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**CITY OF EUREKA SPRINGS  
COUNCIL MEETING**

Monday, August 22, 2022

6 p.m.

**AGENDA**

**CALL TO ORDER**

**ROLL CALL, ESTABLISH QUORUM**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE AGENDA**

**APPROVAL OF THE MINUTES: August 8, 2022**

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:**

**Planning**

**CAPC** – Pos. 2 – **vacant** – 6/30/22. Pos. 7 – **expired** 6/30/22. 2<sup>nd</sup> quarter financial report

**Hospital**

**Parks** – Pos. 3 – **vacant** – expires 5/1/24

**HDC**

**Cemetery**

**PUBLIC COMMENTS -- 3 minutes for each citizen**

**UNFINISHED BUSINESS**

1. Ordinance No. 2326 Camping on private property – 3<sup>rd</sup> reading
2. Fire Department public safety and budget concerns – Mr. Roberts

**NEW BUSINESS:**

1. Discussion of meetings in the AUD basement – Mr. McClung and Mr. Meyer
2. Proposed settlement in the Bill Ott lawsuit – Mayor Berry
3. Ordinance for annual property tax levy – A.C.A. 26-73-202
4. Discussion of renewing Rojek lease in Freeman Blocks 23 and 24 – Mayor Berry
5. Discussion of I&I fees for irrigation meters – Mr. McClung
6. Resolution for public hearing to vacate alley in Magnetic Bay Block 1 – A.C.A. 14-301-302
7. Resolution to waive bidding for two Police cars – Mayor Berry

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

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

**MONDAY**

**AUGUST 22, 2022**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6:00 p.m. Monday, August 22, 2022, in the Auditorium at 36 S. Main St.

**PRESENT:** Mayor Berry, Council members Harry Meyer, Autumn Slane, Bill Ott, Terry McClung, Melissa Greene, Nick Roberts, City Attorney Forrest Jacobi, and City Clerk Treasurer Ann Armstrong

**PLEDGE OF ALLEGIANCE**

Mayor Berry led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

Mayor Berry called for a motion to approve the agenda. Mr. McClung said he so moved. Ms. Slane seconded.

The Mayor added the waiving of bids for Police cars. Ms. Slane added an update on the CAPC. Mayor Berry called for a vote on the amended agenda.

Motion carried 6/0/0.

**APPROVAL OF THE MINUTES: August 8, 2022**

Mayor Berry called for a motion to approve the minutes. Mr. McClung said he so moved. Ms. Slane seconded.

Motion carried 6/0/0.

**COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:**

**Planning** – no report

**CAPC**

Ms. Slane expressed her belief the CAPC does not have a budget right now because (the Commissioner) couldn't come up with a quorum. She spoke about a lack of communication and had concern that applications were not being discussed at the table. Ms. Slane made a motion to "nominate Heather Wilson to be put on the Board."

Following confirmation that Council does not approve the CAPC budget or financial reports and, again, that an expired term is not a vacant seat, it was also clarified nominations for the Commission are made by the CAPC Commissioners. Mr. McClung requested that the Mayor encourage cohesion in the CAPC. He agreed to do so.

Position 2 is vacant.

**Hospital** – no report

**Parks** – Position 3 is vacant.

**HDC** – No report

**Cemetery** – No report

**PUBLIC COMMENTS**

**Linda McBride** requested removal of (Unfinished) Business item #2 since it was discussed in depth at the last meeting. She noted Council was not to be involved in the daily operation of any City department and objected to distribution of materials which were not part of the agenda.

**Ferguson Stewart** noted the Carroll County Fair is underway. He asked those running for office to remain civil and respectful.



**Garnet Blanchette** said (Mr. Roberts) really did believe he was doing the right thing by not letting the last CAPC meeting go on. Mr. Blanchette was in favor of clarifying Code regarding term expiration and he objected to name calling.

**LauraJo Smole** expressed her belief the ordinance regarding camping was written just to address one situation. For the 2023 budget, she suggested an increase in (Council) wages, a full-time building inspector, a sidewalk survey in R-2 areas and speed bumps on Pivot Rock Rd.

## **UNFINISHED BUSINESS**

### **1. Ordinance No. 2326 Camping on private property – 3<sup>rd</sup> reading**

Mr. Meyer moved to discuss. Ms. Greene seconded. In response to Ms. Greene's question regarding a property owner who is providing sanitation for (seasonal) camping service workers, Mr. Jacobi noted the Ordinance would provide a way for the Police to deal with situations that result in complaints.

Mr. McClung moved to suspend the rules and read Ordinance No. 2326 for a third and final reading by title only. Mr. Meyer seconded. Following objections to the Ordinance from Ms. Slane, a roll call vote was taken.

Motion carried 4/2/0 with Ms. Slane and Mr. Roberts voting "No." The Ordinance title was read.

Mr. McClung moved to approve Ordinance No. 2326 on third reading. Mr. Meyer seconded. A roll call vote followed.

Motion carried 4/2/0 with Ms. Slane and Mr. Roberts voting "No."

### **2. Fire Department public safety and budget concerns**

Mr. McClung moved to discuss. Ms. Slane seconded. Mr. Roberts referenced printed information he provided prior to the meeting and said he wanted to hold (the Department) into account for what's going to happen down the line.

Mayor Berry said Mr. Roberts was welcome to discuss the budget but not personnel. Mr. Roberts spoke about money made by Department staff, overtime hours, and what others around the State were paid. It was confirmed the budget will be reviewed again during mid-year budget adjustments and preparation of the 2023 budget.

## **NEW BUSINESS**

### **1. Discussion of meeting in the AUD basement**

Ms. Greene moved to discuss. Mr. Meyer seconded.

Ms. Greene considered the renovated basement a great place to hold all City meetings. Other Council members weighed in agreeably. It was confirmed the City would take care of installing the audio/video components. Mayor Berry said the Nabholz portion of the contract was completed.

### **2. Proposed settlement in the Bill Ott settlement**

Mr. Roberts moved to discuss. Ms. Slane seconded.

City Attorney Forrest Jacobi said that due to the fact Bill Ott was the Plaintiff in the case, he would be asked to not speak. Mr. Ott agreed. Mr. Jacobi noted that Mr. Ott admitted he did not properly control the construction there and he was willing to pay a \$1,000 fine to the City. It was Mr. Jacobi's position the issue was not worth litigating.

Mr. McClung moved to approve the settlement and move forward. Mr. Meyer seconded. A roll call vote was taken.

Motion carried 5/0/1 with Mr. Ott abstaining.

### **3. Ordinance for annual property tax levy**

Mayor Berry called for a motion to discuss. Mr. McClung said he so moved. Mr. Meyer seconded.

Mr. McClung moved to assign the ordinance a number and read it. Mr. Meyer seconded. A voice vote followed.

Motion carried 6/0/0. The Clerk Treasurer read **ORDINANCE NO. 2327 AN ORDINANCE LEVYING A TAX ON ALL REAL AND PERSONAL PROPERTY IN THE CITY OF EUREKA SPRINGS, ARKANSAS.**

Mr. McClung moved to approve Ordinance No. 2327 on the first reading. Mr. Meyer seconded.

Motion carried 6/0/0. Mr. McClung moved to suspend the rules and read Ordinance No. 2327 by title only for the second reading. Mr. Meyer seconded. A roll call vote was taken.

Motion carried 6/0/0. The Ordinance title was read.

Mr. McClung moved to approve Ordinance No. 2327 on its second reading. Mr. Meyer seconded. A voice vote was held.

Motion carried 6/0/0.

#### **4. Discussion of renewing the Rojek lease in Freeman Blocks 23 and 24**

Mayor Berry summarized the plan to combine the three existing leases into one utility easement lease agreement. Following clarification from Mr. Jacobi the City must retain the easements for utilities, he added the request was only to lease the surface area for the owner's use, so long as it does not impair the easements. It was confirmed the leases would be transferable.

Ms. Greene moved to ask the City Attorney to draft a lease agreement for all three properties for 99 years with a nominal fee. (One Dollar [\$1.00] and other good and valuable consideration) was later agreed. Mr. Ott seconded.

Motion carried 6/0/0.

#### **5. Discussion of I&I (Improvement and Infrastructure) fees for irrigation meters**

The Mayor requested a motion to discuss. Mr. Ott said he so moved. Mr. McClung seconded. The letter from the Public Works Director estimating I&I income from both commercial and residential meters was reviewed. Mr. McClung was uncertain about the figures and said he was interested in removing only the portion on sewer.

Mr. McClung moved to defer discussion until the next meeting. Mr. Meyer seconded.

Motion carried 6/0/0.

Mayor Berry agreed to contact Mr. Allen.

#### **6. Resolution for public hearing to vacate alley in Magnetic Bay**

Mr. Meyer moved to discuss. Ms. Greene seconded. Mr. McClung moved to assign the resolution a number and read it for passage. Mr. Meyer seconded.

Motion carried 6/0/0

**RESOLUTION NO. 822 A RESOLUTION TO SET A PUBLIC HEARING DATE FOR CONSIDERATION OF VACATING A SECTION OF ALLEY IN THE MAGNETIC BAY SURVEY** was read.

#### **7. Resolution to waive bidding for the purchase of two Police vehicles**

Mayor Berry called for a motion to discuss. Mr. Ott said he so moved. Ms. Greene seconded.

It was confirmed the State fleet program was shut down and the vehicles were not going to be built. Research resulted in an agreement with Corwin Dodge in Springfield to purchase two Police vehicles at \$40,000 each.

Ms. Greene moved to assign the resolution a number and read it for passage. Mr. Ott seconded. A roll call vote was taken.

Motion carried 6/0/0. The Clerk Treasurer read **RESOLUTION NO. 823 A RESOLUTION TO WAIVE BIDDING TO PURCHASE TWO POLICE VEHICLES.**

Assistant Finance Director Michael Akins said \$106,603 was allocated for Police vehicles and equipment in General Fund Capital, and approximately \$80,000 is left.



## **AGENDA SETTING**

Discussion of the quality of the yellow (trash) bags – Ms. Greene

## **COUNCIL COMMENTS**

Ms. Slane spoke about elected people being held to a higher standard, and added she hoped “we’re all held accountable.”

Ms. Greene called for civility and stopping vicious Facebook posts.

Mr. Ott found the work downstairs in the AUD exemplary.

## **MAYOR’S COMMENTS**


Mayor Berry said he thought the downstairs project was “a gem” once again and thanked the CAPC for helping. He noted two upcoming car parades and several music events in the next few weeks.

## **ADJOURNMENT**

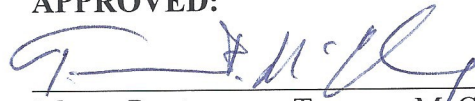
The Mayor called for a motion to adjourn. Mr. McClung said he so moved. Mr. Meyer seconded.

Motion carried 6/0/0. The meeting ended at 7:32 p.m.

## **ATTEST:**

  
City Clerk Treasurer Ann Armstrong

## **APPROVED:**

  
Mayor Pro tempore Terrance McClung