

TURN OFF ALL ELECTRONIC DEVICES, AS THEY INTERFERE WITH THE RECORDING EQUIPMENT

**CITY OF EUREKA SPRINGS
COUNCIL MEETING**

Monday, March 11, 2019
6 p.m.

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: February 25, 2019

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 3 – **vacant** – expires 7/1/20. Pos. 7 – **vacant** – expires 1/1/21

CAPC – Pos. 1 – **vacant** – expires 6/30/21

Hospital Pos. 2 – **vacant** – expires 6/1/19 – **vote on Peggy Duncan**

Parks

HDC

Cemetery

***Building Inspector's report**

PUBLIC COMMENTS -- 3 minutes for each citizen

UNFINISHED BUSINESS:

1. Planning Commission request to reduce number of members to five – Ms. Greene and Mr. Buford (12-10-18 meeting)
2. Ordinance addressing animals in hot cars – Ms. Greene and Ms. Harman
3. Ordinance No. 2275 Revoking Ordinance No. 2179 – 2nd reading
4. Ordinance No. 2276 To Vacate alley Midway alley – 3rd reading

NEW BUSINESS:

1. Ordinance for aggregate in sidewalks – Mr. McClung and Ms. Schneider
2. Mr. Weaver on ex parte – Mr. Thomas and Ms. Greene
3. Discussion of the Norris St. property – Ms. Greene and Mr. Meyer
4. Ordinance to waive bidding for SCBAs for Fire Dept. – Mayor Berry

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

MARCH 11, 2019

Motion carried 4/2/0 with Mr. Thomas and Ms. Greene voting "No." The Ordinance title was read. Mr. McClung moved to approve Ordinance No. 2275 on its second reading. Ms. Schneider seconded. Motion carried 4/2/0 with Mr. Thomas and Ms. Greene voting "No."

4. Ordinance No. 2276 To Vacate Midway alley

Mr. McClung moved to discuss. Ms. Harman seconded. Mr. McClung moved to suspend the rules and read Ordinance No. 2276 by title only. Mr. Meyer seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title. Mr. McClung moved to approve Ordinance No. 2276 on the third reading. Ms. Harman seconded. A roll call vote followed.

Motion carried 6/0/0.

NEW BUSINESS:

1. Ordinance for aggregate in sidewalks

Postponed during approval of the agenda

2. Mr. Weaver on ex parte

Ms. Greene moved to discuss. Ms. Harman seconded. Mr. Weaver noted ex parte is a communication with an authority without giving the opposite side a voice. And conversations that happen between voting members of a council or commission on subjects that may require a vote, outside the hearing of the public, are violations of Freedom of Information (FOIA) Open Meeting Rule. If they are speaking about anything for which their vote may be required, it's difficult because they don't know for certain what might lead to the development of something that may need a vote. It can result in a fine or removal from the board.

Mr. Weaver confirmed this could be problematic for a Council member who sits on Planning, and said he thinks this violates the Open Meeting Rule.

3. Discussion of the Norris St. property

Ms. Greene moved to discuss. Mr. Meyer seconded. Mayor Berry said he'd sent copies of the 2018 appraisal to Council members, noting it was appraised as a commercial structure for \$114,000. Discussion followed about possibly using money from the sale to help with the Auditorium basement renovation, getting a residential appraisal and putting it out for bid.

Mr. Thomas moved to get a residential appraisal. Ms. Greene seconded. Following discussion, Mr. Thomas amended the motion to be "get a residential appraisal from the same company that did the commercial." Ms. Greene seconded. Following an opinion from the City Attorney about restricting it to one company, Ms. Greene withdrew her second and Mr. Thomas withdrew the motion. He made a new motion for the Mayor to get the best priced residential appraisal he can get. Ms. Greene seconded.

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

4. Ordinance to waive bidding for SCBAs for Fire Dept.

Mr. McClung moved to discuss. Ms. Schneider seconded. It was noted the money is already in the Capital budget for 2019. Mr. McClung moved to assign the ordinance a number and read it for its first reading. Ms. Schneider seconded.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2277 AN ORDINANCE WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR THE PURPOSE OF PURCHASING SELF-CONTAINED BREATHING APPARATUS.**

Mr. Thomas moved to approve Ordinance No. 2277 on its first reading. Ms. Schneider seconded.

Motion carried 6/0/0. Mr. McClung moved to suspend the rules and read Ordinance No. 2277 on its second reading by title only. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. The Ordinance title was read. Mr. McClung moved to approve Ordinance No. 2277 on its second reading. Ms. Schneider seconded.

Motion carried 6/0/0. Mr. McClung moved to suspend the rules and read Ordinance No. 2277 by title only for the third reading. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title. Mr. McClung moved to approve the third reading. A roll call vote followed.

Motion carried 6/0/0. Mr. McClung moved to read the emergency clause. Ms. Schneider seconded. A roll call vote followed.

Motion carried 6/0/0. The emergency clause was read.

AGENDA SETTING:

Ms. Greene added discussion of the last two lead and copper reports. Ms. Schneider seconded.

CITY COUNCIL COMMENTS:

Mr. Thomas spoke in favor of misunderstandings at the table being clarified without a lot of arguing.

Ms. Greene said she's just glad to be alive and here, and glad for Spring.

Ms. Schneider said she agreed with what (Mr. Thomas) said.

MAYOR'S COMMENTS:

Mayor Berry apologized to Mr. Thomas for interrupting him. He read a list of upcoming events.

ADJOURNMENT:

Mr. McClung moved to adjourn. Ms. Greene seconded.

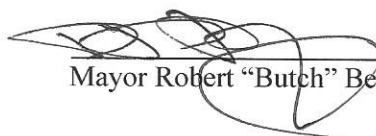
Motion carried 6/0/0. Meeting adjourned at 7:26.

ATTEST:



City Clerk Treasurer Ann Armstrong

APPROVED:



Mayor Robert "Butch" Berry