

**CITY OF EUREKA SPRINGS
COUNCIL MEETING**

Monday, June 23, 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: June 9, 2014

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 5 – Melissa Greene – expired 1/1/13. Pos. 7 – vacant – expires 1/1/15

CAPC – Pos. 2 – vacant – expires 6/30/14

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

Parks –

HDC – Pos. 6 – Richard Grinnell – expired 3/7/14. Pos. 7 – Susie Allen – expired 3/7/14.

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

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Ordinance No. 2213 Vacating a portion of an unnamed street/Rock St. – 3rd reading -- Mr. Purkeypile and Mr. Mitchell
2. Update on disposal of yard waste – Ms. Schneider and Mr. Mitchell
3. Decision re: extension of wastewater lines to Miles Mountain – **pending for July 24, 2014 meeting** – Mr. Mitchell and Mr. Purkeypile

NEW BUSINESS:

1. Discussion of a parking garage – Mr. DeVito and Mr. Mitchell
2. 2013 year-end Budget cleanup resolution – Mayor Pate

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

Mayor Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, June 23, 2014, in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Pate, Aldermen Joyce Zeller, Terry McClung, James DeVito, Dee Purkeypile, 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 moved to postpone Unfinished Business #2 until the next meeting. Mr. DeVito seconded. Mr. McClung asked for postponement of Unfinished Business #1 since the (Marble Flats) attorney could not be present. Ms. Schneider seconded. Mr. Mitchell added Ordinance No. 2213 to the agenda. Ms. Zeller seconded. A roll call vote on postponement of Unfinished Business #1 followed.

Motion failed 2/4/0 with Mr. DeVito, Ms. Zeller, Mr. Mitchell and Mr. Purkeypile voting "No."

Mayor Pate called for a vote on the amended agenda.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: June 9, 2014

Mr. DeVito moved to postpone until the next meeting. Mr. Purkeypile seconded.

Motion carried 6/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Mayor Pate nominated Woodie Acord for Position 7. Mr. McClung moved to (approve). Ms. Schneider seconded.

Motion carried 6/0/0.

CAPC – no report

Hospital – no report

Parks – no report

HDC – no report

Cemetery – no report

PUBLIC COMMENTS: none

UNFINISHED BUSINESS:

1. Ordinance No. 2213 Vacating a portion of an unnamed street/Rock St. – 3rd reading

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Ms. Schneider explained her understanding that a minimum of 25 ft. would be required for a water and sewer line to be installed. Ms. Brix recalled Public Works Director Dwayne Allen saying a 20 ft. easement would be needed plus a 10 ft. construction easement. She noted Marble Flats' attorney, Wade Williams, changed the location of the easement twice since the agreement included in the second reading of the Ordinance.

Mr. Weaver expressed his belief the description in the survey did not close and, so, would grant nothing back to the City. Discussion followed regarding the description, a change in to whom the easement would be granted, and a correction that was made to ensure closure of the description. A photo was provided to show absence of width beyond 27 ft., from pin to drop-off. Following comments regarding several changes made during the process, Mr. DeVito called point of order and asked if there was a question. Following Ms. Schneider's retort, Mr. Mitchell called point of order.

Mr. Mitchell moved to read Ordinance No. 2213 as amended and then read proposed changes. Mr. DeVito seconded. Mr. Weaver confirmed his concern was the language in the second paragraph. Mr.

Purkeypile made a motion to change the language to include the description defined in the first paragraph. Mr. Weaver indicated that came "a lot closer." Mr. Mitchell withdrew his motion. Mr. DeVito withdrew his second. Mr. Purkeypile confirmed the intent to add the first paragraph's description in place of "from the western border of said unnamed street... aforementioned plat" and accept the amendments read by Mr. Mitchell. Following discussion of providing the changes in writing and reading into record, Ordinance language referencing building codes, and unnecessary delay, Ms. Zeller called for the question.

Mr. Weaver said he spoke with both attorneys the previous Friday and they indicated there was not complete agreement. Mr. Purkeypile's motion was confirmed and a roll call vote was taken.

Motion carried 4/2/0 with Mr. McClung and Ms. Schneider voting "No." Mr. DeVito moved to suspend the rules and place Ordinance No. 2213 as amended on the third reading by title only. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 4/2/0 with Ms. Schneider and Mr. McClung voting "No." Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2213 on its third reading. Ms. Zeller seconded. Mr. McClung objected to vacating a section of street that may be missed sometime down the road. Mr. Mitchell noted the other access options. A roll call vote followed.

Motion carried 4/2/0 with Mr. McClung and Ms. Schneider voting "No."

2. Update on disposal of yard waste

Postponed during approval of the agenda

3. Decision re: extension of wastewater lines to Miles Mountain – pending for July 24, 2014

meeting

NEW BUSINESS:

1. Discussion of a parking garage

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mr. DeVito favored consideration of the parking lot partly owned by the City across from the New Delhi, and noted proximity to the Auditorium. The collapsing water tunnel beneath could be addressed at the same time. He said the #1 question from visitors is, "Where do I park?" and considered a garage to be a potential revenue stream. Mr. DeVito asked for consolidation of previous parking studies for Council review.

2. 2013 year-end Budget cleanup resolution

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Finance Director Lonnie Clark confirmed the purpose of the resolution was to adjust the balances of the revenue accounts and the appropriations to what they actually were in 2013.

Mr. Mitchell made a motion to assign the resolution a number and read it for the record. Mr. Purkeypile seconded.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 641 A RESOLUTION AMENDING THE 2013 ADOPTED BUDGETS FOR THE CITY OF EUREKA SPRINGS, ARKANSAS, FOR THE YEAR 2013; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN AND FOR OTHER PURPOSES.**

AGENDA SETTING:

Mr. Mitchell added reclaiming all streets, alleys and green spaces from Parks to City control. Mr. Purkeypile seconded for discussion only.

CITY COUNCIL COMMENTS:

Mr. McClung favored a Council workshop prior to the July 21 meeting with the Finance Director, the bonding company representatives, local banks, Northwest Arkansas Economic Development, the Chamber of Commerce, and engineers to find a creative avenue if the wastewater line is to become reality. He said he enjoyed the Yellowjackets' performance in the Auditorium.

Mr. Mitchell noted the dog park will open on July 14 at 11:00.

Ms. Schneider wished her son Happy Birthday and offered an update on Ms. Sue Glave.

MAYOR'S COMMENTS:

Mayor Pate read a list of upcoming Community events.

ADJOURNMENT:

Mr. Mitchell to adjourn. Mr. DeVito seconded.
Motion carried 6/0/0. The meeting ended at 7:05 p.m.

ATTEST:



City Clerk/Treasurer Ann Armstrong

APPROVED:



Mayor Morris Pate