

**CITY OF EUREKA SPRINGS**  
**COUNCIL MEETING**  
Thursday, March 17, 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:** March 3, 2011

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:**

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

HDC – Position 4 – expired 11/30/10.

Position 7 – expired 3/7/11 -- Vote on Melissa Green nomination

Position 6 – expired 3/7/11 – Application from Richard Grinnell

Department Head reports

**PUBLIC COMMENTS**

**UNFINISHED BUSINESS:**

1. Discussion of Resolution 484 and Ordinance 1940 -- fee schedule for Planning Commission/BOZA -- Mr. Pownall and Mr. DeVito
2. Discussion of Domestic Fowl Ordinance – Planning Commission
3. Concerned citizen email – Mr. Pownall

**NEW BUSINESS:**

1. Discussion of Mun. Code 2.36.04 – Operations manual for the Finance Department – Ms. Ballance and Mr. Kirkpatrick
2. Discussion of new accounting software program for Finance Department – Ms. Ballance and Mr. Kirkpatrick
3. Discussion of Parks Capital Improvements – Mayor Pate
4. Discussion of the deer hunt – Mr. DeVito and Mr. Berry

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

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

**THURSDAY**

**MARCH 17, 2011**

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Mayor Morris Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Thursday, March 17, 2011 in the jury room on the second floor of the Western District Carroll County Courthouse.

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

**ABSENT:** Alderman Ken Pownall

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

Mayor Pate led the Pledge of Allegiance to the Flag.

**APPROVAL OF THE AGENDA:**

Mr. DeVito moved to approve the agenda. Mr. Berry seconded. Ms. Ballance moved to postpone New Business item #2 (Discussion of new accounting software program for Finance Department) until the next meeting. Mr. DeVito seconded.

Motion carried 5/0/0

Mayor Pate added “Concerned citizen email” to Unfinished Business. This item was postponed during the last meeting. Ms. Ballance moved to postpone since this was brought to the table by Mr. Pownall. Dr. Kirkpatrick seconded.

Motion carried 5/0/0

**APPROVAL OF THE MINUTES: March 3, 2011**

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:**

**Planning** – Position 1 – expires 7/1/11 Position 6 – expires 1/1/12. Mayor Pate presented Mickey Schneider’s application.

David Graupner addressed the Council, speaking only for himself. He thanked Council members for communicating with him. Mr. Graupner stressed the need for filling all the seats on Planning with intelligent, open-minded people willing to do research. He would like to see Mickey Schneider on the Commission. He also requested including a Planning Commissioner when holding budget workshops. He noted the outdated zoning map and the legal requirement and cost for updating. Mr. Graupner asked Council to read the existing Master Plans in preparation for an upcoming workshop on the subject.

**Parks and Recreation Commission** – Position 1 – 5/1/12

**HDC** – Position 4 – expired 11/30/10. Doug Breitling will continue to hold Position 4 for now.

Position 6 – expires 3/7/14. Mayor Pate presented Richard Grinnell’s application for Position 6. Mr. DeVito moved to approve the nomination. Mr. Berry seconded. Ms. Ballance objected to consideration of the question, moving to vote at the next meeting. Mr. DeVito withdrew his motion. Ms. Ballance withdrew her motion.

Position 7 – expires 3/7/14. Mr. DeVito moved to accept the nomination of Melissa Greene.

Motion carried 5/0/0.

**Fire/EMS Department, Public Works, Transit and the Building Inspector** – Written reports for January and February 2011 were submitted.

**Finance Department** – February income and expenses were made available to Council members.

**CAPC** – Joanne Graupner spoke of the progress in TV and radio advertising and the completed marketing strategy. Web site development is moving forward as well.

**PUBLIC COMMENTS:**

Nelli Clark again requested putting the sewage incident on the agenda. She stated she is still waiting for acknowledgement and help from the City. Ms. Clark has paid taxes and worked to improve her home for thirty years. She now has “just four walls” and has become ill.

Mickey Schneider stated that she wants to work for and “give back to this town”. She requested calls in response to her application for Planning.

**UNFINISHED BUSINESS:**

**1. Discussion of Resolution 484 and Ordinance 1940 – fee schedule for Planning Commission/BOZA**

Mr. DeVito motioned to discuss Resolution 484 and Ordinance 1940 – fee scheduling. Mr. Berry seconded. Ms. Ballance moved to postpone so Mr. Pownall would have an opportunity to present possible solutions. Mr. DeVito seconded.

Motion carried 5/0/0

**2. Discussion of Domestic Fowl Ordinance**

Mr. Berry moved to discuss. Mr. DeVito seconded. Ms. Ballance moved to postpone so as to allow time for review of the information. Ms. Alexander seconded.

Motion carried 5/0/0.

**3. Concerned citizen email**

Postponed

**NEW BUSINESS:**

**1. Discussion of Municipal Code 2.36.04 – Operations manual for the Finance Department**

Ms. Ballance moved to discuss. Ms. Alexander seconded.

Ms. Ballance read the relevant ordinance segment and said she has been informed there is no operations manual. She expressed concern that the person who follows the Finance Director would need to know procedures.

Finance Director Yvonne Kline said the manual is in draft form and she is working with the IT tech to develop a disaster recovery plan for the accounting system. She hopes to have it ready for Council review and approval within a couple of weeks.

**2. Discussion of new accounting software program for Finance Department**

Postponed

**3. Discussion of Parks Capital Improvements**

Bruce Levine spoke about the reduced amount requested and noted \$8,000 for the baseball infield will be sought through a General Improvement Fund Grant. The kids will be fundraising by working with the Arkansas Naturals and selling tickets and banners. The remaining \$7,000 request is for playground surface (\$2,000), a surveillance camera for East Mountain (\$3,000), and a soccer scoreboard (\$2,000).

Mr. Berry moved to discuss. Mr. DeVito seconded. Mr. Berry noted Council has not yet dealt with capital budget requests.

Yvonne Kline noted an upcoming decision regarding potential \$120,000 yearly loan payments for two ambulances. She said a request from Transit has been withdrawn. Ms. Kline stated the Police Department request for a car would come from Depreciation.

Mr. Berry moved to have a workshop for capital improvements. Mr. DeVito seconded.

Motion carried 5/0/0.

Mr. Levine requested adding the land bank proposal to the capital requests. Ms. Kline said she believes an ordinance is needed to define how the money will be used. Mr. Weaver opined that an ordinance would define the purpose and resolutions would define how the money would be spent.

#### **6. Discussion of the deer hunt**

Mr. DeVito moved to discuss. Mr. Berry seconded. Mr. DeVito said the people voted to allow Council to decide whether or not to have a deer hunt. He noted that an inventory by Game and Fish would be needed while the leaves are off the trees.

Following discussion, Mr. DeVito motioned to have Mayor Pate engage with the Game and Fish Commission. Ms. Alexander seconded.

Motion carried 5/0/0

#### **AGENDA SETTING:**

Ms. Alexander moved to reconsider Ms. Schneider's application for the Planning Commission. Mr. Berry seconded. Mr. DeVito spoke in favor of Ms. Schneider and noted the difficulty in having enough people to serve.

A voice vote was requested: Mr. DeVito, Ms. Alexander, Mr. Berry – Aye. Ms. Ballance – Recuse. Dr. Kirkpatrick – Present. Mayor Pate – Aye.

Motion carried 4/0/2

Ms. Ballance opted to add Nelli Clark's sewage issue. Ms. Alexander agreed.

Ms. Ballance requested adding personal use of public vehicles. Dr. Kirkpatrick agreed.

Mr. Weaver stated a vote is not necessary for adding items to the agenda.

#### **CITY COUNCIL COMMENTS:**

Ms. Ballance read emails from Diana Cruzan (an infection control practitioner), Susie Baker (Nelli Clark's daughter), Lori Davis, and Darlene Rusk regarding the situation at Nelli Clark's home.

Ms. Alexander expressed her thanks for kindness shown during her mother's illness.

Mr. Berry offered condolences to Mary Ann and Ken Pownall. He also noted that moving Council meetings from Monday to Thursday was causing news in the local paper to come out a week late.

#### **MAYOR'S COMMENTS:**

Mayor Pate noted recent repairs on an aging ambulance were less than expected, but that it unknown how much longer any of the units will last. Information from Horton Emergency Vehicles in Fort Worth is being reviewed by Rhys Williams. He read a note encouraging thoughts and prayers for the people of Japan and American citizens affected by the tragedy (earthquakes and March 11, 2011 tsunami).

Mayor Pate read a letter from Charles Olson congratulating the EMS team for the First Responder conference held in February. He noted the upcoming vote by the Carroll County Quorum Court regarding repealing Act 74 and the potential for eliminating districts. He read a list of upcoming community events.

**ADJOURNMENT:**

Mr. DeVito moved to adjourn at 7:08 p.m. Dr. Kirkpatrick 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 Thursday, March 17, 2011.

ATTEST:

  
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City Clerk/Treasurer Ann Armstrong

APPROVED:

  
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Mayor Morris Pate