

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 3 p.m. Monday, May 19, 2008, in the jury room on the third floor of the Western District Carroll County Courthouse. This meeting was scheduled for the regular meeting of Monday, May 26, Memorial Day.

PRESENT: Mayor Dani D. Joy, Aldermen Patrick Brammer, Rae Hahn, Kathy Harrison, Eric Scheunemann, Joyce Zeller, City Attorney Tim Weaver, Finance Director Yvonne Kline, Public Works Office Administrator Amy Williams 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. Ms. Zeller seconded. All voted aye. Motion passed 5/0/0

APPROVAL OF THE MINUTES: May 12, 2008

Mr. Brammer moved to approve the minutes of the regular meeting of May 12, 2008. Ms. Harrison seconded.

Ms. Hahn said she wanted the words "*a quorum was present*" added to Page 2 under the discussion of the CAPC (City Advertising and Promotion Commission).

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

DEPARTMENT HEAD AND COMMISSION REPORTS: None

PUBLIC COMMENTS: None

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Historic District Commission – Position 6 – expires 3/7/08

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

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

CAPC – Nominee James DeVito for restaurant position Mr. Brammer moved to approve the nomination of Mr. DeVito. Ms. Zeller seconded. By roll call, Ms. Zeller and Mr. Brammer voted aye. Ms. Harrison and Ms. Hahn voted no. Mr. Scheunemann said he was not voting and cited A.C.A. 14-42-109. Motion failed 2/3/0

OLD BUSINESS:

1. Discussion of raising city water and sewer rates (Mayor Joy)

Ms. Hahn moved to discuss the raising of city water and sewer rates. Mr. Brammer seconded.

Comments were taken from Mr. DeVito.

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Ms. Zeller moved to place Ordinance 2080 raising the sewer rates on its first reading. Mr. Brammer seconded. Four voted aye. Mr. Scheunemann said he was not voting and cited A.C.A. 14-42-109. Motion passed 4/1/0

Ms. Hahn asked if the ordinance reflected the changes in the service tiers she had requested during the meeting of May 12. Ms. Kline said changing the tiers in the sewer ordinance would require the holding of a public hearing on the changes.

Ms. Hahn moved to amend Ordinance 2080 by (*Amended by Ms. Hahn: changing the service tiers from 8,000 gallons to 6,000 gallons or any portion thereof at a rate of \$9.50 (minimum) per month, a nine percent increase;*

from 10,000 gallons or more to 8,000 gallons or any portion thereof at a rate of \$5.60 per 1,000 gallons, a 12 percent increase; for all in excess of 8,000 gallons or any portion thereof at a rate of \$6.81 per 1,000 gallons, a 12 percent increase.) Ms. Harrison seconded. By roll call, Ms. Hahn, Mr. Brammer, Mr. Scheunemann and Ms. Harrison voted aye. Ms. Zeller voted no. Motion passed 4/1/0

Ms. Sell read Ordinance 2080 as amended aloud.

Ms. Harrison moved to approve Ordinance 2080 on its first reading. Ms. Hahn seconded.

By roll call, Ms. Hahn, Mr. Brammer and Ms. Harrison voted aye. Ms. Zeller voted no. Mr. Scheunemann said he was not voting and cited A.C.A. 14-42-109. Mayor Joy voted aye. Motion passed 4/2/0

Mr. Brammer moved to place Ordinance 2081 raising city water rates on its first reading. Ms. Hahn seconded. By roll call, Ms. Hahn, Mr. Brammer, Ms. Harrison, Ms. Zeller voted aye. Mr. Scheunemann said he was not voting and cited A.C.A. 14-42-109. Motion passed 4/1/0

Ms. Hahn moved to amend Ordinance 2081 service tiers from 8,000 gallons to 6,000 gallons and from 10,000 gallons or more to 8,000 gallons. Mr. Brammer seconded. By roll call, Ms. Harrison, Mr. Brammer, Mr. Scheunemann and Ms. Hahn voted aye. Ms. Zeller voted no. Motion passed 4/1/0

Ms. Sell read Ordinance 2081 as amended aloud.

Ms. Harrison said the ordinance should include the wording in the purpose of the ordinance to have “available revenue to meet bond obligations.” There was no second.

Mr. Scheunemann moved to include the wording “providing sufficient funds for bond obligations.” Ms. Harrison seconded. All voted aye. Motion passed 5/0/0

Mr. Brammer moved to approve Ordinance 2081 on its first reading. Ms. Hahn seconded. By roll call, Ms. Harrison, Ms. Hahn, Mr. Brammer, Ms. Zeller voted aye. Mr. Scheunemann said he was not voting and cited A.C.A. 14-42-109. Motion passed 4/1/0

Mr. Brammer moved to suspend the rules and place Ordinance 2081 on its second reading by title only. Ms. Hahn seconded. By roll call, Ms. Harrison, Ms. Hahn, Mr. Brammer, Ms. Zeller voted aye. Mr. Scheunemann said he was not voting and cited A.C.A. 14-42-109. Motion passed 4/1/0

Mayor Joy read the title of Ordinance 2081 aloud.

Mr. Brammer moved to approve the second reading of Ordinance 2081 by title only. Ms. Hahn seconded. By roll call, Ms. Harrison, Ms. Hahn, Mr. Brammer, Ms. Zeller voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

Ms. Hahn moved to amend Ordinance 2081 rate for 8,000 gallons of water to \$4.69 per 1,000 gallons of water for in town customers. Ms. Harrison seconded. By roll call, Ms. Harrison, Ms. Hahn, Mr. Brammer, Ms. Zeller voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

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Mr. Brammer moved to amend Ordinance 2081 rate for 8,000 gallons of water to \$9.38 per 1,000 gallons of water per month for out-of-town customers. Mr. Scheunemann seconded. All voted aye. Motion passed 5/0/0

Mr. Brammer moved to suspend the rules and place Ordinance 2081 on its third reading by title only. Ms. Hahn seconded. By roll call, Ms. Harrison, Ms. Hahn, Mr. Brammer, Ms. Zeller voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

Mayor Joy asked for suggestions for date of public hearing. Council agreed on 5 p.m. Monday, June 9, 2008, prior to the regular meeting at 6 p.m.

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

Ms. Harrison moved to open discussion. Mr. Brammer seconded. There were four ayes.

Ms. Zeller did not vote. Motion passed 4/1/0

Following discussion, Ms. Harrison moved to put staggered, four-year terms on the general election ballot in November of 2008. Ms. Zeller seconded.

Ms. Harrison withdrew her motion and asked Mr. Weaver to prepare an ordinance regarding staggered four year council terms. Ms. Zeller seconded. All voted aye. Motion passed 5/0/0

NEW BUSINESS:

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

Ms. Hahn said she would like to postpone the discussion. She is doing some research and does not have all of her information.

2. Discussion of proposed ordinance to reallocate funds from one-cent sales tax generated through Ordinance 1120.

Mr. Weaver discussed the proper way to reallocate the tax revenue monies.

Mr. Brammer moved to place Ordinance No. 2083 An Ordinance to Reallocate the One Percent (1%) Sales Tax Collected Under Ordinance 1120 as Authorized by Arkansas Code Annotated 26-75-301 et seq; Declaring an Emergency to Exist; and For Other Purposes on its first reading. Ms. Zeller seconded. By roll call Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Ms. Harrison voted no. Mayor Joy voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

Mayor Joy read Ordinance 2083 aloud.

Mr. Brammer moved to approve Ordinance 2083 on its first reading. Ms. Zeller seconded. By roll call Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Ms. Harrison voted no. Mayor Joy voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

Mayor Joy read the title of Ordinance 2083 aloud.

Mr. Brammer moved to suspend the rules and place Ordinance 2083 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. Mayor Joy voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

On the motion to approve Ordinance 2083 as amended, by roll call, Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Ms. Harrison voted no. Mayor Joy voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

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Mr. Brammer moved to suspend the rules and place Ordinance 2083 as amended on its third reading by title only. Ms. Zeller seconded. By roll call, Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Ms. Harrison voted no. Mayor Joy voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

Mayor Joy read the title of Ordinance 2083 aloud.

On the motion to approve Ordinance 2083 as amended on its third reading by title only, by roll call, Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Ms. Harrison voted no. Mayor Joy voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

Mr. Brammer moved to read the emergency clause for Ordinance 2083. Ms. Zeller seconded. By roll call, Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Ms. Harrison voted no. Mayor Joy voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

Mayor Joy read the emergency clause aloud.

3. Discussion of proposed ordinance calling for special election to reallocate funds from one-cent sales tax generated through Ordinance 1120.

Mr. Brammer moved to place Ordinance 2084 An Ordinance Calling For A Special Election to Refer The Issue of Reallocating the One Percent (1%) Sales Tax Collected Under Ordinance 1120 as Authorized by Arkansas Code Annotated 26-75-301 et seq.; Declaring an Emergency to Exist; And For Other Purposes on its first reading. Ms. Zeller seconded. By roll call, Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Ms. Harrison voted no. Mayor Joy voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

Ms. Sell read Ordinance 2084 aloud.

Mr. Brammer moved to approve Ordinance 2084 on its first reading. Ms. Zeller seconded. By roll call Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Ms. Harrison voted no. Mayor Joy voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

Mr. Brammer moved to suspend the rules and place Ordinance 2084 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. Mayor Joy voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

Mayor Joy read the title of Ordinance 2084 aloud.

Mr. Brammer moved to approve Ordinance 2084 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. Mayor Joy voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

Mr. Brammer moved to suspend the rules and place Ordinance 2084 on its third reading by title only. Ms. Zeller seconded. By roll call, Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Ms. Harrison voted no. Mayor Joy voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

Mayor Joy read the title of Ordinance 2084 aloud.

Mr. Brammer moved to approve Ordinance 2084 on its third reading by title only. Ms. Zeller seconded. By roll call Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Ms. Harrison voted no. Mayor Joy voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

Mr. Brammer moved to read the emergency clause for Ordinance 2084. Ms. Zeller seconded. By roll call, Mr. Brammer, Ms. Zeller, Ms. Hahn voted aye. Ms. Harrison voted no. Mayor Joy voted aye. Mr. Scheunemann voted present. Motion passed 4/2/0

Mayor Joy read the emergency clause aloud.

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AGENDA SETTING:

Ms. Hahn said she wanted to remind the Building Official to collect capacity fees and she would like a report on the collections. She set an Impact Fee and Annexation Committee meeting for 8 a.m. Thursday, May 22.

Ms. Harrison said she would like to have a budget meeting to prepare the mid-year budget review.

PUBLIC COMMENTS:

Comments were taken from Ken Pownall, Steven James Gary, Mickey Schneider.

ADJOURNMENT:

Ms. Hahn moved to adjourn at 5:20 p.m. Ms. Harrison seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the minutes of the May 19, 2008, regular Eureka Springs City Council meeting, rescheduled from May 26, the Memorial Day Holiday.

Mayor Dani Joy

City Clerk-Treas. Mary Jean Sell CMC

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