

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Thursday, February 3, 2011 6 p.m.
Amended AGENDA**

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: January 24, 2011

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning -- Position 1 – expires 7/1/11

*Beverly Blankenship has been nominated for Position 2 – expires 1/1/14

*Mickey Schneider has been nominated for Position 6 – expires 1/1/12

Parks – Position 1 – expires 5/1/12

Hospital – Position 2 – expires 6/1/14 Position 4 -- expires 6/1/11

Position 5 -- expires 6/1/12 Position 6 – expires 9/7/15

HDC – Position 4 – 11/30/13

*Dee Bright has been nominated for Position 2 – expires 11/30/13

Cemetery Commission

*Mary Ann Pownall has been nominated for Position 5 – expires 2/15/14

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Discussion of 2011 budget amendments
2. Discussion of proposal to establish Auditorium Commission
3. Discussion of Courthouse parking lots and Court House/City Hall lease
4. Discussion of procedures for Council meetings
5. Third reading of Floodplain Ordinance #2133

NEW BUSINESS

1. Discussion of Act 74 of 1883
2. Discussion of Resolution 484

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS: State of the City

ADJOURNMENT

**CITY OF EUREKA SPRINGS
CITY COUNCIL
REGULAR MEETING**

THURSDAY

FEBRUARY 3, 2011

Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Thursday, February 3, 2011 in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Morris Pate, Aldermen Janet Alexander, Lany Ballance, Robert “Butch” Berry, James DeVito, Dean Kirkpatrick, Ken Pownall, City Attorney Tim Weaver, Finance Director Yvonne Kline, City Clerk/Treasurer Ann Armstrong

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Pate led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

Mr. Berry moved to approve the agenda. Mr. DeVito seconded. Ms. Alexander moved to add discussion of Act 74 of 1883 to New Business. Mr. DeVito seconded.

Motion carried 6/0/0

Mr. Pownall moved to add discussion of Resolution 484. Ms. Ballance seconded.

Motion passed 6/0/0

Mr. Pownall moved to approve the agenda as amended. Mr. DeVito seconded.

Motion passed 6/0/0

APPROVAL OF THE MINUTES: January 24, 2011

Mr. DeVito moved to approve the minutes of the January 24, 2011 City Council meeting. Mr. Berry seconded.

Motion passed 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning - Position 2 -- expires 1/1/14 – Mr. Pownall moved to approve the nomination of Beverly Blankenship. Mr. Berry seconded.

Motion passed 6/0/0

Position 6 – expires 1/1/12 – Mr. Berry moved to approve the nomination of Mickey Schneider. Mr. DeVito seconded.

Motion failed 2/4/0

HDC – Position 2 – expires 11/30/13 – Mr. DeVito moved to approve the nomination of Dee Bright. Ms. Alexander seconded. Discussion resulted in voice vote: Mr. DeVito, Ms. Alexander, Mr. Berry- “Aye”. Mr. Pownall, Ms. Ballance, Mr. Kirkpatrick-“No”. Mayor Pate broke the tie with his “Aye”.

Motion carried 4/3/0

Mayor Pate nominated Marty Cogan for Position 4 – expires 11/30/13

Cemetery – Position 5 – expires 2/15/14 – Mr. DeVito moved to approve the nomination of Mary Ann Pownall. Mr. Kirkpatrick seconded. Mr. Pownall recused himself.

Motion carried 5/0/0

Hospital – Mayor Pate nominated David Mitchell for Position 6 – expires 9/7/15

PUBLIC COMMENTS

UNFINISHED BUSINESS:

1. Discussion of 2011 budget amendments

Mr. DeVito moved to discuss budget amendments. Mr. Pownall seconded. Ms. Ballance moved to strike line 01-10-5015. Mr. Kirkpatrick seconded. Mr. Pownall expressed concern about counting Ms. Sell's time as an employee. Mr. DeVito's understanding is Municipal Code supports crediting time as Deputy City Clerk. Ms. Ballance read from State Statutes 24-12-101 through 24-12-113 and said she was advised by Mr. Shoen to ascertain what actually occurred. Mr. Weaver stated the City Clerk has a separate section that deals with retirement. Mr. Pownall called for clarification of the Code and proper safeguards so as to avoid malfeasance. Mr. Berry said he believes Ms. Ballance and Mr. Pownall were looking at the wrong laws. Mr. DeVito moved to call the question. Mr. Berry seconded. A voice vote followed: Mr. DeVito and Mr. Berry – "Aye". Mr. Pownall, Mr. Kirkpatrick, Ms. Alexander, and Ms. Balance – "No"

Motion failed 2/4/0

Further discussion concerned obtaining another legal opinion in writing, heeding the advice of the Municipal League, and noting the resolution is to fill a time period only. Ms. Kline opined the Council could remove the one item in question and go forward with the resolution. The vote on the original motion to remove item 01-10-5015 resulted in a voice vote: Mr. Pownall, Mr. Kirkpatrick, Ms. Alexander, and Ms. Balance – "Aye". Mr. DeVito and Mr. Berry – "No"

Motion carried 4/2/0

Mr. Pownall motioned to give the resolution a number and read as amended. Ms. Ballance seconded.

Motion carried 5/1/0

Resolution 574 was read by Ms. Armstrong

Mr. Pownall motioned for the Mayor/City Attorney to get a written determination from the Municipal League expeditiously regarding Ms. Sell's retirement eligibility. Mr. DeVito seconded.

Motion passed 6/0/0

2. Discussion of proposal to establish an Auditorium Commission

Mr. Pownall suggested setting up a committee under an existing commission. Ms. Alexander recommended it become a satellite under the CAPC as there is knowledge of the building and funds set aside for the Auditorium. Mr. DeVito favored forming a commission which can get advertising money from the CAPC and have a long term vision. Mr. Berry noted a committee could draw talent from outside Eureka Springs and suggested renting the building out with specific guidelines. He suggested a committee for a three month trial which may evolve into a commission. Ms. Alexander motioned to table and take the issue back to the CAPC. Mr. Pownall seconded.

Motion carried 6/0/0

3. Discussion of the Courthouse/City Hall lease and parking lot lease

Mr. Pownall moved to assign a number to the resolution on leasing office space and read. Mr. Berry seconded.

Motion carried 6/0/0

Ms. Armstrong read Resolution 575.

Mr. Pownall moved to assign a number and read the resolution on the lease agreement for the parking lots. Mr. DeVito seconded.

Motion passed 6/0/0

Ms. Armstrong read Resolution 576.

4. Discussion of procedures for Council meetings

Ms. Ballance moved to discuss procedures for Council meetings. Mr. Pownall seconded.

Motion carried 6/0/0

Mayor Pate said that Roberts Rules of Order allow each person two ten-minute sessions. Mr. Pownall suggested allowing public input after discussion and before voting. Mr. Berry noted that in the past mayors have allowed council members to cede their time for public comment. Ms. Alexander motioned to create a variable option for public input during the course of a meeting as agreed upon by the Council and Mayor. Mr. Pownall seconded.

Motion passed 6/0/0

Mr. Pownall moved to be consistent in what is done by ordinance and what is done by resolution. Mr. DeVito seconded.

Motion passed 6/0/0

Mr. Pownall moved to record the "Aye" and "No" votes on ordinances as they are passed. Ms. Ballance seconded.

Motion carried 6/0/0

5. Third reading of Floodplain Ordinance #2133

Mr. Pownall moved to suspend the rules and read by title only. Mr. Berry seconded. Following discussion, Ms. Armstrong read Ordinance #2133 by title only. Mr. Berry moved to adopt Ordinance #2133. Mr. Pownall seconded.

Motion carried 6/0/0

NEW BUSINESS:

1. Discussion of Act 74 of 1883

Mr. Pownall moved give Mr. Weaver time to read the resolution. Ms. Ballance seconded.

Motion passed 6/0/0

Mr. Weaver recommended changing the word "ordained" on the third page to "resolved".

Mr. Pownall moved to discuss. Ms. Ballance seconded.

Motion carried 6/0/0

Ms. Alexander explained the resolution is part of a packet prepared for the Arkansas General Assembly. It opposes the Quorum Court decision that would negatively impact the Carnegie Library and distribution of revenues.

Mr. Pownall moved to give the resolution a number and change the wording as Mr. Weaver suggested. Mr. Kirkpatrick seconded.

Resolution # 577 was read by Ms. Armstrong. Ms. Ballance moved to change the word "respectively" to "respectfully". Mr. Kirkpatrick seconded .

Motion carried 6/0/0

Mr. Kirkpatrick moved to adopt the resolution as further amended. Ms. Alexander seconded.

Motion carried 6/0/0

2 Discussion of Resolution 484

Mr. Pownall moved to postpone reading Resolution 484 to the next meeting. Mr. Berry seconded.

Motion carried 6/0/0

CITY COUNCIL COMMENTS:

Ms. Ballance thanked the citizens who have applied for commissions.

Mr. DeVito stated that sometimes the Council has to make decisions in an expedient manner and that is what they were elected for.

Ms. Alexander agreed and added Council can also say how they would like to see things go, while remaining flexible.

Mr. Kirkpatrick reminded everyone of the election on February 8.

Mr. Pownall thanked the voters, Mrs. Pownall, and those who join commissions.

MAYOR'S COMMENTS:

Mayor Pate gave his State of the City address. He mentioned upcoming events and the success of the Polar Bear Plunge. He listed many of the accomplishments of the Police Department and the Fire Department, citing the need to replace the aging ambulances. He mentioned works in progress by the Parks Commission and those of Public Works. He praised the work of the CAPC and the Mayor's Arts Council in working with Crystal Bridges Museum of American Art. Mayor Pate spoke of the \$259,000 grant obtained by Transit from the US Department of Energy through Winrock and of the numerous awards earned by Eureka Springs and local attractions.

ADJOURNMENT:

Mr. Berry moved to adjourn at 8:48 p.m. Mr. Kirkpatrick 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 Thursday, February 3, 2011.

APPROVED:

ATTEST:


City Clerk/Treasurer Ann Armstrong


Mayor Morris Pate