

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Feb. 11, 2008, in the jury room on the second floor of the Western District Carroll County Courthouse.

**PRESENT:** Mayor Dani D. Joy, Aldermen Patrick Brammer, Rae Hahn, Kathy Harrison, Eric Scheunemann, Joyce Zeller, City Attorney Tim Weaver, Finance Director Yvonne Kline, Building Official Marion Chrysler, bond counsel Dennis Hunt of Stephens Inc. and City Clerk-Treasurer Mary Jean Sell CMC.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

Mayor Joy led the Pledge of Allegiance to the Flag.

**APPROVAL OF THE AGENDA:**

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

Mr. Scheunemann asked for a reconsideration of Ordinance 2068 regarding removal of commission members added as Old Business Item #2.

Mayor Joy said she was moving New Business Item #1, the proposal for refunding of the 2002 water and sewer bonds, to the first item of discussion so Mr. Hunt could return to Fayetteville before the weather started freezing. Mr. Scheunemann moved to make New Business Item #1 the first item of discussion. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

Mr. Scheunemann moved to postpone the votes on the commission nominees. Ms. Harrison seconded. Ms. Harrison, Ms. Hahn, Mr. Scheunemann voted aye. Ms. Zeller and Mr. Brammer voted no. Motion failed 3/2/0

Mayor Joy asked to remove as many items as possible because of the weather situation. She postponed Items #2, Ordinance 2075 amending HDC procedures, and #3, destruction of obsolete records from 2001 and 2003, to the next meeting.

Ms. Hahn agreed to postpone Item #6, discussion of qualifications for commission appointees, and Item #5, proposed ordinance prohibiting joint commission meetings, but said she had new information regarding Item #4, discussion of the taxi issue.

Mayor Joy reviewed that items #2, #3 and #5 would be postponed. Council agreed.

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

**APPROVAL OF THE MINUTES:** Jan. 28, 2008 Jan. 31, 2008, special meeting

**Jan. 28** – Mr. Scheunemann moved to approve the minutes of the regular City Council meeting of Jan. 28. Ms. Harrison seconded.

Ms. Harrison asked about having reports from department heads during meetings.

Ms. Hahn said she wanted the Mayor's State of the City Address from the meeting of Jan. 28 included in the minutes provided to Council members, not just in the file copy.

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

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**Jan. 31** – Mr. Brammer moved to approve the minutes of the Jan. 31 special City Council meeting as presented. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

**DEPARTMENT HEAD AND COMMISSION REPORTS:**

**Building** – Ms. Chrysler read aloud a personal statement asking the Council to stop hammering at the mayor because it is affecting the morale of the city employees and the citizens. She asked them to take up personal issues with the

Mayor in private, not at the Council table in front of the citizens. She said they should take up matters they think are illegal with attorneys.

**Carroll County Solid Waste** – Mayor Joy said CCSW Director Roger Miner has retired. Former State Representative Phil Jackson has been hired for the position. A motion is needed from the Council approving Jackson as the city’s representative. Ms. Zeller moved to appoint and approve Phil Jackson as the representative for Eureka Springs with Carroll County Solid Waste. Ms. Hahn seconded. All voted aye. Motion passed 5/0/0

**Parks** – Mr. Scheunemann moved to read a proclamation setting the week of Feb. 28, 2008, as Parks and Recreation Week in honor of the local work and the annual Arkansas Recreation and Parks Association conference to be held here on Feb. 19, 20 and 21. Ms. Hahn seconded.

Mayor Joy read the proclamation aloud.

**Public Works** – Mayor Joy said the new wastewater treatment plant on Highway 23 north “went on line” Friday night, Feb. 8, and worked well through the weekend. She thanked everyone involved with the construction of the plant for their efforts.

## **PUBLIC COMMENTS:**

**Alvin Byrd** read aloud a letter asking the Council to choose one of the three former candidates for the Ward 2, Position 1 seat to replace Charlotte Buchanan. He said now that the new treatment plant is operating, the city should start replacing sewer lines. He said the Council should consider staggering council terms so an election could be held every year.

**Mickey Schneider** made comments about the behavior of Ms. Harrison and Ms. Hahn as poll watchers in the presidential preferential primary Feb. 5 quoting from letters she had received. She asked the Council to have a workshop on proper agenda protocol and guidelines for behavior during meetings.

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

**Historic District Commission** – Position 2 – expires 11/30/10 – Dee Bright nominee

Mr. Brammer moved to approve the nomination of Ms. Bright to Position 2. Ms. Zeller seconded.

During discussion, Mr. Scheunemann moved at 6:38 p.m. to take a two-minute recess. Ms. Zeller seconded. Ms. Zeller, Mr. Brammer and Mr. Scheunemann voted aye. Ms. Hahn and Ms. Harrison voted no. Mayor Joy voted aye to pass the motion. Motion passed 4/3/0

The meeting resumed at 6:40 p.m.

By roll call vote on the nomination of Ms. Bright, Ms. Zeller, Mr. Scheunemann and Mr. Brammer voted aye. Ms. Hahn and Ms. Harrison voted nay. Mayor Joy voted aye to approve the nomination. Motion passed 4/2/0

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Position 6 – expires 3/7/08 – Paul Faulk nominee

Mr. Brammer moved to approve the nomination of Paul Faulk to Position 6. Ms. Zeller seconded. By roll call, Mr. Brammer and Ms. Zeller voted aye. Ms. Hahn, Mr. Scheunemann and Ms. Harrison voted no. Motion failed 2/3/0

**Parks and Recreation Commission** – Position 6 – expires 5/01/09 – Bradley Banaszek nominee

Mr. Brammer moved to approve the nomination of Mr. Banaszek. Ms. Zeller seconded. By roll call, Mr. Brammer and Ms. Zeller voted aye. Ms. Harrison, Mr. Scheunemann and Ms. Hahn voted no. Motion failed 2/3/0

Planning Commission – Position 2 - expires 1/1/11

**Transportation Committee** – No Report

**Highway 62 Committee** – No report

## **NEW BUSINESS:**

### **1. Proposal to refund 2002 Water and Sewer Revenue Bonds (Mayor Joy)**

Mr. Hunt explained the financial advantages and cost savings of approximately \$68,000 or more to the city by refunding the 2002 Water and Sewer Revenue Bond issue at current interest rates. He presented a resolution giving Stephens Inc. permission to go forward with investigation of the bond market and the potential success of

the proposal.

Ms. Hahn moved to read and adopt Resolution 553. Mr. Scheunemann seconded. All voted aye. Motion passed

5/0/0

Mr. Hunt read the resolution aloud.

**OLD BUSINESS:**

**1. Discussion of replacing alderman for Ward 2 Position 1**

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

Mr. Brammer said he had no information about any candidates for the position other than the three persons who ran for the seat and were defeated in 2006.

Mr. Scheunemann said Pat Matsukis had been properly elected by the Council members as the replacement for Ms. Charlotte Buchanan and she should be seated. He said the Mayor's Dec. 10, 2007, veto of the vote was illegal and invalid.

Mr. Brammer said there had been a vote to overturn the veto and it had not carried.

There was additional discussion of the Mayor's action, opinions from the Arkansas Attorney General, Municipal League Attorney David Schoen and Mr. Weaver.

As discussion continued, Mr. Scheunemann moved to adjourn at 7:15 p.m. because a fair representation from all the wards of the city was not present. Ms. Harrison seconded. Ms. Zeller, Mr. Scheunemann and Ms. Harrison voted aye. Mr. Brammer voted no. Ms. Hahn did not vote. Mayor Joy said okay. Council members left the table.

*In the regular City Council meeting of Monday, Feb. 25, 2008, Mr. Brammer noted there was no formal vote for the adjournment of the Feb. 11 meeting.*

*Ms. Harrison moved to adjourn the Feb. 11 meeting. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0*

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This is the signature page for the minutes of the regular City Council meeting Feb. 11, 2008.

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City Clerk-Treas. Mary Jean Sell CMC  
Joy

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Mayor Dani D.

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