

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Thursday, May 19, 2011 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: May 5, 2011

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning -- Position 6 – expires 1/1/12

CAPC

Parks –Position 5 – expires 5/1/14.

HDC – Position 4 – expired 11/30/10

Cemetery

PUBLIC COMMENTS

UNFINISHED BUSINESS:

1. Discussion of Domestic Fowl Ordinance – Planning Commission
2. Proposed ordinance for backflow valves/check valves – Mayor Pate and Planning Commission
3. Deer hunt update – Mayor Pate
4. Discussion of Mun. Code 2.36.04 – Operations manual for the Finance Dept. –
Ms. Ballance and Dr. Kirkpatrick
5. Discussion of new accounting software program for Finance Department – Ms. Ballance and Dr.
Kirkpatrick
6. Black Bass Dam update – Mayor Pate
7. Dog control workshop date – Mayor Pate
8. Land bank ordinance – Mayor Pate
9. Yellow trash bags committee– Ms. Ballance and Mr. Pownall
10. Update on restrooms maintenance – Mayor Pate
11. Ward map adjustment – Clerk/Treasurer

NEW BUSINESS:

1. Discussion of placing Basin Park project on the ballot for the next general election – Ms.
Ballance and Mr. Pownall
2. Safe route to school – Mayor Pate

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

THURSDAY

MAY 19, 2011

Mayor Pro-tem Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Thursday, May 19, 2011 in the jury room on the second floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Pro-tem Robert "Butch" Berry, Aldermen Ken Pownall, Lany Ballance, James DeVito, Dean Kirkpatrick, Janet Alexander, City Attorney Tim Weaver, City Clerk/Treasurer Ann Armstrong

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Pro-tem Berry led the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

Mr. DeVito moved to approve the agenda. Dr. Kirkpatrick seconded. Mr. Berry moved to postpone New Business items # 2, 3, 6, and 10 as well as voting on commission applications. Mr. DeVito moved to approve the agenda as amended. Dr. Kirkpatrick seconded.

Motion carried 6/0/0

APPROVAL OF THE MINUTES: May 5, 2011

Mr. DeVito moved to approve the minutes from the May 5, 2011 Council meeting. Ms. Alexander seconded. Ms. Ballance noted a typing error. Mr. DeVito moved to approve the minutes as amended. Ms. Alexander seconded.

Motion carried 6/0/0

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Planning – Position 6 – expires 1/1/12

CAPC – Mr. Berry said he spoke with Joanne Graupner. The CAPC is in the process of soliciting applications for a director. So far, 69 or 70 applications have been received.

Ms. Alexander presented a report on the Auditorium Committee, noting two subcommittees will be formed- a creative committee and a committee which will focus on facts and figures. The second group will be comprised of those who are familiar with Eureka and the Auditorium.

Parks – Position 5 – expires 5/1/14. Mr. Berry read a letter regarding installation of rubber mulch, pea gravel, and surveillance equipment.

HDC – Position 4 – expired 11/30/10

Cemetery – Commission Chair Ken Fugate noted the May 6 Visions Tour was tastefully done. Because of low attendance, however, the May events will be cancelled. He said the cemetery survey is missing. Regarding the mower, Mr. Fugate noted the recent work on the mower was successful only in that it will run for short periods. He asked for clarification of (who is making) payments for labor and parts. Mr. Fugate said signs and block numbers will be replaced in the Fall. Caretaker Tom Rennels confirmed the situation with the mower.

PUBLIC COMMENTS:

Jim Morris spoke about "pop-off" valves. He stated the costs represented in a recent estimate are not realistic. He questioned the necessity for having a licensed plumber remove a clean-out cap and screw in a "pop-off", and he noted several other elements which could affect installation costs. He also asked who would report to ADEQ if an event results from City (jetting). Mr. Morris cautioned Council to look at this carefully.

Lisa Price Backs addressed the issue of mandatory water fluoridation by Senate Bill 359 and Act 197. She has made great effort to call for a moratorium, and requirements for country-of-origin labeling. Ms. Price Backs reported that this (industrial waste by-product) has been studied and rejected in the past and questioned who would educate and monitor those who (prepare) infant formula, are on kidney dialysis, have diabetes or other long-term illnesses. She asked the Council to be responsible to their constituents.

UNFINISHED BUSINESS:

1. Discussion of Domestic Fowl Ordinance

Mr. DeVito moved to discuss. Ms. Alexander seconded. Mr. Pownall asked about the process for introducing a modified version after an ordinance has been read once at the table. Mr. Weaver offered options and said he would review and compare what has been presented. Mr. DeVito moved to defer discussion of Ordinance until the next meeting. Ms. Alexander seconded.

Motion carried 4/2/0

2. Proposed ordinance for backflow valves/check valves (“pop-off” valves)

Postponed during Approval of the Agenda

3. Deer hunt update

Postponed during Approval of the Agenda

4. Discussion of Mun. Code 2.36.04 – Operations Manual for Finance Department

Ms. Ballance moved to discuss. Mr. Pownall seconded. Yvonne Kline said she received a letter from the Legislative Auditors and they are sending it to another agency to be sure it meets the State requirements. Ms. Ballance said she would like to see what has been done so far. Ms. Kline said she would add a paragraph and put (the draft) in Council mailboxes or email them. Ms. Ballance moved to postpone discussion until the next meeting. Mr. Pownall seconded.

Motion carried 6/0/0

5. Discussion of new accounting software program for Finance Department

Ms. Ballance moved to discuss. Dr. Kirkpatrick seconded. Ms. Ballance noted a survey of accounting programs used by cities around the State. She noted further that she has reviewed year-end balance sheets for the past several years ('05-'09) and none of them balanced. She questioned how they “could no longer add up if in fact they did in the beginning”. Ms. Ballance stated either there is a problem in the system or someone has been changing the numbers. She called for a system that can't be manipulated or doesn't have an inherent problem.

Mr. DeVito stated it depends on when “snap shot” is taken. He expressed confidence in the State auditors' reviews. Ms. Ballance moved to postpone until the next meeting. Dr. Kirkpatrick seconded.

Motion carried 5/1/0

6. Black Bass Dam update

Postponed during Approval of the Agenda

7. Dog Control Workshop

Mr. Pownall spoke about the two workshops and citizens' concerns. He also spoke with Animal Control Officer Jim Evans. Mr. Evans expressed concern about Council over-reacting. Mr. Pownall said he wants to go through (the ordinance) step by step. He enquired about the possibility of having the Good Shepherd shelter issuing licenses.

Mr. Weaver opined that, as an outside agency, there would be a problem unless a contract was written allowing them to receive the money. For accounting purposes, license purchases still should be through the City.

In further discussion, Mr. Pownall noted a recent Senate bill requiring sterilization of animals turned over to humane societies. Ms. Ballance moved to postpone. Ms. Alexander seconded.

Motion carried 5/0/0. Mr. Berry passed on the vote.

8. Land bank ordinance

Mr. Pownall moved to discuss. Mr. DeVito seconded.

Motion carried 6/0/0

Parks Director Bruce Levine addressed the Council and expressed concern that the current version does not state clearly that proceeds from the sale of vacated streets go to the land bank. Mr. Weaver said Council would have the option, as opposed to there being a mandate. Council would determine each time a piece of property is sold. The version on the table would set up a place to hold the money, and a committee to decide which pieces fall into what category.

Ms. Kline said the initial \$5,000 would come from the General Fund and be held in Fund #12, (under General Fund Capital) as a separate account for the Land Bank. Ms. Ballance moved to postpone until the next meeting. Dr. Kirkpatrick seconded.

Motion carried 6/0/0

9. Yellow trash bags committee

Ms. Ballance moved to discuss. Mr. Pownall seconded, saying it was for purposes of discussion. Ms. Ballance moved to set up a committee. Dr. Kirkpatrick seconded. It was agreed that Council members and the Mayor would be ad hoc members and not required to attend. Mr. Weaver stated that when the Mayor sets up a committee, he or she normally serves as chair. If Council sets up a committee, someone other than the Mayor can serve as chair. Mr. Berry called for a vote on establishing a yellow bag research committee.

Motion carried 6/0/0. Mr. Pownall moved to make Ms. Ballance the chair and focal point for those interested in being on that committee. Ms. Ballance seconded.

Motion carried 6/0/0

10. Update on restrooms maintenance

Postponed during Approval of the Agenda

11. Ward map adjustments

Ms. Armstrong said names and addresses for voters have been obtained and noted there were places where the census maps do not match with ward maps. She asked for help from Council to review further and then make the ward line adjustments. Ms. Ballance and Mr. Berry agreed to help.

NEW BUSINESS:

1. Discussion of placing the Basin Park project on the ballot for the next general election

Ms. Ballance moved to discuss. Ms. Alexander seconded. Mr. Weaver cautioned Council to move carefully as the State has given Parks jurisdiction. He said it may not be for the voters to give a stamp of approval. Mr. Levine confirmed the project will be funded entirely by private money. Maintenance will be done by Parks. Mr. DeVito noted the project will also address crumbling infrastructure. He spoke of the project as rectifying a mistake that was made over 100 years ago. Mr. Pownall said he would like to see minutes of the Public Hearings, and HDC and Planning minutes wherein approval was given. Mr. DeVito moved to postpone until the minutes are provided. Further lively discussion ended by Mr. DeVito calling for the question. Ms. Alexander seconded. A roll call vote stopped the motion: Mr. DeVito, Ms. Alexander – Aye. Dr. Kirkpatrick, Ms. Ballance, Mr. Pownall – No

Mr. Pownall motioned for the City Attorney to write a legal opinion on whether the issue should be before Council. Dr. Kirkpatrick seconded

Motion carried 4/1/0. Mr. Berry did not vote.

2. Safe route to school

Mr. Berry summarized the proposal for a sidewalk along Hwy. 23 to the intersection of Hwy. 23 and Hwy. 62. He noted that the grant would fully fund the project. Mr. DeVito moved to discuss. Mr. Pownall seconded.

Mayoral Assistant Diane Wilkerson explained that the proposed resolution would allow McClelland Engineering to proceed with drawing up the specs. She noted it is within the (Master) plan to connect the City with sidewalks. Mr. Berry called for a vote to read the resolution.

Motion carried 6/0/0. Ms. Armstrong read Resolution 581 **Arkansas Safe Routes to School Program Application for Infrastructure Project Funding**.

AGENDA SETTING:

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

Ms. Balance added Procurement of a Mower for the Cemetery. Ms. Alexander seconded.

Mr. Pownall added a date for a workshop for FOIA (Freedom of Information Act). Ms. Ballance seconded.

Mr. Pownall added a date to discuss the Budget Process. Ms. Ballance seconded.

Mr. Pownall added a date to discuss Goals for the Council. Ms. Ballance seconded.

CITY COUNCIL COMMENTS:

Ms. Ballance thanked Parks for replacing the broken windows in James Wells' car. She expressed concern regarding the Police Department not following the Municipal Code.

Mr. Pownall objected to Council being restricted in their ability to add agenda items and in following Roberts Rules (selectively). He would also like to follow up on and complete the cell tower issue. Mr. Pownall stated Council needs to follow the Code, be pro-active, and develop goals and processes so as to move the City forward.

Mr. DeVito expressed his belief that the turnover at City Hall is preventing Council from fulfilling goals. Advocating a City Administrator form of government, Mr. DeVito noted an upcoming forum on the topic.

MAYOR'S COMMENTS:

Mr. Berry read a list of upcoming community events.

ADJOURNMENT:

Mr. DeVito moved to adjourn at 8:15 p.m. Ms. Alexander seconded.

Motion passed 6/0/0

This is the signature page for the minutes of the regular Eureka Springs City Council meeting of Thursday, May 19, 2011.

APPROVED:

ATTEST:



City Clerk/Treasurer Ann Armstrong



Mayor Morris Pate

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