



**CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING, MONDAY, FEBRUARY 22, 2010**

Mayor Dani D. Jcy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, Feb. 22, 2010, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Dani D. Jcy, Aldermen Robert, ÄöñÑ\jButch, ÄöñÑ\π Berry, Beverly Blankenship, Patrick Brammer, James DeVito, Mickey Schneider, Jcyce Zeller, City Attorney Tim Weaver, Finance Director Yvonne Kline, Historic Preservation Officer (HPO) Glerna Booth, City Clerk-Treasurer Mary Jean Sell CMC.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Joy led the Fledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

Mr. DeVito moved to approve the agenda, Mr. Berry seconded.

Mayor Joy added discussion of a banner for the library as New Business Item #1. She also added an executive session.

On the motion to approve the agenda as amended, all voted aye. Motion passed 6/0/0

APPROVAL OF THE MINUTES: Jan. 25, 2009 and Feb. 8, 2010, special meeting

Jan, 25, Mr. DeVito moved to approve the minutes of the regular City Council meeting of Monday, Jan, 25, 2010. Mr. Berry seconded.

Ms. Sell read aloud corrections to Ordinance 2114, regarding outdoor lighting provided by Ms. Blankenship. Ms. Blankenship moved to add section to the lighting ordinance.

On the motion to approve the minutes as amended, all voted aye. Motion passed 6/0/0

Feb, 8, Mr. DeVito moved to approve the minutes of the special City Council meeting Monday, Feb, 8, 2010. Mr. Berry seconded. Five voted aye. Ms. Blankenship was absent from the meeting. Motion passed 5/0/0

PROCLAMATION FOR 100TH ANNIVERSARY OF BOYS SCOUTS OF AMERICA, Mayor Jcy read aloud a proclamation marking the 100th anniversary of Boy Scouts of America. Members of Eureka Springs Boy Scout Troop 67 on hand were Nicholas Walker, Nathan Wilkerson, Hendrik Pott, Keaton Boardman, Marcello Gros, Ross Morton, Andy Bieschke and Troop Leader Carol Bieschke.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning, Position 2 - expires 1/1/11

HDC, Position 6, - expires 3/07/11

Parks, Position 1 - expires 5/01/12, Position 4 - expires 5/01/10, Position 5 - expires 05/01/11

CAPC - Position 7, expires 12/31/10, Ncmjnee Jcanne Grapner, Ms. Blankenship moved to approve the nomination of Joanne Grapner. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

City Council 2/22/10,

ESDN, Ms. Booth invited everyone to the second annual Eureka Springs Downtown Network Company Picnic from 5:30 to 7:30 p.m. Thursday, Feb. 25, in the ball room of the Basin Park Hotel. The program will include a review of the 2009 ESDN projects and plans for 2010. ESDN will be hosting two off-site workshops during the 36th Annual Governor, Conference March 7-9. This is the first time the Conference has allowed off-site workshops.

Wastewater Treatment Plant, Mayor Jcy reported the problems at the sewer plant have been resolved and things are running smoothly. The Arkansas Department of Environmental Quality (ADEQ) has not assessed fines because of the rapid response of the city in repairing the damaged piping and cleaning up the spill areas.

The City has received a request from Lynn Larson of the Carnegie Public Library Centennial Committee to display a banner on the railing of the porch level of the building at 194 Spring St. announcing the library, 100th birthday for the rest of the year. The Municipal Code does not allow for a banner to be displayed for that length of time. Ms. Schneider moved to have the banner up all year. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

OLD BUSINESS:

1. Discussion of lighting ordinance, Ordinance 2114, third reading.

Mr. DeVito moved to suspend the rules and place Ordinance 2114 on its third reading by title only. Mr. Brammer seconded. By roll call, all voted aye. Motion passed 6/0/0

Ms. Sell read the title of Ordinance 2114 aloud.

Mr. Brammer moved to approve the third reading of Ordinance 2114 by title only. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

2. Discussion of sidewalks

Mr. Brammer moved to open discussion. Mr. DeVito seconded.

Ms. Blankenship presented an ordinance for consideration

Ms. Blankenship moved to put a number on the ordinance (2116) and to place it on its first reading. Ms. Schneider seconded. By roll call, Ms. Schneider, Ms. Zeller, Ms. Blankenship, Mr. DeVito voted aye. Mr. Berry and Mr. Brammer voted no. Motion passed 4/2/0

Ms. Sell read Ordinance 2116 regarding sidewalk surfaces aloud.

Ms. Blankenship moved to approve Ordinance 2116 on its first reading. Ms. Schneider seconded. There was discussion. By roll call, Ms. Schneider, Ms. Zeller, Ms. Blankenship voted aye. Mr. Brammer, Mr. DeVito, Mr. Berry voted no. Mayor Joy voted aye. Motion passed 4/3/0

NEW BUSINESS :

1. Discussion of repair to city water tower at Best Western Inn of the Ozarks.

Mr. Brammer moved to open discussion. Ms. Blankenship seconded. All voted aye. Motion passed 6/0/0

Public Works Director Dewayne Allen said there are problems with the top of the 1894 tank on the Best Western Inn of the Ozarks property near the intersection of Hwy. 62/23 and Kings Highway. There is no overflow valve, the vent is inadequate, the outside coating is in good condition but the inside coating is flaking and disintegrating. The iron work on top needs to be repaired. He introduced David Woodring of Utility Service Co. of Sherwood, Ark., who spoke about the services offered by his company to repair the tank.

Mr. Allen said he is researching other companies that might be able to do the work.

Ms. Schneider moved at 7:30 p.m. to take a short break. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0. The meeting resumed at 7:42 p.m.

2. Discussion of ordinance to make final adjustments and close out 2009 budget.

Ms. Kline presented the ordinance to close out the 2009 budget.

Ms. Blankenship moved to put a number on the ordinance (2117) and to place it on its first reading. Mr. Brammer seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read Ordinance 2117 aloud.

Mr. Brammer moved to approve the first reading of Ordinance 2117. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

3. Discussion of ordinance to limit heavy truck traffic on Magnetic Road.

Mr. Brammer moved to open discussion. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

Mayor Joy said she had a request from Carroll County Judge Sam Barr to restrict heavy truck traffic on Magnetic Road because of the damage to the roadway. Passion Play Road at its junction with U.S. Highway 62, Pivot Rock Road at its junction with U.S. Highway 62 and Grand Avenue at its junction with Hillside Avenue, have been added. All are asphalt roadways and are used by heavy trucks to avoid going through the downtown area.

Ms. Blankenship moved to give the ordinance a number (2118) and to place it on its first reading. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read Ordinance 2118 aloud.

Mr. Brammer moved to approve Ordinance 2118 on its first reading. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

4. Discussion of ordinance amending city sick leave policy.

Mr. Brammer moved to give the ordinance a number (2119) and to place it on its first reading. Ms. Zeller seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read Ordinance 2119 aloud. She noted a conflict in dates between the title and the body of the ordinance. She said she would check the dates and make corrections.

Mr. Brammer moved to approve Ordinance 2119 on its first reading. Mr. DeVito seconded. Four voted aye. Mr. Berry and Ms. Blankenship voted no. Motion passed 4/2/0

5. Executive session

Mr. Berry moved at 8:17 p.m. to go into executive session. Mr. Brammer seconded. The meeting resumed at 8:35 p.m.

Mayor Joy said Council members had agreed to hire an individual as supervisor for the wastewater treatment plant.

Ms. Zeller moved to reschedule the March meetings since the first meeting on the 8th, will be during the Governor Conference. Council

members decided to move the meetings to the third and fifth Mondays of March, the 15th and the 29th.

ADJOURNMENT:

Mr. DeVito moved to adjourn at 8:48 p.m. Mr. Berry seconded. All voted aye. Motion passed 6/0/0

This is the signature page for the minutes of the regular Eureka Springs City Council meeting of Monday, Feb. 22, 2010.

APPROVED:

ATTEST:

Mayor Dan D. Jcy

City Clerk-Treasurer Mary Jean Sell CMC