CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING MONDAY APRIL 26, 2010
Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, April 26, 2010, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Dani D. Joy, Aldermen Beverly Blankenship, Patrick Brammer, James DeVito, Mickey Schneider, Joyce Zeller, City Attorney Tim Weaver, Planning Commission Chairman Brad Banaszek, City Clerk-Treasurer Mary Jean Sell CMC. Aldermen Robert, Butch, Berry was absent.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Mayor Joy led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:
Mr. DeVito moved to approve the agenda. Ms. Blankenship seconded.
Mayor Joy added a discussion of Crook Street 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: April 12, 2010
Mr. DeVito moved to approve the minutes of the regular City Council meeting of April 12, 2010. Mr. Brammer seconded.
Public Works Director Dwayne Allen asked that the March 15, 2010, minutes regarding his request for a letter of credit be amended to read: Mr. Allen asked the Council to authorize a search for $30,000 letter of credit from local financial institutions to back up the city's composting facility. There will be a fee of two percent per year. Allen said the Arkansas Department of Environmental Quality (ADEQ) requires such a letter of credit. (Note added April 27, 2010, as an amendment: Arvest Bank of Eureka Springs presented the lowest proposal for the letter.)
Ms. Blankenship moved to insert the correction into the minutes of the March 15, 2010, meeting. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0
On the motion to approve the minutes of April 12, all voted aye. Motion passed 5/0/0

Mayor Joy read aloud a proclamation of May as Historic Preservation Month, a proclamation for Silver Star Families of America, a proclamation honoring retiring Assistant Police Chief Morris Pate naming April 28 as Mo Day and a proclamation making May 2-8, 2010, Municipal Clerks Week and recognizing City Clerk-Treasurer Mary Jean Sell CMC.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:
Planning - Position 1- expires 7/1/11 Position 2 - expires 1/1/11
Position 6 - expires 1/1/12
HDC,Position 6 - expires 3/07/11 Mayor Joy nominated Richard Grinnell for re-appointment.
Parks - Position 1 - expires 5/01/12 Position 4 - expires 5/01/10
Position 5 - expires 5/01/11

PUBLIC COMMENTS: None
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OLD BUSINESS:
1. Discussion of repair to city water tower at Best Western Inn of the Ozarks
Mr. Brammer moved to open discussion. Mr. DeVito seconded.
Mayor Joy said Utility Service Co. of Sherwood, Ark., bid $41,000 to repair the water tower with no maintenance contract included.
Mr. Allen said the contract would include a new vent drain, relief pipe and refinishing the inside of the tower built in 1894.
Fire Chief Rhys Williams spoke to the need for the tower as a backup water supply for firefighting as well as water service to the nearby area.
Finance Director Yvonne Kline said the money would come out of the city's depreciation fund for the project.
Ms. Blankenship moved to approve taking $41,000 from the depreciation fund to pay for repairs to the city's water tower at the intersection of Van Buren/Highway 62 and Kingshighway, adjacent to the Best Western Inn of the Ozarks motel. Ms. Schneider seconded. All voted aye. Motion passed 5/0/0

2. Discussion of amended Ordinance 2120 regarding vacating streets and alleys, 3rd

reading
Ms. Blankenship moved to suspend the rules and place Ordinance 2120 on its 3rd reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 5/0/0
Mayor Joy read the amended Ordinance 2120 aloud.
Mr. Brammer moved to approve Ordinance 2120 on its third reading. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

3. Discussion of ordinance to vacate unnamed alley lying between Lots 8-11 and
Lot 7, Block 10, Bays Survey, off Magnetic Road
Ms. Blankenship moved to open discussion. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0
There was discussion as to how many lots the alley actually touches.
Ms. Blankenship moved to give the ordinance a number (2121), to settle on a sum of $800 ($200 per adjoining lot) and put Ordinance 2121 on its first reading. Ms. Zeller seconded. All voted aye. Motion passed 5/0/0
Ms. Sell read Ordinance 2120 aloud.
Mr. Brammer moved to approve the first reading of Ordinance 2120. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

4. Discussion of resolution regarding 180 day moratorium on rezoning residential
property to commercial property
Mr. DeVito moved to discuss. Ms. Schneider seconded. All voted aye. Motion passed 5/0/0
Mr. Weaver presented a resolution for consideration.
Mr. Brammer moved to give the resolution a number (566) and to read it aloud. Ms. Schneider seconded. Four voted aye. Ms. Blankenship voted no. Motion passed 4/0/1

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NEW BUSINESS:
1. Discussion of underground channel/tunnel repairs with McClelland
Engineering.
Mayor Joy showed photos recently taken in parts of the underground channel/tunnel
where large rocks have fallen, the ceiling is sagging and heavy rains have caused damage.
Daniel Barnes and another representative of McClelland Engineering in Fayetteville said they had gone into the tunnel today to try to assess the situation.
A team from McClelland had done a photographic assessment of the tunnel approximately 20 years ago.
They estimated $49,263 for a survey of the tunnel and to make repair recommendations. Barnes said the tunnel needs to be surveyed and measured to determine its exact location.
Consultant Dee Purkeypile of Eureka Springs said he wanted a survey and alignment of the tunnel, and a breakdown of all the costs involved before the Council made decisions about repairs.
There was discussion about ownership of the tunnel and whether or not the city should be liable for the entire repair costs or not.
Mr. DeVito moved to request McClelland Engineering to provide a breakdown on survey costs and possible recommendations. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

2. Resolution to consider naming a portion of Hwy 23 for Lewis Epley.
A resolution has been proposed by the Greater Eureka Springs Chamber of Commerce to honor former Eureka Springs attorney Lewis Epley Jr.'s efforts in tourism by naming Highway 23 from its junction with Highway 12 to the Missouri border after him.
Ms. Blankenship moved to table the resolution to the next regular meeting, Monday, May 24. Mr. DeVito seconded. All voted aye. Motion passed 5/0/0

3. Discussion of quit claim deed for a portion of Crook Street.
Mayor Joy said there has been a request from the adjoining property owner to Crook Street for a quit claim deed.
An ordinance Vacating Part of Crook Street Lying Between Block 8 and Block 14, and Part of Cliff Street Lying Adjacent to the West Side of Block 8, R & A Survey to the City of Eureka Springs, Arkansas, was approved May 27, 1977.
Mr. DeVito moved to have the attorney for the adjoining property owner draw up the quit claim deed for the Mayor's signature. Ms. Blankenship seconded. All voted aye. Motion passed 5/0/0

ADJOURNMENT:
Mr. DeVito moved to adjourn at 8:08 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, April 26, 2010.
APPROVED:
ATTEST:

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Mayor Dani D. Joy

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City Clerk-Treasurer Mary Jean Sell CMC
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