

**CITY OF EUREKA SPRINGS
CITY COUNCIL**

REGULAR MEETING

MONDAY

SEPTEMBER 28, 2015

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, September 28, 2015 in the jury room in the Western District Carroll County Courthouse.

PRESENT: Mayor Berry, Aldermen David Mitchell, Joyce Zeller, Bob Thomas, James DeVito, City Attorney Tim Weaver, and City Clerk Treasurer Ann Armstrong

ABSENT: Terry McClung and Mickey Schneider (with notice)

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Berry led the Pledge.

APPROVAL OF THE AGENDA:

Mr. DeVito moved to approve. Mr. Mitchell seconded. Mayor Berry postponed New Business items 4 and 5 until October. Mr. DeVito moved to approve the agenda as amended. Mr. Mitchell seconded. Motion carried 4/0/0.

APPROVAL OF THE MINUTES: September 14, 2015

Mr. Mitchell moved to approve. Ms. Zeller seconded.

Motion carried 4/0/0.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – No report

CAPC – Mayor Berry said Ken Ketelsen will stay on until another applicant comes in.

Hospital – No report

Parks – One vacant position

HDC – No report

Cemetery – One vacant position. Mayor Berry requested that interested citizens apply.

Fire Department -- Chief Ates provided a report summarizing the August 29, 2015 fire response event in which Rod Wasson sustained respiratory injuries. Technical examination of the self-contained breathing apparatus revealed equipment failure. Chief Ates offered recommendations for air pack systems, protective equipment and radios replacement. A summary of the cost and schedule are being prepared.

PUBLIC COMMENTS:

Beth Withey spoke about the vultures roosting on and adjacent to her property. Her husband and she strongly oppose a relocation plan in any form as they view an opportunity to study vultures' habits. Ms. Withey expressed her belief that vultures pose no threat to local wildlife or property.

UNFINISHED BUSINESS:

1. **Discussion of ordinance re: 2008 and 2010 Bonds – tabled until meeting with bonding company has taken place**

2. **Ordinance No. 2229 – Amending Code re: Alcohol sales -- postponed**

3. **Date for CAPC/City Council meeting re: the Auditorium**

Mayor Berry said the meeting date is being coordinated with the CAPC. Historical background on the CAPC and management of the Auditorium will be provided. Committee recommendations from 2011-2012 will also be available.

NEW BUSINESS:

1. **Joe Gunnels' Group Tour Franchise application**

Mr. Mitchell moved to discuss. Ms. Zeller seconded. Joe Gunnels spoke about the increase in tours. He quipped about the one "3" rating on Trip Advisor.

Mr. DeVito moved to approve the application, noting the excellent Trip Advisor reviews. Mr. Mitchell seconded.

Motion carried 4/0/0.

2. Report from the Building Inspector re: Ordinance No. 2201 Clean City

Mayor Berry confirmed a report had been provided. A couple more property owners are being notified. Of the six residences on the previous list, two were demolished. Two are being repaired. One owner is in the decision making process and one property is in probate.

Brief discussion followed regarding improvements in property maintenance.

3. Report from the Public Works Director re: results of fluoride testing and potential testing for lead

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mayor Berry read the summary prepared by Public Works Director Dwayne Allen. He noted the results of the lead and copper tests have not been received from the Arkansas Department of Health. A portable spectrometer will not be purchased during this budget cycle. The waste water treatment plant lab is being upgraded so as to be able to test over 200 water parameters.

Engineers McGoodwin, Williams, and Yates' test results have assured minimum fluoride in the drinking water. The water rate increase from Carroll Boone, approximately \$80,000 a year, has not been passed on to the consumers. Mr. Mitchell called again for an analysis of the number of commercial and residential meters installed, increases in measured supply and, based on that, a forecast of revenue.

4. Ordinance for financing new tram

Postponed during approval of the agenda until October

5. Resolution amending Transit budget

Postponed during approval of the agenda until October

6. Update on vulture relocation plan

Mr. DeVito moved to discuss. Ms. Zeller seconded. Mayor Berry spoke about a resident who was unable to get his house refinanced. An appraiser concurred due to roof damage by the vultures. This homeowner is at a loss as to what to do.

Discussion followed regarding temporary successes in relocation, Bull Shoals Dam success, netting, spraying water and the issues of health, safety and welfare. Mayor Berry indicated he could talk with the property owner about some sort of pro-active approach.

7. Discussion of Parks Christmas

Mr. DeVito moved to discuss. Mr. Mitchell seconded. Mayor Berry summarized the storage and condition of existing decorations. He noted the Parks' Interim Director Donna Woods prepared a \$15,000 budget to replenish and to provide proper storage. Mayor Berry proposed using \$10,000 in funds that were set aside for a center at Harmon Park along with \$5,000 from the CAPC.

Representing Parks and Recreation, Pat Lujan described the areas that could be decorated, converting to LED lights for efficiency, replenishment, and proposed storage.

Finance Director Lonnie Clark expressed his belief it would be appropriate to redirect the funds toward another capital expense.

Mr. Mitchell made a motion that this account with \$34,000+ be redirected for Christmas in Eureka Springs, and for the Parks Department to bring the lights and all of the things that they need up to the highest level they can possibly get to make this place shine. Mr. DeVito seconded for discussion. Discussion followed regarding areas to decorate, \$6,000 for renovating specifically for storage, and challenging the CAPC and Downtown Network to help.

Mayor Berry called for a vote on reallocating the money toward Christmas lights and Parks.

Motion carried 4/0/0.

AGENDA SETTING:

Mr. Thomas added an update on the Public Works building. Mr. DeVito seconded.

CITY COUNCIL COMMENTS:

Mr. Mitchell "put a plug in" for Parks and Christmas this year.

**CITY OF EUREKA SPRINGS
COUNCIL MEETING**
Monday, September 28, 2015 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: September 14, 2015

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning
CAPC – Vote on Ken Ketelsen – Pos. 3
Hospital
Parks – Pos. 6 – vacant -- expires 5/1/19
HDC
Cemetery – Pos. 2 – vacant – expired 2/15/15

PUBLIC COMMENTS:

UNFINISHED BUSINESS:

1. Discussion of ordinance re: 2008 and 2010 Bonds – **tabled until meeting with bonding company has taken place** -- Mr. McClung and Mr. DeVito
2. Ordinance No. 2229 – Amending Code re: Alcohol sales -- 2nd reading – **postponed**
3. Date for CAPC/City Council meeting re: the Auditorium

NEW BUSINESS:

1. Joe Gunnels Group Tour Franchise application – Municipal Code Chapter 4.20
2. Report from the Building Inspector re: Ordinance No. 2201 Clean City – Mr. Mitchell
3. Report from the Public Works Director re: results of fluoride testing and potential testing for lead – Mr. Mitchell
4. Ordinance for financing new tram – Mayor Berry
5. Resolution amending Transit budget – Mayor Berry
6. Update on the vulture relocation plan – Mayor Berry
7. Discussion of Parks Christmas – Mayor Berry

AGENDA SETTING
CITY COUNCIL COMMENTS
MAYOR'S COMMENTS
ADJOURNMENT

MAYOR'S COMMENTS:

Mayor Berry read a list of upcoming events.

ADJOURNMENT:

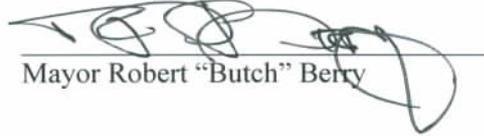
Mr. DeVito moved to adjourn. Mr. Mitchell seconded.
Motion carried 4/0/0. The meeting adjourned at 7:04 p.m.

ATTEST:



Clerk Treasurer Ann Armstrong

APPROVED:



Mayor Robert "Butch" Berry