

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, March 24, 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: March 10, 2014 and Special Meeting March 13, 2014

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 2 – vacant – expires 1/1/17. Pos. 5 – Melissa Greene – expired 1/1/13

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

Hospital – Pos. 1 -- Anna Ahlman – expired 6/1/13

Parks

HDC – Pos. 5 – vacant – expires 11/30/14. 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. Pos. 5 -- Mary Ann Pownall – expired 2/15/14.

PUBLIC COMMENTS:

AWARD PRESENTATION: Green and Energy Conservation – Crews and Associates – **postponed until April 14**

UNFINISHED BUSINESS:

1. Ordinance No. 2206 vacating McCune and portion of Hartman – 2nd reading – Mr. McClung and Mr. Purkeypile
2. Ordinance No. 2207 reclaiming un-named street/Rock St. – 2nd reading – Mr. Purkeypile and Mr. Mitchell
3. Ordinance No. 2203 Procedures for Vacating Property – 3rd reading -- Mr. McClung and Mr. Mitchell
4. Ordinance No. 2201 Clean City – amended version – Mr. Mitchell and Ms. Schneider
5. Discussion of collapsing parking lot by Auditorium – **update from Mr. Purkeypile** -- Ms. Schneider and Mr. Mitchell
6. Discussion of increasing water and sewer rates – Ms. Schneider and Mr. Mitchell
7. Ordinance No. 2204 Reclaiming portion of Sweeney Alley – 3rd reading -- Mr. Mitchell and Mr. Purkeypile
8. Ordinance No. 2205 Removing “animals” from C-3 prohibitions – 3rd reading -- Mr. Mitchell and Mr. Purkeypile
9. Ordinance increasing parking rates for special events – Mr. Mitchell and Mr. DeVito
10. Discussion of Court House lease – Ms. Schneider and Mr. Mitchell

NEW BUSINESS:

1. Workshop w/Council and Hospital Commission to discuss health care in Eureka Springs– **set workshop date** -- Mr. DeVito and Mr. Mitchell
2. Discussion of the dog waste ordinance proposal – Mr. Mitchell and Mr. DeVito
3. Discussion of proposal regarding the Brixes’ property – Ms. Schneider and Mr. Mitchell
4. Discussion of change in ambulance services – Mr. Mitchell and Ms. Zeller
5. Noise Ordinance draft – Mr. Mitchell and Mr. DeVito
6. Update from the Director of Finance re: new computer system – Mr. Mitchell and Mr. Purkeypile

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR’S COMMENTS

ADJOURNMENT

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

MONDAY

MARCH 24, 2014

Mayor Pate called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, March 24, 2014, in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Pate, Aldermen David Mitchell, Joyce Zeller, Dee Purkeypile, Terry McClung, Mickey Schneider, James DeVito, 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. DeVito moved to approve. Mr. McClung seconded. Mayor Pate moved New Business #6 for discussion under Authority Reports. Mr. Purkeypile seconded. Ms. Schneider moved New Business #3 for discussion before Unfinished Business #2. Mr. Purkeypile seconded. Mr. McClung moved to approve the agenda as amended. Mr. Purkeypile seconded.

Motion carried 6/0/0.

APPROVAL OF THE MINUTES: March 10, 2014 and Special Meeting March 13, 2014

Mr. DeVito moved to approve the March 10, 2014 minutes. Mr. McClung seconded.
Motion carried 6/0/0.

Mr. DeVito moved to approve the March 13, 2014 minutes. Mr. McClung seconded.
Motion carried 6/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – no report

CAPC – no report

Hospital – no report

Parks – no report

HDC – Mayor Pate provided an application from Steve Holifield for Position 5.

Cemetery – no report

Finance – Finance Director Lonnie Clark recapped progress with the BS&A software installation. He noted accounts payable, payroll and cash receipting are working well. Business license information is being manually converted from the DOS-based system. Utility billing was delayed because new hand-held units had to be purchased, people trained, and conversion issues handled. Mr. Clark said the accounting system is extremely complex and the City has issues of one with a population of 5-600,000 people.

PUBLIC COMMENTS:

Jan Grinnell spoke about walking paths as cause for constructing 6 ft. cedar fences for privacy. She noted the lack of maintenance for existing paths, liability issues if someone were hurt, and objected to paths close to homes.

Sheryl Willis said almost all the worries that people have disappear once the trails go in. Addressing the maintenance issue, she said funding will be sought. Ms. Willis said the Trails Committee is trying to find routes around and away from homes.

Melissa Greene, 17 Bridge St., noted streets now connect with trails. She said people want to go home to private areas, favored reclaiming Rock St. to allow the Brixes time to negotiate with their neighbors, and indicated no one with whom she's spoken wants a trail coming through their property.

Rachel Brix noted there has never been an offer of negotiation from the Parks Commission. She said in the 18 months she's served on Parks, trails have never been on their agenda. Ms. Brix expressed concern about the sudden need for her driveway as a "lynchpin" for the trails plan.

Jack Byrne spoke about the absence of means to dispose of ivy, bamboo and honeysuckle. He noted almost every property he maintains has at least ivy, and appealed to Council to address this quickly.

Ms. Schneider asked Mr. Weaver about adding a discussion regarding Susie Allen's property since she was absent for the last meeting. Ms. Zeller seconded. Following brief discussion, a roll call vote was taken. Motion failed 3/3/0. Mr. Weaver recapped the two votes during the March 10 meeting.

UNFINISHED BUSINESS:

1. Ordinance No. 2206 Vacating McCune and portion of Hartman – 2nd reading

Mr. McClung moved to discuss. Mr. Purkeypile seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2206 on the second reading by title only. Mr. McClung seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title. Mr. Purkeypile made a motion to approve Ordinance No. 2206 on its second reading. Mr. DeVito seconded.

Motion carried 6/0/0.

NEW BUSINESS:

3. Discussion of proposal regarding the Brixes' property

Mr. Purkeypile moved to discuss. Mr. DeVito seconded. Noting conflicting surveys, Ms. Schneider expressed concern about the City taking action on property possibly not owned by the City. She favored having a judicial land expert review the surveys and documents and give an expert opinion on who owns it. Ms. Schneider said the parties would have to agree ahead of time to accept that expert's opinion. Discussion followed regarding ownership, easements, who would pay for the opinion, whether the parties would agree to be bound by the arbitration, who would pick the expert, and whether any law firm would be willing to take it on. Further discussion included a possible trail, a trail along the edge of the Brixes' property, the property deed, proving right of access, the title insurance company's description, and Judge Ohm's prior work for the City. No action was taken.

UNFINISHED BUSINESS:

2. Ordinance No. 2207 reclaiming un-named street/Rock St. – 2nd reading

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2207 on its 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. 2207 on its second reading. Mr. Purkeypile seconded.

Motion carried 4/1/1 with Mr. McClung voting "No" and Ms. Schneider voting "Present".

3. Ordinance No. 2203 Procedures for Vacating Property – 3rd reading

Mr. Mitchell motioned to discuss. Mr. McClung seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2203 on its third 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. 2203 on its third reading. Mr. Mitchell seconded.

Mr. McClung made a motion that the \$200 fee, upon completion of the process, goes to Parks for the Land Bank only. Mr. Mitchell seconded. Mr. Weaver noted fees are generally collected to offset expenses, in this case from the General Fund. In Court, it could appear to be sale of property if it went into the Land Bank fund. Mr. McClung withdrew his motion. Mr. Mitchell withdrew his second. A roll call vote to approve the third reading followed.

Motion carried 6/0/0.

4. Ordinance No. 2201 Clean City – amended version

Ms. Schneider moved to discuss. Mr. DeVito seconded. Mr. Mitchell made a motion to suspend the rules and place Ordinance No. 2201 on its second reading by title only. He then withdrew the motion. Mr. Mitchell made a motion to read Ordinance 2201 by title and the amended changes only. Mr. Weaver advised reading the ordinance as amended. Mr. Mitchell made a motion to read Ordinance No. 2201 in its entirety to cover all the changes. Ms. Schneider seconded.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2201 REVISED**. Mr. DeVito moved to approve Ordinance No. 2201 on its second reading. Mr. Purkeypile seconded. Mr. Mitchell identified a

phrase that was to have been removed. Mr. Weaver clarified language regarding the Certificate of Appropriateness. Following discussion regarding public safety, a voice vote on approval was taken.
Motion carried 6/0/0.

Ms. Schneider motioned for a ten minute break. Mr. DeVito seconded.
Motion carried 6/0/0.

5. Discussion of collapsing parking lot by the Auditorium – update from Mr. Purkeypile

Mr. Purkeypile moved to discuss. Ms. Schneider seconded. Mr. Purkeypile showed an older photo of the subsurface. He noted the 3 ft. x 3 ft. drainage opening not indicated by the presence of light in the photo and said he'd like to attend another foray. Mr. Purkeypile estimated that a 20 ft. x 20 ft. square lined with a reinforced concrete footing with an additional drop-box inlet would cost approximately \$4-5000. He tabled the discussion for a further update. Mr. Mitchell seconded.

Motion carried 6/0/0.

6. Discussion of increasing water and sewer rates

Mr. DeVito moved to table until the next agenda. Mr. Mitchell seconded.

Motion carried 6/0/0.

7. Ordinance No. 2204 Reclaiming portion of Sweeney Alley – 3rd reading

Mr. DeVito moved to suspend the rules and place Ordinance No. 2204 on its third reading by title only. Mr. McClung seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2204 on its third reading. Mr. Purkeypile seconded. A roll call vote followed.

Motion carried 6/0/0.

8. Ordinance No. 2205 Removing “animals” from C-3 prohibitions – 3rd reading

Mr. Purkeypile moved to discuss. Mr. Mitchell seconded. Mr. DeVito moved to suspend the rules and place Ordinance No. 2205 on its third reading by title only. Mr. McClung seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title. Mr. DeVito moved to approve Ordinance No. 2205 on its third reading. Mr. Mitchell seconded. A roll call vote followed.

Motion carried 6/0/0.

9. Ordinance increasing parking rates for special events

Mr. Mitchell moved to discuss. Mr. DeVito seconded. Ms. Schneider spoke about not charging non-profits. Following discussion, Mr. Purkeypile moved to have the parking rate at \$6.00 per day. Ms. Schneider seconded.

Motion carried 6/0/0. Mayoral Assistant Diane Wilkerson spoke about special event organizers being agreeable to renting only the Court House lot. Mr. DeVito made a motion to place Ordinance No. 2189 on its second reading as amended. Ms. Schneider seconded.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2189 REVISED**. Mr. Purkeypile moved to approve Ordinance No. 2189 on its second reading, as revised. Mr. DeVito seconded.

Motion carried 6/0/0.

10. Discussion of Court House lease

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

Motion carried 6/0/0.

NEW BUSINESS:

1. Workshop w/Council and Hospital Commission to discuss health care in Eureka Springs – set workshop date

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Mr. Mitchell made a motion for a May workshop when Mr. DeVito and the Fire Chief would be able to attend. Ms. Schneider seconded.

Motion carried 6/0/0. It was agreed tentatively to meet on May 19 at 1:00 p.m. at the Echo Clinic. Mayor Pate said he'd confirm.

2. Discussion of the dog waste ordinance proposal

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Mr. Mitchell suggested an ordinance that

City Council 3/24/14 3

would add language to the Dog section of Code. Mr. Weaver noted that what the dogs leave behind is actually covered by Code, if it were enforced, as littering. He said State law lists a Class A misdemeanor up to a \$1500 fine, court costs, and additional fees. Mayor Pate noted any misdemeanor has to be witnessed, an affidavit has to be filled out, a summons or warrant has to be issued and served, and there is a plea date in Court and a trial date. Discussion continued about lesser fines, signs, and citizen complaints to the Police. No action was taken.

4. Discussion of change in ambulance services

Mr. Mitchell moved to discuss. Ms. Schneider seconded. Mr. Mitchell spoke about the letter from the Mayor to the Director of Nursing at the hospital. He was surprised that a change so long in standing from a department of the City underwent a significant change and the Council was not “copied” on the letter. Also, a comprehensive budget was passed that included a \$90,000 increase for the Fire Department. Mr. Mitchell noted that, if there is not going to be so much overtime, seeing a new budget from the Fire Chief that is more representative of the new service is in order. Ms. Schneider spoke about Eureka EMTs handling non-emergency transfers for an un-named hospital and the contractual obligation to have emergency services available at the same time. She said that’s where the overtime has come in. Discussion followed regarding budget corrections reflective of the change in service, payment for transport services, improvement in collections to 70+%, the Mayor as administrator, and a mid-year budget review.

Mayor Pate expressed his belief that Mr. Mitchell should have contacted him before responding to the press inquiry. He spoke about how the decision to minimize non-emergency transfers was made and a hospital with inadequate staffing requesting help with short-distance transfers.

5. Noise Ordinance draft

Mr. Mitchell moved to discuss. Mr. Purkeypile seconded. Mr. Mitchell referenced the draft based on updating Code, enforcement, and communication. Steve Beacham spoke about the diverse committee membership and ongoing plans for including the Chamber and other business owners in communicating concerns. He noted decibel level measurement is not a good way to measure sound in this canyon-like environment. The State law was combined with local issues for the ordinance. Mr. Beacham noted that by having a City ordinance, resulting fines would stay with the City as opposed to splitting fines with the State. Discussion followed regarding wording on signs, helicopters, and LED sound readers

AGENDA SETTING:

Mr. DeVito added the yard waste issue. Ms. Schneider seconded.

CITY COUNCIL COMMENTS:

Mr. Purkeypile recapped progress with the Owen St. sewer line replacement, drainage on German Alley, and donations for Black Bass Dam.

Ms. Schneider noted her husband and she celebrated their 31st wedding anniversary. She expressed discontent with how clarity of ownership for the property next to the Brixes’ house is being handled and with the votes regarding damage to Susie Allen’s property.

MAYOR’S COMMENTS:

Mayor Pate read a list of upcoming Community events.

ADJOURNMENT:

Mr. Purkeypile moved to adjourn. Mr. DeVito seconded.
Motion carried 6/0/0. The meeting ended at 9:00 p.m.

ATTEST:


City Clerk/Treasurer Ann Armstrong

APPROVED:


Mayor Morris Pate