

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, June 9, 2008, in the jury room on the third 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, Transit Director Lamont Richie, Police Chief Earl Hyatt, Fire Chief Eddie Davis, Public Works Director Duane Allen 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.

Mayor Joy added a discussion of the Widger lawsuit as New Business Item #3.

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

**APPROVAL OF THE MINUTES:** May 19, 2008

Mr. Scheunemann moved to approve the minutes of the regular City Council meeting of May 19, 2008. Mr. Brammer seconded.

Ms. Hahn said she wanted the specific new rates for water and sewer included in the discussion.

Mr. Brammer said a paragraph in Item #2 on Page 3 needs to be removed because it is out of place.

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

**DEPARTMENT HEAD AND COMMISSION REPORTS:**

**Transit** – Mr. Richie brought information to refute a report on television Channel 40/29 that the city’s transit system is closing down because of high fuel costs. He said that is not true. Ticket sales are down for this year, but he is working with local businesses to try to increase sales.

**Police** – Chief Hyatt reported the recent Blues Festival was successful in that “violence in the street was way down.”

**Fire** – Chief Davis said the chassis for the new fire truck is at the factory and ready for assembly. We now have two more certified Paramedics, of the 12 persons in the department, 11 are paramedics.

**Emergency Response Plan** – Mayor Joy said all the departments are working on a city emergency response plan.

**Public Works** – Mr. Allen presented change order #2 from Branco Enterprises Inc. of Neosho, Mo., contractors for construction of the wastewater treatment plant on Hwy. 23 North, to deduct/adjust \$3,000 from the cost of the plant. The final walk-through needs to be done and

City Council     6/09/08                     1

the final inspections completed.

Ms. Harrison moved to approve change order #2 deducting \$3,048 from the payment to Branco. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

Ms. Hahn said she wants to make a report on Black Bass Dam during the next Council meeting.

Ms. Harrison said the Annexation/Impact Fee Committee is ready to draft an impact fee ordinance.

**PUBLIC COMMENTS:** None

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

Historic District Commission – Position 6 – expires 3/7/11

Parks and Recreation Commission – Position 6 – expires 5/01/09

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

CAPC –Position 4 – expires 6/30/08

## **OLD BUSINESS:**

### **1. Discussion of Ordinance 2080 raising city sewer rates** (Mayor Joy)

Mayor Joy said the public hearing prior to tonight's meeting was cancelled because the public notice of the hearing must be republished including the rate changes.

Ms. Hahn moved to hold the public hearing at 5 p.m. Monday, June 23. Mr. Scheunemann seconded. All voted aye.

Motion passed 5/0/0

Mr. Brammer moved to postpone discussion of Ordinance 2080 to the regular meeting of Monday, June 23. Ms. Zeller seconded. All voted aye. Motion passed 5/0/0

### **2. Discussion of staggered, four-year City Council terms**. (Harrison, Scheunemann)

Mr. Brammer moved to discuss staggered, four-year City Council terms. Ms.

Harrison seconded. All voted aye. Motion passed 5/0/0

Ms. Harrison said Mr. Weaver was to have prepared an ordinance base on state statutes for presentation this evening. He did not have the ordinance ready.

Comments were taken from Mickey Schneider and Alvin Byrd.

## **NEW BUSINESS:**

### **1. Discussion of proposed ordinance to eliminate waiver of swimming pool sewer fee**. (Hahn, Harrison)

Ms. Hahn moved to table this discussion until future notice. Mr. Brammer seconded.

Four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

### **2. Discussion of proposed Ordinance 2085 amending minimum cost of 2,000 gallons of water consumption outside the city limits in Ordinance 2081**. (Mayor Joy)

Ms. Hahn moved to discuss Ordinance 2085. Ms. Harrison seconded. All voted aye. Motion passed 5/0/0

Mr. Brammer moved to place Ordinance 2085 on its first reading. Ms. Zeller seconded. Four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

Ms. Sell read Ordinance 2085 aloud.

## **City Council 6/09/08 2**

Mr. Brammer moved to approve Ordinance 2085 on its first reading. Ms. Zeller seconded. Four voted aye. Mr. Scheunemann cited A.C.A. 14-42-109 and voted present. Motion passed 4/1/0

Mr. Brammer moved to suspend the rules and place Ordinance 2085 on its second reading by title only. Ms. Zeller seconded. By roll call, Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Ms. Harrison voted no. Mr. Scheunemann voted present. Mayor Wilson voted aye. Motion passed 4/2/0

Ms. Sell read the title of Ordinance 2085 aloud.

Mr. Brammer moved to approve Ordinance 2085 on its second reading by title only. Ms. Zeller seconded. By roll call, three voted aye. Mr. Scheunemann and Ms. Harrison voted present. Mayor Wilson voted aye. Motion passed 4/2/0

Mr. Brammer moved to suspend the rules and place Ordinance 2085 on its third reading by title only. Ms. Zeller seconded. By roll call, Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Ms. Harrison and Mr. Scheunemann voted present. Mayor Wilson voted aye. Motion passed 4/2/0

Ms. Sell read the title of Ordinance 2085 aloud.

Mr. Brammer moved to approve Ordinance 2085 on its third reading by title only. Ms. Zeller seconded. By roll call, three voted aye. Mr. Scheunemann and Ms. Harrison voted present. Mayor Wilson voted aye. Motion passed 4/2/0

Mr. Brammer moved to read the emergency clause. Ms. Zeller seconded. Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Ms. Harrison and Mr. Scheunemann voted present. Mayor Wilson voted aye. Motion passed 4/2/0

Ms. Sell read the emergency clause aloud.

### **3. Discussion of the Widger lawsuit.**

Ms. Hahn moved to discuss the Widger lawsuit. Ms. Harrison seconded. All voted aye.

Motion passed 4/0/0

Mr. Weaver explained the lawsuit began in 2005 and deals with two motels sharing a trash container. Allegedly one motel owner was not paying his share of the monthly trash removal fees. The city's public works department is the contracted billing agent for Carroll County Solid Waste. Depositions have been taken and discussions among lawyers have been held.

A settlement agreement has been offered with the city to pay \$1,500 of the settlement and one-third of the deposition costs.

Mr. Weaver said the city would spend more than that amount in further legal action and a full day of jury trial, if the Council did not want to settle.

Ms. Hahn moved to pay half of the lawsuit settlement/\$1,500 and one-third of the deposition costs. Ms. Zeller seconded. By roll call, four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

### **AGENDA SETTING:**

**Ms. Zeller and Ms. Hahn** discussed a letter from a citizen regarding dogs pooping in city flower beds, particularly in Basin Spring Park. They would like a discussion of a possible ordinance during the next meeting.

**City Council 6/09/08 3**

**Mr. Scheunemann** asked for a discussion of musicians and artists in the park. Mayor Joy said the Parks Department was in charge of the park and the CAPC (City Advertising and Promotion Commission) has been involved. She said she would ask Parks Director Bruce Levine and CAPC Director Jim Williams to attend the next meeting for a discussion.

**Ms. Hahn** requested a mid-year budget workshop. Council members agreed on 8 a.m. Thursday, June 12.

### **PUBLIC COMMENTS:**

Comments were taken from Alvin Byrd and Steven James Gary.

### **CITY COUNCIL COMMENTS:**

**Ms. Harrison** asked to see the budget for the banner project that is underway. She asked about the Public Works Department budget for an employee to scrape and paint the red "no parking" zone curbs.

**Mr. Brammer** wished everyone a happy Father's Day.

**Ms. Zeller** said the new banners look great and thanked Economic Development Coordinator Glenna Booth for facilitating the grant and installation of the banners.

**Mr. Scheunemann** encouraged citizens to consider running for City Council seats. Filing dates are Aug. 6 to noon on Aug. 26 for the Nov. 4 general election.

**Ms. Hahn** asked to have the Building Official attend the budget workshop on Thursday. She said she had several calls about a sign on an inflated balloon in a trailer parked on city property during the May 20 election. She said it was in violation of city ordinances and wanted an explanation of how that was addressed by the police department.

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

**Mayor Joy** said she had gotten complaints about a juvenile carrying signs near the polling place on election day. She said the vehicle with the balloon was properly tagged, the parking fee was paid and political signs were allowed to be displayed.

She said a Public Works employee is scraping the red curbs because it has not been done in many years. She does not think it is financially responsible to have the department spray paint over layers and layers of paint which will flake off.

She said the current banner project is the result of two years of work by Ms. Booth to get a grant for the funding, to

get the posts and banners designed, built and installed. She said this is the first step of the project.

**ADJOURNMENT:**

Ms. Hahn moved to adjourn at 8:05 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 June 9, 2008.

ATTEST:

APPROVED:

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City Clerk-Treas. Mary Jean Sell CMC

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Mayor Dani D. Wilson  
**City Council 6/09/08 4**