



**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, Oct. 25, 2010 6 p.m.
AGENDA**

CALL TO ORDER

**ROLL CALL, ESTABLISH QUORUM
PLEDGE OF ALLEGIANCE TO THE FLAG
APPROVAL OF THE AGENDA**

APPROVAL OF THE MINUTES: Oct. 11, 2010

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
Parks – Position 1 – expires 5/1/12 Position 4 – expires 5/1/15

PUBLIC COMMENTS:

OLD BUSINESS:

1. Discussion of proposed Ordinance 2130 regarding communication towers, 2nd reading
2. Discussion of proposed Ordinance 2131 regarding regulations for initiative petitions, 2nd reading
3. Discussion of reviving the Auditorium Commission or creating a new commission to operate the City Auditorium.

NEW BUSINESS:

1. Discussion of proposed refunding of 2005 Water & Sewer Bond issue.
2. Discussion of budget adjustments.

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ANNOUNCEMENTS

ADJOURNMENT

CITY OF EUREKA SPRINGS

CITY COUNCIL

REGULAR MEETING MONDAY OCTOBER 25, 2010

Mayor Dani D. Joy called the regular meeting of the Eureka Springs City Council to order at 6:08 p.m., Monday, Oct. 25, 2010, in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Dani D. Joy, Aldermen Robert "Butch" Berry, Beverly Blankenship, Patrick Brammer, James DeVito, Mickey Schneider, Joyce Zeller, City Attorney Tim Weaver, Finance Director Yvonne Kline, City Clerk-Treasurer Mary Jean Sell CMC. Mr. Berry came to the meeting, then left on an errand before the roll was called. He returned to the meeting before the business portion began.

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 said she wanted to move the refunding the 2005 water and sewer bond issue to the first item of discussion. On the motion to approve the agenda as amended, all voted aye. Motion passed 5/0/0

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

Parks – Position 1 – expires 5/1/12 Position 4 – expires 5/1/15

Eureka Springs School Superintendent Wayne Carr asked the Council to consider waiving the permit fees for construction of the new high school. He said school district voters had approved a 1.9 mill increase to fund the construction, but “the budget is going to be tight and we are trying to keep costs down.”

Building Official Bobby Ray provided an estimate of projected fees totaling \$68,000. Mr. Weaver said he would have to contact the Arkansas Municipal League legal department and get an opinion on the request since two types of revenue streams were being discussed. Mayor Joy said an estimate of repairs to the existing city roads in the area to bring them up to the standards needed for the increased traffic is at \$171,000. Mr. Brammer moved to add this discussion to the agenda for the Nov. 8 Council meeting. Mr. DeVito seconded.

PUBLIC COMMENTS:

Beu Satori said the Council would be wasting its time to appoint another Auditorium Commission and the Auditorium should be able to support its own operation.

NEW BUSINESS:

1. Discussion of proposed refunding of 2005 Water & Sewer Bond issue.

Investment advisor Dennis Hunt of Stephens Inc. of Fayetteville said the bonds to finance the refunding of the 2005 water and sewer bonds had been offered for sale Thursday, Oct. 21, and had been purchased at 2/61 percent, representing a savings of \$166,000 to the City and reducing the debt service by \$86,000 between Dec. 1, 2010, and 2011. He introduced attorney Michael Moyers of Friday, Eldredge and Clark in Little Rock who presented an ordinance authorizing the sale and issuance of bonds for the refunding.

Mr. Brammer moved to put a number on the ordinance (#2132) and place it on its first reading. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

Mr. Moyers took 42 minutes to read aloud the 21 page ordinance.

Mr. Brammer moved to approve Ordinance 2132 on its first reading. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

Mr. Brammer moved to suspend the rules and place Ordinance 2132 on its second reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Joy read the title of Ordinance 2132 aloud.

Mr. Brammer moved to approve Ordinance 2132 on its second reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 6/0/0

Mr. Brammer moved to suspend the rules and place Ordinance 2132 on its third reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Joy read the title of Ordinance 2132 aloud.

Mr. Brammer moved to approve Ordinance 2132 on its third reading by title only. Ms. Zeller seconded. By roll call, all voted aye. Motion passed 6/0/0

Mr. Brammer moved to read the emergency clause. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 6/0/0

Mr. Moyers read the emergency clause aloud.

Mr. Brammer moved at 7:15 p.m. to take a short recess. Ms. Schneider seconded. All voted aye. Motion passed 6/0/0. The meeting resumed at 7:23 p.m.

OLD BUSINESS:

1. Discussion of proposed Ordinance 2130 regarding communication towers, 2nd reading

Ms. Blankenship moved to suspend the rules and place Ordinance 2130 on its second reading by title only. Mr. Brammer seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Joy read the title of Ordinance 2130 aloud.

Mr. Brammer moved to approve Ordinance 2130 on its second reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 6/0/0

Ms. Blankenship moved to incorporate the amendments suggested for the ordinance in the regular meeting of Oct. 13: Page 4—the Chart should have A-Agricultural zone as well as I-Industrial; Page 7 Section 6 (3) Application fees change to and/or regarding fees; Page 8 Section 6 A (4) changing to majority vote of Commission; Page 9 Section 6 (4) Action c, adding public hearing at the end of the sentence/phrase. Mr. DeVito seconded. Mr. Berry added changing the I-1 notation in the chart on Page 4 to just I-Industrial zone. Mr. DeVito seconded. On the motion, all voted aye. Motion passed 6/0/0

Mr. Brammer moved to change Section 6 (3) regarding application plan review fees from \$500 to \$5,000. Mr. DeVito seconded. Five voted aye. Ms. Blankenship voted no. Motion passed 5/1/0

On the motion to approve Ordinance 2130 on its second reading as amended, all voted aye. Motion passed 6/0/0

2. Discussion of proposed Ordinance 2131 regarding regulations for initiative petitions, 2nd reading

Mr. Brammer moved to suspend the rules and place Ordinance 2131 on its second reading by title only. Ms. Blankenship seconded. By roll call, all voted aye. Motion passed 6/0/0

Mayor Joy read the title of Ordinance 2131 aloud. Mr. Brammer moved to approve Ordinance 2131 on its second reading by title only. Mr. DeVito seconded. By roll call, all voted aye. Motion passed 6/0/0

3. Discussion of reviving the Auditorium Commission or creating a new commission to operate the City Auditorium.

Mr. DeVito moved to open the discussion. Mr. Berry seconded.

Mr. DeVito said quite a lot of paperwork (ordinances and Council minutes) has been presented to the Council. The Auditorium is in limbo. The City Advertising and Promotion Commission (CAPC) doesn't want to operate the facility and the City doesn't have the financial resources. He proposes establishing a new Auditorium Commission to manage the building. Ms. Blankenship said the CAPC has agreed to manage the building one more year. The Commission is suggesting a feasibility study be done and then a commission or committee established to operate it. There was additional discussion. Mr. DeVito moved to defer the discussion to the agenda for next regular meeting, Nov. 8. Mr. Brammer seconded. Mr. DeVito, Mr. Brammer, Ms. Schneider voted aye. Ms. Blankenship, Mr. Berry, Ms. Zeller voted no. Mayor Joy voted aye to put the discussion on the Nov. 8 agenda.

NEW BUSINESS:

1. Discussion of budget adjustments.

Mr. Brammer moved to open the discussion. Ms. Zeller seconded. All voted aye. Motion approved 6/0/0

Mr. Brammer moved to number the resolution (#572) and to read it. Mr. DeVito seconded. Before a vote was taken, Mr. Brammer rescinded his motion. Mr. DeVito rescinded his second. Ms. Kline said the resolution contains the budget adjustments agreed to in the workshop, with the exception of the major change—and additional \$30,000 is needed for the City to contribute to the state's LOPFI (Local Police And Fire Retirement System) funds. LOPFI is funded by insurance premium taxes throughout the state. Each city that belongs to the program is given a percentage of the insurance revenue, based on numbers of local participants and their salaries. The state fund has been self-sufficient until 2008 when the national economic downfall occurred. Now, the state fund is short of revenue and cities are required to make up the difference. Eureka's portion for 2010 is \$30,000 and may be more next year. The contribution money has to be budgeted from the general fund.

Mr. Brammer moved to read Resolution 572. Mr. DeVito seconded. All voted aye. Motion passed 6/0/0

Ms. Sell read Resolution 572 aloud.

COUNCIL COMMENTS:

All Council members encouraged citizens to vote in the general election Tuesday, Nov. 2, particularly to defeat an initiative petition issue to remove all of the parking meters within the Historic District because it will mean the loss of approximately \$200,000 in revenue each year.

MAYOR'S COMMENTS:

Mayor Joy spoke to the meter issue as well. She said replacement pay stations are also considered "parking meters" because they calculate a specific amount of time per fee. She estimated it would cost approximately \$100,000 to purchase as many pay stations as might be needed along Spring and Main Streets, in addition to installation costs, training for maintenance, etc.

ADJOURNMENT:

Mr. DeVito moved to adjourn at 8:23 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, Oct. 25, 2010.

APPROVED:

ATTEST:

Mayor Dani D. Joy

City Clerk-Treasurer Mary Jean Sell CMC

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