

CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING

MONDAY

FEBRUARY 25, 2008

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Feb. 25, 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, Public Works Interim Directors Amy Williams and Steve Gordon, Finance Director Yvonne Kline, Building Official Marion Chrysler 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. Scheunemann moved to approve the agenda. Ms. Hahn seconded.

Mayor Joy said she wanted to add discussion of an ordinance to raise city water rates as New Business Item #1.

Ms. Hahn asked for a discussion of hiring outside legal counsel as New Business Item #2 and she has information regarding the taxi issue she wants as New Business #3.

Mr. Scheunemann moved to approve the agenda as amended. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

APPROVAL OF THE MINUTES: Feb. 11, 2008

Mr. Brammer moved to approve the minutes of the regular City Council meeting of Feb. 11, 2008. Mr. Scheunemann seconded.

Mr. Scheunemann said he wanted the sentence "There is one vacancy on the Council" struck from the listing of those present for the meeting.

Mr. Brammer said no vote was recorded for the adjournment of the meeting. Ms. Sell said the Council members actions were recorded in the minutes. There was some discussion as to whether or not the meeting of Feb. 11 had been properly adjourned.

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

Mr. Scheunemann asked that the action be added to the minutes of Feb. 11.

On the motion to approve the minutes of Feb. 11 as amended, four voted aye. Ms. Hahn voted no. Motion passed 4/1/0

DEPARTMENT HEAD AND COMMISSION REPORTS:

Public Works - Mayor Joy said there had been some comments about the need for a guardrail alongside Highway 23 North at the city's wastewater treatment plant. She read a portion of a letter from the Arkansas Highway Department aloud saying the road right-of-way in that area was not wide enough to install a guardrail.

Ms. Williams displayed and demonstrated a Sewer Popper to help alleviate sewer line back ups into structures. The Popper screws into the top of a sewer clean out and opens automatically when water presses against it. **City**

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Mayor Joy said she has hired Dwayne Allen of Berryville as Public Works Director. He will start Thursday, Feb. 28, 2008.

Tourism Task Force – Jeff Feldman, president of the Greater Eureka Springs Chamber of Commerce, read aloud an article from the Northwest Arkansas Business Journal publication regarding Eureka Springs.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Historic District Commission – Position 6 – expires 3/7/08 – No nomination

Parks and Recreation Commission – Position 6 – expires 5/01/09 – No nomination

Planning Commission – Position 2 - expires 1/1/11 – No nomination

Transportation Committee – No report

Highway 62 Committee – No report

Ms. Hahn said she wanted the Black Bass Dam Committee to revive to study the condition of the dam and recommendations for repair and restoration.

PUBLIC COMMENTS:

Comments were received from Amanda Banaszek, Alvin Byrd, James DeVito, Mickey Schneider and Steven James Gary.

OLD BUSINESS:

1. Discussion of replacing alderman for Ward 2 Position 1

Mr. Scheunemann moved to open discussion. Mr. Brammer seconded. Mr. Scheunemann and Mr. Brammer voted aye. Ms. Zeller, Ms. Harrison and Ms. Hahn voted no. Motion failed 2/3/0

Mr. Scheunemann moved to adjourn the meeting at 6:57 p.m. There was no second.

2. Discussion of Ordinance 2075 amending HDC procedures (Mayor Joy)

Glenna Booth, Historic Preservation Officer (HPO) for the city, said the amendment to the Municipal Code is to bring the city’s ordinance back in line with the state’s enabling legislation for historic districts and commissions. The original city ordinance, #1047, had the same language as the state statute, but it has been changed without ordinance authority.

Ms. Zeller moved to place Ordinance 2075 on its first reading. Mr. Brammer seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

Ms. Sell read Ordinance 2075 aloud.

Mr. Brammer moved to approve the first reading of Ordinance 2075. Ms. Zeller seconded. Following discussion, Mr. Brammer withdrew his motion. Ms. Zeller withdrew her second.

Mr. Brammer moved to approve the first reading of Ordinance 2075 as amended. Ms. Zeller seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

3. Request to destroy 2001 and 2003 obsolete records (Mayor Joy)

Ms. Sell said these records are allowed by law to be destroyed.

Ms. Zeller moved to allow the destruction of the 2001 and 2003 obsolete city records. Mr. Brammer seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

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4. Discussion of ordinance prohibiting joint commission meetings (Hahn, Harrison)

Mr. Brammer moved to discuss. Ms. Harrison seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

After discussion, Ms. Hahn moved to write a letter to the city Commissions saying that public input should not be limited during public hearings. Ms. Harrison seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

5. Discussion of qualification requirements for commission appointees (Hahn)

Ms. Harrison moved to open discussion. Ms. Hahn seconded. Ms. Harrison, Ms. Hahn, Ms. Zeller voted aye. Mr. Scheunemann and Mr. Brammer voted no. Motion failed 3/2/0

NEW BUSINESS:

1. Discussion of proposed ordinance to raise water rates for 2008.

Ms. Williams explained the new rates represent five (5) cents on the first 1,000 gallons of water used. The rates are being raised to match the increase in cost from Carroll-Boone Water District on the purchase price of water for the city and the city cannot absorb the cost. The increase does not affect the sewer rates. Carroll-Boone will raise the costs fifteen (15) cents in the next three years at five (5) cents per year.

Ms. Zeller moved to have a number assigned to the ordinance. Mr. Brammer seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

Ms. Sell said the number will be 2078.

Ms. Zeller moved to place Ordinance 2078 on its first reading. Mr. Brammer seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

Mayor Joy read Ordinance 2078 aloud.

Mr. Brammer moved to approve Ordinance 2078 on its first reading. Ms. Zeller seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

Mr. Brammer moved to suspend the rules and place Ordinance 2078 on its second reading by title only. Ms. Zeller seconded. By roll call, Ms. Harrison, Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

Mayor Joy read the title of Ordinance 2078 aloud.

Mr. Brammer moved to approve the second reading of Ordinance 2078 by title only. Ms. Zeller seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

Ms. Harrison moved to take a break at 7:55 p.m. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0
The meeting resumed at 8:08 p.m.

2. Discussion regarding the hiring of outside legal counsel. (Hahn)

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

Hahn, Mr. Brammer voted aye. Ms. Zeller voted no. Mr. Scheunemann did not vote. Motion failed 3/2/0

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3. Discussion of taxis (Hahn)

Ms. Hahn moved to open discussion. Ms. Harrison seconded. Ms. Hahn, Ms. Harrison voted aye. Ms. Zeller, Mr. Brammer voted no. Mr. Scheunemann did not vote. Motion failed 2/3/0

AGENDA SETTING:

Mr. Brammer asked for a discussion of election of mayor pro tem. Ms. Zeller seconded.

Ms. Harrison asked for a discussion of a proposal for the Farmers' Market to be held in the Planer Hill Park and Ride lot this summer. Ms. Hahn seconded.

Mr. Scheunemann asked for a discussion of the alderman for Ward 2 Position 1. Ms. Harrison seconded.

Ms. Harrison asked for a discussion of having approval of Planned Unit Developments (PUDs) approved by the City Council. She asked Council members to meet at 1:30 p.m. Thursday to prepare for discussions at 2 p.m. with Municipal League Planning Consultant Jim vonTunglen.

Ms. Hahn asked for a discussion of occupation taxes and licenses. Ms. Harrison seconded.

Mayor Joy asked if the regular meetings scheduled for March 10 and 24 could be moved to March 17 and 31 because of scheduling conflicts. Mr. Scheunemann moved to amend the meeting schedule to have meetings on March 17 and 31 instead of March 10 and 24. Ms. Zeller seconded. All voted aye. Motion passed 5/0/0

ADJOURNMENT:

Ms. Hahn moved to adjourn at 8:25 p.m. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the minutes of the regular Eureka Springs City Council meeting of Monday, Feb. 25, 2008.

Mayor Dani D. Joy

City Clerk-Treas. Mary Jean Sell CMC

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