

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Oct. 13, 2008, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Dani D. Joy, Aldermen Patrick Brammer, Eric Scheunemann, Rae Hahn, Kathy Harrison, Joyce Zeller, City Attorney Tim Weaver, Finance Director Yvonne Kline, Mayor's Assistant Diane Wilkerson, Public Works Director Dwayne Allen, Parks Director Bruce Levine, Building Official Marion Chrysler and City Clerk-Treasurer Mary Jean Sell CMC.

PLEDGE OF ALLEGIANCE: 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 contract with Carroll County Solid Waste as New Business #6.

Mr. Brammer asked to remove Old Business #4 the Executive Session. Ms. Zeller seconded.

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

APPROVAL OF THE MINUTES:

Mr. Scheunemann moved to approve the minutes of the regular City Council meeting of Sept. 22, 2008. Mr. Brammer seconded.

Mr. Scheunemann and Mr. Brammer noted a correction on Page 2, Item #1. The vote should be recorded as all in favor, 5/0/0.

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

DEPARTMENT HEAD AND COMMISSION REPORTS:

Parks – Mr. Levine presented information regarding the Harmon Park bathroom, including a list of labor and materials volunteered by local contractors. He reported the arrival of a \$5,500 check from Arkansas Parks and Tourism to be used for a handicapped access trail at Lake Leatherwood Ball Fields Phase 5.

Mr. Levine introduced arborist Dr. Al Einert. He gave some information and suggestions for management of the urban forest, particularly in dealing with trees damages or destroyed during storms.

Building – Ms. Chrysler said volunteers are needed to install the rope lighting on downtown buildings for the holiday celebration.

Public Works – Mr. Allen said the city has been paid \$63,980 for recent storm damage. He has asked FEMA (the Federal Emergency Management Agency) for \$90,000 for Black Bass Dam. He said there is a lot of drainage ditch damage that needs to be addressed.

Hospital – Ms. Sell said patient and financial information from the Eureka Springs Hospital is no longer public information since the facility's management has been taken over by Allegiance Health Management (AHM), a for-profit company. She said purchase of land for a

new hospital site is still being negotiated.

City Council 10/13/08 1

PUBLIC AGENDA REQUESTS:

Carol Friesen asked that Resolution 555 be revised to provide longer hours and dates for free parking for holiday shopping on Spring and Main streets.

Suzanne Roder asked about repairs to the Lake Leatherwood Creek walls and a remedy to alleviate the rainwater washing onto her North Main Street property from Magnetic Spring.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning—Position 2 - expires 1/1/11 Position 7 – expires 1/1/09

Position 3 – expires 7/1/10 - Nominee Mark Acuff Mr. Brammer moved to approve the nomination of Mr. Acuff. Ms. Zeller seconded. Ms. Hahn said she wanted to postpone action pending a review of Ordinance 1423. Other Aldermen said they had not been able to reach Mr. Acuff to discuss the appointment with him. Mr. Brammer withdrew his motion. Ms. Zeller withdrew her second. Mr. Brammer moved to postpone action to the regular meeting of Oct. 27. Ms. Hahn seconded. All voted aye. Motion passed 5/0/0

CAPC –Position 3 lodging – expires 6/30/11 – CAPC Chairman Richard Grinnell said the Commission has nominated Frank Green for Position 3. Council members asked for two weeks to contact Mr. Green before approving the nomination.

OLD BUSINESS:

1. **Discussion of proposal for impact fees.** (Harrison, Hahn)

Mr. Scheunemann moved to discuss. Mr. Brammer seconded. Four voted aye. Ms. Zeller was opposed. Motion passed 4/1/0

Ms. Hahn said she wanted to table the discussion for a final tweaking of the proposal. Ms. Harrison seconded. All voted aye. Motion passed 5/0/0

2. **Discussion regarding unsewered properties** (Mayor)

Mr. Brammer moved to discuss. Ms. Harrison seconded. All voted aye. Motion passed 5/0/0

Mr. Allen reported his crews are walking the unsewered areas. There are approximately 200 water customers who are not getting city sewer service. The crews have a list of names and are checking the connections.

Comments were taken from citizens Ken Pownall and Mickey Schneider.

3. **Discussion Ordinance 2091 regarding disposal of animal feces** (2nd reading)

(Mayor)

Mr. Brammer moved to suspend the rules and read Ordinance 2091 for the second time by title only. Ms. Harrison seconded. By roll call, four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

Mayor Joy read the title of Ordinance 2091 aloud.

Mr. Brammer moved to approve the second reading of Ordinance 2091 by title only. Ms. Zeller seconded. By roll call, Ms. Zeller, Mr. Brammer, Ms. Harrison voted aye. Ms. Hahn voted no. Mr. Scheunemann voted present. Mayor Joy voted aye. Motion passed 4/2/0

City Council 10/13/08 2

Ms. Harrison moved to take a break at 8:25 p.m. Ms. Hahn seconded. All voted aye. Motion passed 5/0/0 Meeting resumed at 8:45 p.m.

NEW BUSINESS:

1. **Discussion of Ordinance 2092 setting real, personal property tax levies.** (Mayor)

Mr. Brammer moved to place Ordinance 2092 on its first reading. Ms. Harrison seconded. Four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

Mayor Joy read Ordinance 2092 aloud.

Mr. Brammer moved to approve Ordinance 2092 on its first reading. Ms. Zeller seconded. Four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

Mr. Brammer moved to suspend the rules and read Ordinance 2092 for the second time by title only. Ms. Zeller seconded. By roll call, four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

Mayor Joy read the title of Ordinance 2092 aloud.

Mr. Brammer moved to approve Ordinance 2092 on its second reading by title only. Ms. Zeller seconded. Four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

2. **Discussion of mid-year budget revisions** (Harrison, Hahn)

Mr. Brammer moved to number the proposed ordinance – 2093 – and discuss it. Ms. Harrison seconded. Four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

Mr. Brammer moved to place Ordinance 2093 on its first reading. Ms. Zeller seconded. Four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

Mayor Joy and Ms. Zeller read Ordinance 2093 aloud.

Mr. Brammer moved to approve Ordinance 2093 on its first reading. Ms. Zeller seconded.

Ms. Harrison suggested line item amendments. Mr. Brammer moved to approve the amendments. Ms. Zeller seconded. Four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

On the motion to approve the first reading of Ordinance 2093 as amended, four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

3. **Discussion of engineering study for Black Bass Dam** (Hahn, Scheunemann)

Ms. Hahn moved to discuss. Mr. Scheunemann seconded. Four voted aye. Mr. Brammer voted no. Motion passed 4/1/0

Ms. Hahn gave a report on her efforts to contact consulting engineers to examine the dam.

Alderman Zeller reported that Dee Purkeypyle, an Engineer with TRC/Brandes of Austin, Texas, and Certified Flood Plain manager Specialist, and Dam Stability expert, has offered to do an assessment of Black Bass Dam, including the hydrology and hydraulics, spillway adequacy and breach analysis. His charge for this is \$1,500.

4. **Discussion of proposals for limousine ordinance** (Hahn, Harrison)

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

City Council 10/13/08 3

5. **Discussion of tree management program** (Harrison, Hahn)

Ms. Harrison moved to discuss. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

Mr. Pownall said the Planning Commission is working on a revision of the tree ordinance that should have some management topics.

Ms. Harrison suggested the Mayor should appoint an ad hoc committee to discuss the issue.

Mr. Scheunemann moved to keep the topic on the agenda for further discussion. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

6. **Discussion of contract with Carroll County Solid Waste.** (Mayor Joy)

Mayor Joy said the city's contract with Carroll County Solid Waste has expired. The Council approved new fees during the regular meeting of Aug. 11, 2008.

Ms. Harrison moved to continue to use Carroll County Solid Waste for collection of trash within the city. Ms. Zeller seconded. Four voted aye. Mr. Scheunemann voted present. Motion passed 4/1/0

AGENDA SETTING:

Mr. Scheunemann said he wants to discuss the spraying of commercial pesticides within the city limits. Mr. Brammer seconded.

ADJOURNMENT

Ms. Hahn moved to adjourn at 10:03 p.m. Mr. Scheunemann 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, Oct. 13, 2008.

Mayor Dani D. Joy

City Clerk-Treasurer Mary Jean Sell CMC

City Council 10/13/08 **4**