

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING  
Monday, April 9, 2018 6 p.m.**

**AGENDA**

**CALL TO ORDER**

**ROLL CALL, ESTABLISH QUORUM**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE AGENDA**

**APPROVAL OF THE MINUTES: March 26, 2018**

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

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

**CAPC**

**Hospital** – Pos. 7 – vacant – expires 9/7/20

**Parks**

**HDC**

**Cemetery** – Pos. 4 – vacant – expires 2/15/20

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

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

1. Ordinance for paying down bond payments/amortization schedule – Mr. Mitchell and Mr. Thomas
2. Discussion of procedural concerns – Mr. Thomas and Ms. Schneider
3. Detailed report on the Leatherwood Trails project – Ms. Kendrick and Mr. Thomas
4. Plan for the Parks greenhouse – Mr. Thomas and Ms. Schneider
5. Resolution acknowledging Trails benefactor and endorsing project – Mr. Mitchell and Mr. McClung
6. Discussion of N. Main/Mill Hollow parking lot – Ms. Greene and Ms. Schneider
7. Discussion of Parks grant – Ms. Kendrick and Ms. Greene
8. Report on Dr. Beard's tenancy – Ms. Kendrick and Mr. Mitchell

**AGENDA SETTING**

**CITY COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

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

**MONDAY**

**APRIL 9, 2018**

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, April 9, 2018, in the Auditorium lobby at 36 S. Main St.

**PRESENT:** Mayor Berry, Council members Terry McClung, Melissa Greene, Bob Thomas, Kristi Kendrick, Mickey Schneider, David Mitchell, City Attorney Tim Weaver and City Clerk Treasurer Ann Armstrong

**PLEDGE OF ALLEGIANCE:**

Mayor Berry led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA:**

Mr. McClung moved to approve. Ms. Schneider seconded. Ms. Kendrick moved to rearrange New Business items to: 1, 2, 3, 5, 4, 6. Ms. Schneider seconded. Ms. Kendrick added discussion of the Parks grant a newspaper reported as being handed off to Council. Ms. Greene seconded. Ms. Kendrick added a report on Dr. Beard's tenancy. Mr. Mitchell seconded. Mr. Mitchell moved to defer item #5 regarding the Trails benefactor, until the next meeting. Mr. McClung seconded. Mayor Berry called for a vote on the agenda as amended.

Motion carried 6/0/0.

**APPROVAL OF THE MINUTES: March 26, 2018**

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

Motion carried 5/1/0 with Ms. Kendrick voting "No."

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

**Planning** – One seat is vacant.

**CAPC** – No report

**Hospital** – One seat is vacant.

**HDC** – No report

**Cemetery** – One seat is vacant.

**Parks** – No report

**PUBLIC COMMENTS:**

**Jacqueline Wolven**, showed a poster that's been prepared for signatures of citizens as a thank you to the Waltons. She said it will be available for two weeks and to call her if interested in signing.

**Brian Watson**, local shop keeper, said he's excited about the trails. He expressed his belief that anything we do to bring people into the area is a beneficial thing for the City, businesses and workers. He did not believe there could be any negatives and said he hoped Council would be on board.

**Ken Riley**, realtor, said when we look at what Walmart has done for NW Arkansas, it's hard to say "No" to it. We need income to keep the lights on.

**Jack Moyer**, for the Community Center Foundation, provided a timeline for the greenhouse project. He confirmed the owner of the greenhouse is the Foundation, and it was obtained through an AT&T grant. Installation bids will be received until April 12. The management contract is being reviewed by an attorney.

**Judy Montgomery** spoke about being in support of the trails project including the downhill trails at Leatherwood. She favored endorsing things that will bring positive-type visitors to town and leaving all commissions autonomous.

**Mary Howze** considered the trails project the biggest economic development project Eureka Springs has been a part of since 1906. She said she hopes (Council) can support the project.

**Pat Costner** said she could find no ADEQ permit application for storm water management for the downhill trails project. She felt compelled to file a complaint. The City will need to respond. Ms. Costner stated again that the community was not given an opportunity to weigh in with a democratic process.

**Diane Murphy** spoke of the trails project as the biggest economic development project in a long



time. Ms. Murphy considered the income a means to repair the infrastructure. She recognized the difficulty of being a leader in Eureka Springs and offered her thanks.

**Karen Kinsel** said Eureka needs to change with all of the times. She spoke of having “done” the trail from Bentonville to Fayetteville and back. Ms. Kinsel talked about the (lodging) owners who are reaching toward the outdoor people and favored support for the trails.

**Doug Stowe** spoke about his woodworking teaching skills as an avenue through which a child can learn about nature. He said the trails engage people in a natural reality. Mr. Stowe spoke about forests being cut to make parking lots and expressed support of the downhill trails.

**Barbara Kellogg** was concerned the citizens did not have the input they should have in the downhill trails project. About the in-town trails, she said there’s no place to get the whole picture of the total plan. A Town Hall meeting was proposed for the in-town trails.

**Pat Matsukis** spoke about fixing the street lights that are out, called for discussion about getting rid of plastic bags, and wondered why Parks did not issue a proposal for the greenhouse. She said Council, as the citizens’ elected representatives, must approve commission budgets and processes.

**Julie Shelton** wrote in support of the downhill trails project, saying it brings to town a demographic we’ve long been missing. Families and Millennials will come and spend money in restaurants, hotels, and retail shops. She noted the herbicides that are sprayed under power lines in the Park weren’t discussed.

**Jean Elderwind** wrote about hospitality as tied directly to the economic prosperity of the County and Eureka Springs. She considered the downhill trails an exciting part of Eureka’s future and thanked those who bring visitors to town.

**UNFINISHED BUSINESS:** none

#### **NEW BUSINESS:**

##### **1. Ordinance for paying down bond payments/amortization schedule**

Mr. Mitchell moved to discuss. Ms. Greene seconded. Mr. Mitchell moved to assign the ordinance a number and have its first reading. Ms. Greene seconded. Following Finance Director Lonnie Clark’s confirmation that Infrastructure and Improvement funds are held separately from operating funds, a voice vote was taken.

Motion carried 6/0/0. Ms. Armstrong read **ORDINANCE NO. 2265 AN ORDINANCE CLARIFYING THE USE OF FUNDS TO RETIRE THE 2008 AND 2010 WATER AND SEWER BONDS EARLIER THAN THEIR SCHEDULED MATURITY DATES.**

Mr. McClung moved to approve. Ms. Schneider seconded.

Motion carried 6/0/0. Mr. McClung moved to suspend the rules and put Ordinance No. 2265 up for the second reading by title only. Ms. Greene seconded. A roll call vote followed.

Motion carried 4/2/0 with Mr. Thomas and Ms. Kendrick voting “No.” Ms. Armstrong read the Ordinance title.

Mr. McClung moved to approve. Ms. Schneider seconded.

Motion carried 5/1/0 with Ms. Kendrick voting “No.”

##### **2. Discussion of procedural concerns**

Mr. Thomas moved to discuss. Ms. Schneider seconded. Mr. Thomas expressed his concern that Council is flexing Robert’s Rules more frequently, and further and further. He provided a copy of a motion and subsequent amendments made during the March 12 meeting that were unclear, and favored cleaning up the motion making process.

Mr. Thomas referenced the rules regarding no member speaking twice until all have had a chance to speak, and that the person who brings an item to the table speaks on it first. For adding items to the agenda, he favored using what was approved and published, recalling a recent item not on the approved agenda being introduced, made, and a vote taken. He noted changing the agenda during a meeting requires a 2/3 vote.

Adding agenda items as statements rather than questions, with no discussion, and having a second were cited. Mr. Thomas also noted the chair is to maintain the appearance of impartiality and not participate in debate without giving up the chair. Information was provided on how to stop an inappropriate action or ask questions about it.

Mr. Thomas moved to have a training session on Robert’s Rules of Order to be held after the



November election but before January 1, and that all elected officials presently serving and/or taking office January 1, and all commissioners be invited to attend and participate. Ms. Schneider seconded. She moved to amend the motion to make it a serving requirement. Ms. Greene seconded.

Motion on the amendment failed 1/5/0 with Mr. McClung, Ms. Kendrick, Mr. Thomas, Ms. Greene and Mr. Mitchell voting "No."

Mr. Weaver noted the new Council will adopt a set of rules and the proposed training is for something they may not adopt. Following discussion about the training taking about an hour and the suggestion that the City Attorney provide guidance for procedures, a voice vote on the original motion was taken.

Motion carried 6/0/0.

Mr. Thomas moved to nominate himself to facilitate the training session and report back to Council on any progress. Ms. Greene seconded. Mayor Berry read the motion prepared by Mr. Thomas: Mr. Thomas moved that the training session on Robert's Rules of Order be facilitated by Alderman Thomas and the date be selected and the trainer secured as soon as possible.

Mr. Mitchell amended the motion for the City Attorney to facilitate that. There was no second.

Following discussion of the word "facilitate" and various sources for trainers, a voice vote was taken.

Motion carried 5/1/0 with Mr. Mitchell voting "No."

### **3. Detailed report on the Leatherwood trails**

Mr. McClung moved to discuss. Ms. Schneider seconded.

Parks Director Justin Huss said the construction area has been closed. The Downhill Committee is evaluating the last three routes. Mr. Huss spoke about re-routing one trail that led to a geological feature, two oaks that were harvested for a bridge, work on developing extraction zones and methods for people who are hurt and staff training. He touched on additional equipment to be purchased, trails designed to sheet storm water, and an application in conjunction with cities in the corridor to combine efforts toward an International Mountain Biking Association Gold Level Ride Center. Information was provided to show increased revenues at Lake Leatherwood. Possible dates for Council to see the project were suggested.

Ms. Kendrick spoke of the trail portions on private property that are to be donated and enquired about a land survey of and conditions for those. Shuttling by non-Parks employees was Mr. Huss's preference. Restrooms and possible bike rental at the top were referenced. Eliminating intersection of downhill riding trails and hiking trails, signs, costs of maintenance, continuation of the (environmental assessment), and the goal of a park-wide resources inventory were discussed.

Ms. Kendrick asked about new boundary lines whereupon Mr. Mitchell called Point of Order. He indicated that would be a question for legal counsel. Ms. Kendrick continued speaking on the point.

Mr. Thomas called Point of Order several times and overlapping discussion continued. Mr. Thomas said Mr. Huss was invited here to give a detailed report and found it inappropriate for him to be grilled.

Discussion followed regarding disclosure, and the leatherwood trees. When Ms. Schneider asked for clarification of responsibility for injuries, Mr. Mitchell called Point of Order and objected to the question not being directed to the City Attorney. Mr. Huss provided printed information on the Arkansas Recreational Use statutes, adding that it is a second level beyond tort immunity. He also said he did not think this project gets into (storm water permit) criteria.

### **4. Plan for the Parks greenhouse**

Mr. Mitchell moved to discuss. Mr. McClung seconded. Mr. Thomas asked why the Parks are not working with the High School greenhouse. Mr. Huss recalled Mr. Moyer's comments about the AT&T grant, the master site plan for the Community Center and discussions about a partnership with Parks. He said the current discussion includes Parks' use of 50% of the (second) greenhouse and onsite management. The other half of it would be coordinated with the soon-to-be-hired programs director and be used for community benefit, including students.

Mr. Thomas recalled the Ordinance for use of grant funds and the motion regarding contact with the Community Center. Mr. Huss said the project is right within the (Parks') mission. Discussion followed regarding the relationship of a City department with a 501(c) 3, current lines of communication with the Community Center, and the motions regarding disclosure and not entering into any agreement about the greenhouse without approval by City Council. When an opinion is received from the Municipal League, it will be reviewed by the City Attorney and come to Council.

**5. Resolution acknowledging Trails benefactor and endorsing project**

Postponed until the next meeting.

**6. Discussion of N. Mail/Mill Hollow parking lot**

Mayor Berry called for a motion to discuss. Ms. Greene so moved. Ms. Schneider seconded. Ms. Greene spoke about City weekend parking and expressed her view that the lot behind the Art Colony has become a campground. She provided a photo and said there were three campers and barbeque pits. Ms. Greene estimated 25 parking spots.

Mayor Berry agreed to speak with the Director of Public Works.

**7. Discussion of Parks grants**

Ms. Kendrick moved to discuss. Ms. Greene seconded. Ms. Kendrick referenced a news article reporting the grant for the Harmon Park to Clear Spring School trail as having been handed off to Council. In response to her enquiry about other uses for that grant, Mayor Berry offered an update on progress with the ongoing additions to sidewalks along Hwy. 62. He agreed to report back.

**8. Status of Dr. Beard's office**

Ms. Kendrick moved to discuss. Ms. Greene seconded. Mayor Berry said Dr. Beard has moved out and the City Attorney is preparing a letter regarding the rent. Allegiance is interested in renting the building. Discussion followed about formalizing agreement for a (City meeting place) and inspecting the Norris St. property for damage.

**AGENDA SETTING:**

Mr. Mitchell added discussion of parking within the City. Ms. Greene seconded.

Ms. Kendrick moved to have follow up on the sidewalk grant. Ms. Greene seconded.

Mr. Mitchell added discussion of plastic bags and green alternatives. Ms. Greene seconded.

**CITY COUNCIL COMMENTS:**

Mr. Mitchell said he's GLAD to be back.

Ms. Greene said she's glad Mr. Mitchell is back.

Ms. Schneider spoke about the extensive involvement included in being on Council.

Ms. Kendrick spoke about the importance of the public having a clear view about Parks' project.

Mr. McClung quipped that he loves this town and thinks it's great.

**MAYOR'S COMMENTS:**

Mayor Berry recapped developments that led to the trash tax, some results of the several meetings held, and Quorum Court's letter of disapproval of the decreed tax. He read a list of upcoming events.

**ADJOURNMENT:**

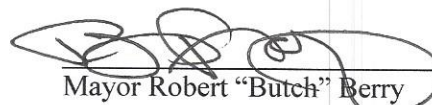
Mr. McClung moved to adjourn. Ms. Kendrick seconded.

Motion carried 6/0/0. The meeting ended at 8:40 p.m.

**ATTEST:**

  
City Clerk Treasurer Ann Armstrong

**APPROVED:**

  
Mayor Robert "Butch" Berry