

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, August 11, 2014 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: July 28, 2014

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 1 – Steve Beacham – expired 7/1/14. Pos. 2 – Mickey Schneider (temp.) – expires 1/1/17.

CAPC – Pos. 2 – vacant – expired 6/30/14. Pos. 7 – Charles Ragsdell – expired 6/30/14

Hospital – Pos. 2 – Suzanne Tourtelot – expired 6/1/14

Parks – Pos. 5 – expires 5/1/16

HDC –

Cemetery – Pos. 2 – vacant – expires 2/15/15. Pos. 4 – Henry Romanski – expired 2/15/14.

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Update on disposal of yard waste – Ms. Schneider and Mr. Mitchell
2. Resolution for extension of wastewater line to Miles Mountain – Mr. Mitchell and Mr. Purkeypile
3. Parking garage workshop – **date** -- Mr. DeVito and Mr. Mitchell
4. Ordinance No. 2214 – Multi-family – **postponed, pending Planning action**
5. Ordinance for rezoning old H.S. property from R-1 to C-2-H – ES School District

NEW BUSINESS:

1. Resolution to Adopt Uniform Capitalization Rules of Fixed Assets for the City of Eureka Springs – Mayor Pate
2. Schedule mid-year budget review/workshop – Mr. Mitchell and Mr. Purkeypile
3. Update on City computer system – Mr. Mitchell and Mr. Purkeypile
4. Update on water leaks and meters – Mr. Mitchell and Mr. Purkeypile
5. Discussion of two fire stations – Ms. Schneider and Mr. Mitchell
6. Resolution to Seek Grant Funds from Arkansas Parks and Tourism -- Mr. Purkeypile and Mr. Mitchell
7. Resolution Granting a Conservation Easement to the Arkansas Historic Preservation Program for the Log Building at Harmon Park -- Mr. Purkeypile and Mr. Mitchell
8. Discussion of conflict of interest – Mr. Mitchell and Ms. Schneider
9. Second quarter financials – A.C.A. 14-43-506
10. Update on Clean City Ordinance and demo by neglect – Mr. Mitchell and Mr. Purkeypile
11. Update on Noise Ordinance – Mr. Mitchell and Mr. Purkeypile
12. Discussion of fluoride – Ms. Schneider and Ms. Zeller
13. Discussion of length of time for loading zone behind Auditorium – Mr. DeVito and Mr. McClung
14. Discussion of tree cuts – Ms. Schneider and Mr. Purkeypile

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

AUGUST 11, 2014

Mayor Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, August 11, 2014, in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Pate, Aldermen James DeVito, Dee Purkeypile, Terry McClung, Joyce Zeller, David Mitchell, Mickey Schneider, City Attorney Tim Weaver, and City Clerk/Treasurer Ann Armstrong

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Pate led the Pledge.

APPROVAL OF THE AGENDA:

Mr. Mitchell moved to approve. Mr. Purkeypile seconded. Ms. Schneider motioned to postpone New Business # 1. Mr. Purkeypile seconded. Ms. Schneider added discussion of tree cuts. Mr. Purkeypile seconded. Mayor Pate called for a vote on the amended agenda.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: July (28), 2014

Mr. McClung moved to approve. Mr. Purkeypile seconded.

Motion carried 6/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – no report

CAPC – no report

Hospital – no report

Parks – Mayor Pate nominated Joe Fitzsimmons for Position 5. Mr. Purkeypile moved to approve. Mr. McClung seconded. It was agreed to wait on a vote until Council reviews the application.

HDC – no report

Cemetery – no report

PUBLIC COMMENTS: none

UNFINISHED BUSINESS:

1. Update on disposal of yard waste

Postponed during approval of the agenda

2. Resolution for extension of wastewater line to Miles Mountain

Ms. Schneider moved to discuss. Mr. Mitchell seconded. Following brief discussion about financial feasibility, Mr. Mitchell moved to assign the resolution a number and read for approval. Mr. DeVito seconded.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 645 A RESOLUTION IN SUPPORT OF CONSTRUCTION OF A NEW HOSPITAL.**

3. Parking garage workshop – date

Mayoral Assistant Diane Wilkerson agreed to arrange a date.

4. Ordinance No. 2214 – Multi-family – postponed, pending Planning action

5. Ordinance for rezoning old H.S. property from R-1 to C-2-H

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Mr. DeVito moved to assign the ordinance a number and read. Mr. McClung seconded.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2216 AN ORDINANCE AMENDING THE ZONING OF CERTAIN REAL PROPERTY WITHIN THE CORPORATE CITY LIMITS OF EUREKA SPRINGS, ARKANSAS, COMMONLY KNOWN AS THE OLD HIGH SCHOOL PROPERTY.** Mr. DeVito moved to approve Ordinance No. 2216 on its first reading. Mr. McClung seconded.

Motion carried 6/0/0. Mr. DeVito moved to suspend the rules and place Ordinance No. 2216 on its

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second reading by title only. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2216 on its second reading. Mr. Purkeypile seconded. A voice vote followed.

Motion carried 6/0/0.

NEW BUSINESS:

1. Resolution to Adopt Uniform Capitalization Rules of Fixed Assets for the City of Eureka Springs

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Finance Director Lonnie Clark said the auditors requested a formal document adopting what has been occurring with fixed asset purchases and disposal. Mr. Mitchell moved to assign the resolution a number and read for approval. Ms. Schneider seconded.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 646 A RESOLUTION APPROVING A FIXED ASSET POLICY FOR THE CITY OF EUREKA SPRINGS, ARKANSAS.**

2. Schedule mid-year budget workshop/review

Mr. Mitchell moved to discuss. Mr. McClung seconded. It was requested for scheduling before the parking garage workshop.

3. Update on the City computer system

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Mr. Clark said all components purchased from BS&A are in place although some of the minor functions have not been implemented. He said an employee left and duties were rearranged so it will not be necessary to replace that employee. The system will be paid for over a three year period without interest. He noted support is available during working hours.

In response to Mr. Mitchell's question, Mr. Clark noted PC Turnkey provides hardware support, and Yvonne (Kline) and he know the whole system. He said when the Building Inspector does his job, the business licenses can be issued.

In response to questions about issuing business licenses, Ms. Armstrong spoke in support of the new module that allows the Building Inspector to prepare license information. She noted the Clerk/Treasurer has no access to information for the other business licenses and all requests for interfacing have been blocked. Ms. Armstrong also spoke about the Accounts Receivable person being instructed to not assist the City Clerk/Treasurer. Mr. DeVito called Point of Order, as he considered that as inter-office dispute and not about how the system is operating. Mr. Mitchell noted the Mayor is responsible for the personnel but not elected ones.

4. Update on water leaks and meters

Mayor Pate read a report from Public Works Director Dwayne Allen. Mr. Mitchell thanked Mr. Allen for an excellent, timely update.

5. Discussion of two fire stations

Mr. Purkeypile moved to discuss. Ms. Schneider seconded. Fire Chief Rhys Williams confirmed the roof on the Main St. station has been repaired and the rural fire station south of town has been completed. He noted the (Insurance Service Office) ISO requires ladder trucks to be within 2 ½ miles of any structure over three stories. He spoke in support of building a new station and closing two, for a total of three stations. Mr. McClung favored keeping the downtown station. Mr. Williams spoke about developing a 3-5 year plan. Discussion included other structural problems with the downtown station, cost over-runs on the rural station, disposing of the White St. station and the height of new ladder trucks. It was agreed appraisal for the stations will be sought and a plan developed.

8. Discussion of conflict of interest

It was agreed to discuss this item while waiting for Parks Director Bruce Levine. Mr. Mitchell said he could not find information about conflict of interest in the employee handbook or with the Municipal League. Mr. Weaver said Arkansas law is very under-developed in that area. Discussion about individual determination, Council's ability to add to the employee handbook, commissions, and a particular vote followed. Mr. Mitchell called Point of Order. Mr. Weaver noted Council members are expected to be policemen of their own actions first and Commissioners can be removed by various means. Mayor Pate said it would take an ethics violation or a criminal violation to remove a Council member.

6. Resolution to Seek Grant Funds from Arkansas Parks and Tourism

Mr. Purkeypile moved to discuss. Ms. Schneider seconded. Parks Director Bruce Levine said the application is for funds to build a pavilion and a playground at Lake Leatherwood City Park. He noted Parks will be responsible for the City's funding portion and provided images of the proposed facilities. Mr. Levine said the estimate is \$150,000 and the planned location is near the swim beach and below RV parking. Mr. Weaver confirmed the City would ultimately be responsible for the funds.

Mr. DeVito moved to assign the resolution a number and read for passage. Mr. McClung seconded.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 647 A RESOLUTION TO SEEK GRANT FUNDS FROM ARKANSAS PARKS AND TOURISM FOR RECREATIONAL FACILITIES IN LAKE LEATHERWOOD PARK.**

7. Resolution Granting a Conservation Easement to the Arkansas Historic Preservation Program for the Log Building at Harmon Park

Mr. Purkeypile moved to discuss. Mr. Mitchell seconded. Mr. Levine said a grant has been obtained to work on the log building known as the Harmon Park Trolley Barn. He noted the bid estimate for replacing some foundation logs, painting, a new roof, and tuck-pointing the chimney is \$21,000. The State would contribute 2/3 of the cost. The easement is required and any future work on the building would be "run through" Little Rock. Brief discussion followed regarding easement by resolution or by ordinance.

Mr. DeVito moved to assign the resolution a number and read for passage. Mr. Purkeypile seconded.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 648 A RESOLUTION TO GRANT A CONSERVATION EASEMENT TO THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR THE HARMON PARK TROLLEY BARN OFFICE.**

9. Second quarter financials

Mr. Purkeypile moved to discuss. Mr. DeVito seconded. Ms. Armstrong provided a six month report on payroll, cash receipts, the clearing account, the bank reconciliations and debt service.

10. Update on Clean City Ordinance and demolition by neglect

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Mayor Pate read a letter from Building Official Bobby Ray listing homes for possible demolition. Mr. Ray said he has not had to issue any citations for minimum maintenance violations.

11. Update on Noise Ordinance

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Mayor Pate read an email from Chief Earl Hyatt wherein he stated that, from June 1, 2014 until August 11, 32 City Noise Ordinance tickets have been issued for vehicles for noise and mufflers. That does not include other non-vehicle violations. Mr. Mitchell said this shows great effort to discuss before ticketing.

12. Discussion of fluoride

Ms. Schneider moved to discuss. Ms. Zeller seconded. Ms. Schneider reported she is looking into due diligence of the law and who is accountable from the State in regards to what they have passed. Full transparency is expected on every single detail. A review by the State Attorney General has not been made.

13. Discussion of length of time for loading zone behind the Auditorium

Mr. DeVito moved to discuss. Mr. McClung seconded. Mr. DeVito made a motion to establish a one-hour loading zone for loading in and loading out of the Auditorium on First St. Mr. McClung seconded. Mr. McClung said it will always be preceded by a phone call to City Hall and the Police Department. Brief discussion followed regarding the fire zone, parking passes, notifying the Fire Department.

Motion carried 6/0/0.

14. Discussion of tree cuts

Ms. Schneider moved to discuss. Ms. Zeller seconded. Ms. Schneider spoke about feedback from citizens regarding the severe trimming of trees by Asplundh. She asked if there is anything (Council) could do to address the issue. Discussion by Council and the Mayor included who would pay an arborist to advise, the rights of the trimming company, regeneration of the trees, and Council having no say.

AGENDA SETTING:

Mr. Purkeypile added discussion of Public Works' need for a new sewer camera and jetter. Mr. Mitchell seconded.

Mr. Purkeypile added discussion about the need for a workshop with CAPC and the Chamber to talk about a plan to improve tourism. Mr. Mitchell seconded.

Ms. Schneider added continuing discussion of fluoride. Mr. Purkeypile seconded.

CITY COUNCIL COMMENTS:

Mr. Mitchell thanked the Department Heads who gave follow-up to ordinances and monies that were allocated.

Ms. Schneider congratulated her son on his marriage. She said the Eureka brought in over 1,000 people and said Sue Glave is finally home.

MAYOR'S COMMENTS:

Mayor Pate spoke about the upcoming road improvements and comments about roads that have been re-paved recently. He read a list of upcoming Community events.

ADJOURNMENT:

Mr. Purkeypile moved to adjourn. Mr. Mitchell seconded.

Motion carried 6/0/0. The meeting ended at 8:12 p.m.

ATTEST:


Clerk/Treasurer Ann Armstrong

APPROVED:


Mayor Morris Pate