

Mayor Dani Wilson called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Sept. 10, 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, Public Works Director Jay Wilson, City Advertising and Promotion Commission (CAPC) Director Jim Williams, Planning Commissioner Ken Pownall, Dennis Hunt of Stephens Inc. of Fayetteville, attorney Michael Moyers of Friday, Eldredge and Clark of Little Rock, and City Clerk-Treasurer Mary Jean Sell.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Wilson led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

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

Mr. Scheunemann asked to have a discussion of the North Main sidewalk and the Landaker Hotel property added, and to postpone the Highway 62 West discussion.

Ms. Sell asked if the reading of Ordinance 2063 dealing with the water and sewer bond ordinance could be moved to the first item of discussion.

On the motion to approve the agenda as amended, all voted aye. Motion passed 6/0/0

APPROVAL OF THE MINUTES: Aug. 27, 2007

Ms. Hahn moved to approve the minutes of the regular City Council meeting of Aug. 27, 2007. Ms. Buchanan seconded.

Ms. Buchanan asked that Old Business Item 2 regarding Resolution 543 to provide matching funds to the Parks and Recreation Commission for Lake Leatherwood be amended to say *“up to \$15,000 and that this be the last funding for Lake Leatherwood.”*

On the motion to approve the minutes as amended, all voted aye. Motion passed 6/0/0

DEPARTMENT HEAD AND COMMISSION REPORTS:

Public Works – Mr. Wilson read a report regarding a Proposed Consent Administrative Order from the Arkansas Department of Environmental Quality (ADEQ) for alleged violations found during an inspection conducted April 24, 2007, and a review of the administrative file for the city’s wastewater treatment plant. He included a list of items within the wastewater treatment plant and collection system that must be repaired. Mr. Wilson said the city can expect to be fined \$15,000 for the violations, but he hopes to be able to negotiate down to \$10,000. Ms. Harrison moved to accept the terms of settlement from ADEQ. Ms. Hahn seconded. All voted aye. Motion passed 6/0/0

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Mr. Wilson presented a change order request for Branco Enterprises, Inc. and USI Engineers regarding the metal buildings needed at the wastewater treatment plant site. Revisions were made to the original plans which has caused a delay in ordering and shipping of the materials for the buildings. He asked for a 156-day extension to the contract. Mr. Brammer moved to extend the Branco contract by 156 days. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

Mr. Wilson said his staff has started contacting landowners along Highway 23 North/North Main Street regarding the location of a four-foot wide sidewalk with handicapped access ramps and parking spaces.

Fire – Mayor Wilson said several members of the Fire Department have formed a committee to assist in the search for a new fire chief. They would also like to have a workshop with Council members at 6 p.m. Tuesday, Sept. 18, at Fire Station 1 to discuss the purchase of a new fire truck.

NEW BUSINESS:

1. Discussion of Ordinance 2063 authorizing refunding and issuance of improvement bonds.

Mr. Brammer moved to place Ordinance 2063 on its first reading. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

Mr. Moyers read the ordinance aloud. He noted a typographical error in a date on Page 20. In Section 27 on Page 25, the words “post office” were removed and the words “City Auditorium” inserted.

Mr. Brammer moved to approve the first reading of Ordinance 2063 as amended. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

Ms. Harrison moved to suspend the rules and place Ordinance 2063 on its second reading by title only. Mr. Brammer seconded. By roll call, all voted aye. Motion passed 6/0/0

Mr. Moyers read the title of Ordinance 2063 aloud.

Ms. Harrison moved to approve Ordinance 2063 on its second reading by title only. Mr. Brammer seconded. By roll call, all voted aye. Motion passed 6/0/0

Mr. Brammer moved to suspend the rules and place Ordinance 2062 on its third reading by title only. Mr. Scheunemann seconded. By roll call, all voted aye. Motion passed 6/0/0

Mr. Moyers read the title of Ordinance 2063 aloud.

Ms. Harrison moved to approve Ordinance 2063 on its third reading by title only. Mr. Scheunemann seconded. By roll call, all voted aye. Motion passed 6/0/0

Ms. Harrison moved to read and approve the emergency clause. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

Mr. Moyers read the emergency clause aloud.

Ms. Harrison moved to approve the reading of the emergency clause. Ms. Hahn seconded. By roll call, all voted aye. Motion passed 6/0/0

PUBLIC COMMENTS:

Alvin Byrd asked the Council to explain the removal of Joyce Zeller and the installation of Rae Hahn on the City Advertising and Promotion Commission (CAPC) since that appears to be in violation of the new CAPC ordinance. He also asked for a franchise to guarantee the success of his convenience store on North Main.

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COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Cemetery - Position 5, expiring 2/15/08

Parks – Position 2, expiring 5/1/08

Black Bass Dam Committee – After discussion, Mayor Wilson said she would talk with Parks Director Bruce Levine about arranging an inspection of Black Bass Dam.

Podcast Equipment Committee – Ms. Buchanan said she did not have a recommendation tonight.

Bridge Artwork Committee – Mr. Scheunemann said no one has contacted him.

OLD BUSINESS:

1. Discussion of Ordinance 2061 adopting policy and procedures manual for city employees (2nd reading)

Mr. Brammer moved to suspend the rules and place Ordinance 2061 on its second reading by title only. Ms. Zeller seconded. By roll call, all voted aye.

Mayor Wilson read the title of Ordinance 2061 aloud.

Mr. Brammer moved to approve Ordinance 2061 on its second reading by title only. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

2. Discussion of proposal to purchase Landaker Hotel property on North Main.

Mr. Weaver said if there is a purpose for buying the property, it could be financed as part of the city's infrastructure. If there is no purpose for the property at time of purchase, the price would have to be paid with a lump sum.

NEW BUSINESS:

1. Discussion of request for election from referendum petition on Ordinance 2051 regarding taxis/limousines.

After some discussion, Mr. Scheunemann moved to postpone discussion until the next regular meeting, Sept. 24. Mr. Brammer seconded. Five voted aye. Ms. Hahn voted present. Motion passed 5/0/1

2. Discussion of recommendation from Planning Commission to adopt Ordinance 2058 to correct typographical error in Ordinance 1308.

Mr. Scheunemann moved to place Ordinance 2058 on its first reading. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

Mayor Wilson read Ordinance 2058 aloud.

Mr. Brammer moved to approve Ordinance 2058 on its first reading. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

3. Discussion of annexation.

Ms. Hahn moved to discuss annexation. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

After some discussion, Mayor Wilson appointed Ms. Harrison, Mr. Brammer, Planning Commissioner Kenneth Pownall as a committee. *Ms. Hahn provided maps.*

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4. Discussion of impact fees.

Ms. Zeller asked for recommendations on impact fees from the city's department heads.

ADJOURNMENT:

Ms. Hahn moved to adjourn at 9:35 p.m. Mr. Scheunemann seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular City Council meeting of Monday, Sept. 10, 2007.

Mayor Dani D. Wilson

City Clerk-Treasurer Mary Jean Sell

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