye. Mr. Scheunemann voted no. Motion passed 5/1/0

Mayor Wilson read the title of Ordinance 2035 aloud.

Ms. Harrison moved to approve Ordinance 2035 on its third reading by title only. Mr. Brammer seconded.

Ms. Buchanan and Mr. Scheunemann said they did not want to rush through the reading of ordinances, particularly if there was no real emergency.

By roll call, four voted aye. Ms. Hahn and Mr. Scheunemann voted no. Motion passed 4/2/0

Ms. Harrison moved to take a 10 minute break at 7:22 p.m. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0 The meeting resumed at 7:38 p.m.

## **NEW BUSINESS:**

### **1. Discussion regarding grease trap fees and penalties for late payment.**

Mr. Scheunemann moved to open discussion. Mr. Brammer seconded.

Ms. Chrysler presented Ordinance 2036 reducing the annual grease trap inspection fee, setting a late fee and setting a misdemeanor penalty.

Mr. Weaver said there might be some constitutional issues with shutting down businesses, as proposed in the ordinance, for failure to pay the fee. He said he would research the matter.

Mr. Brammer moved to place Ordinance 2036 on its first reading. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read Ordinance 2036 aloud.

Mr. Brammer moved to approve Ordinance 2036 on its first reading. Mr. Scheunemann seconded. All voted aye.

Motion passed 6/0/0 City Council 1/22/07 6

### **2. Discussion of the proposed Crescent Park hotel condominium project.**

Mr. Brammer moved to open discussion. Ms. Buchanan seconded.

(Note: Martin and Elise Roenigk, owners of the Crescent and Basin Park Hotels, have proposed building 19 cottages with 40 living units in the area known as Glenwood Park, below the west/front Crescent Hotel parking lot, down to Spring Street, bounded on the west by Glen Ave./Ellis Grade.)

There was discussion of the project, the processes of approval of the PUD (Planned Unit Development) and the tree removal request by the Planning Commission/Board of Zoning Adjustment; the advisability of having a professional planning consultant and civil engineer review the plan; the request for rezoning and subsequent withdrawal.

Ms. Harrison moved to have a formal letter on the issue written to the Roenigks; to invite Arkansas Municipal League Planning Consultant Jim vonTungeln and engineer A.E. (AL) Johnson Jr. to review the Roenigks' plan and the PUD ordinance; to not allow any development in the Glenwood Park area until it is rezoned. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

Ms. Hahn moved that the Roenigks' plan be submitted to the City Council for approval as provided for in Sections 13.04.06 and 13.04.07 of the Eureka Springs Municipal Code and that the documents be available for the review by Mr. vonTungeln and Mr. Johnson. Ms. Harrison seconded.

There was additional discussion with the participation Mr. Roenigk, Jamie Gregg, Jack Moyer, Bill King, Elaine VanNatta, Barbara Lightner, Wade Williams.

On the motion, by roll call, five voted aye. Ms. Zeller voted no. Motion passed 5/1/0

Ms. Harrison moved to invite Mr. vonTungeln and Mr. Johnson to Eureka Springs to review the Roenigk project and the Planning Commission/Board of Zoning Adjustments actions on applications. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

### **3. Discussion of joint commission meetings.**

(Note: A joint public hearing was held by the Planning Commission/Board of Zoning Adjustment; the Historic District Commission (HDC) and Parks and Recreation Commission Nov. 14, 2006, on the applications from Martin and Elise Roenigk, owners of the Crescent and Basin Park Hotels, on the proposed building of 19 cottages with 40 living units in the area known as Glenwood Park, below the west/front Crescent Hotel parking lot, down to Spring Street, bounded on the west by Glen Ave./Ellis Grade.)

Mr. Brammer moved to open discussion. Ms. Zeller seconded.

Mr. Scheunemann said joint hearings do not give citizens enough time or opportunity to express their opinions and have proper discussions on proposals.

Ms. Harrison moved to have an ordinance prepared to not allow any joint commission meetings or hearings. Mr. Brammer seconded.

There was discussion with Ken Pownall, Karen Lindblad and Barbara Lightner participating.

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

### **5. Discussion of warning signs concerning motorcycle noise.**

Mayor Wilson said she has spoken with the Police Department and Public Works and they are checking with the Arkansas Highway Department about the signage.

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Mr. Brammer moved to open discussion. Ms. Hahn seconded.

Ms. Zeller said the noise from motorcycles is destroying the peace and tranquility of the town. She would like to have signs installed at the town entrances asking persons to ride their motorcycles quietly.

Ms. Zeller moved to instruct the Police Chief to get permission from the Highway Department to put up signage to enforce the noise ordinance with regard to motorcycles. Ms. Buchanan seconded. All voted aye. Motion passed 6/0/0

### **6. Discussion of requiring ordinances be drafted by the city attorney.**

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

Ms. Harrison said she asked for the discussion because she wants the Council to say what things should be law. The Council should decide which ordinances should be acted upon.

Mr. Weaver said he only prepares ordinances when asked by the Mayor or City Council.

### **AGENDA SETTING:**

**Ms. Hahn** said she would like to have a discussion about sidewalks on Main Street. Mayor Wilson said Development Coordinator Glenna Booth and Public Works Director Jay Wilson are researching grants and surveying the condition of the existing sidewalks.

**Mr. Brammer** said he would like to have Ordinance 2034, vacating an unnamed street lying in Block 83 of the

Clayton Addition, requested by Marty and Elise Roenigk on the agenda for the Feb. 12 meeting. Ms. Zeller seconded.

**Ms. Buchanan** said she wants an ordinance to allow her to do business with the CAPC. Ms. Hahn seconded.

**Mr. Scheunemann** asked why the ordinance approved by the citizens as a referendum during the Nov. 7, 2006, general election, asking to have arrests for marijuana put on low priority by the Police Department, hasn't been on an agenda. He would like for the Council to discuss the topic. Ms. Harrison seconded.

**Ms. Harrison** asked Ms. Hahn to be on an ad hoc committee to research the costs and methods of preservation of old city records. Mr. Scheunemann seconded.

**Ms. Buchanan** said she would like to have high school students sit on city commissions. Mr. Scheunemann seconded. She said she wants an e-mail process set up at city hall to give citizens daily information. Mr. Brammer seconded.

**Mr. Satori** said he wants to encourage the Council to look for the funds to digitize the broadcasting and recording of meetings so they can be downloaded and/or viewed on the Internet.

**Ms. Lightner** said she wants the City Attorney to review the two ordinance regarding earth moving and blasting and make them match. She wants training manuals for all commission members. She wants a statement incorporated into the commission applications requiring candidates to reveal any possible conflicts of interest.

### **EXECUTIVE SESSION:**

Mayor Wilson adjourned the meeting at 10:15 p.m. for the Council to go into executive session to discuss discipline of a city employee.

Ms. Hahn moved to reconvene the Council meeting at 11 p.m. Mr. Scheunemann seconded.

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Ms. Zeller moved to reprimand a city employee. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

Mr. Brammer moved to reprimand a commission member. Ms. Hahn seconded. Five voted aye. Ms. Harrison voted no. Motion passed 5/1/0

### **CITY COUNCIL COMMENTS:**

**Mr. Brammer** said he would like to be a liaison from the Council to the Planning Commission and to have Mr. Weaver accompany him to meetings.

**Ms. Buchanan** said Council members must uphold the will of the people as well as state and federal laws. She has had comments on the recent Municipal League meeting in Little Rock. City residents have contacted her with their concern about the preservation of the natural setting in town and along the highway entrances.

**Ms. Hahn** agreed with Ms. Buchanan in that Council members should remember why they are here. We have to preserve as much as we can. She congratulated the Chicago Bears (on winning the chance to play in the 41<sup>st</sup> Annual Super Bowl Feb. 3).

### **MAYOR'S COMMENTS:**

Mayor Wilson announced several activities scheduled for the rest of January and February.

### **ADJOURNMENT:**

Mr. Brammer moved to adjourn at 11:07 p.m. Mr. Scheunemann 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 Monday, Jan. 22, 2007.

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Mayor Dani D. Wilson

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City Clerk-Treasurer Mary Jean Sell

