

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

MONDAY

JANUARY 8, 2018

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, January 8, 2018, in the Auditorium lobby at 36 S. Main St.

PRESENT: Mayor Berry, Council members Bob Thomas, Mickey Schneider, Terry McClung, David Mitchell, Kristi Kendrick and City Clerk Treasurer Ann Armstrong

ABSENT: City Attorney Tim Weaver (with notice)

PLEDGE OF ALLEGIANCE:

Mayor Berry led the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mr. McClung moved to approve. Ms. Schneider seconded. Ms. Kendrick noted awards were given to two employees and added recognition as a New Business item. Mr. Mitchell seconded. Mr. Mitchell suggested postponing New Business 5 due the City Attorney's absence. Ms. Schneider seconded. Ms. Schneider removed New Business 7. Ms. Kendrick seconded. Mayor Berry added discussion of the amortization schedule. A vote on the amended agenda followed.

Motion carried 5/0/0.

APPROVAL OF THE MINUTES: December 11, 2017

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

Motion carried 4/1/0 with Ms. Kendrick voting "No."

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Mr. McClung moved to reappoint Woodie Acord to the Planning Commission. Ms. Schneider seconded.

Motion carried 5/0/0.

Ms. Schneider moved to re-nominate David Mitchell for the CAPC (City Advertising and Promotion Commission). Ms. Kendrick seconded.

Motion carried 5/0/0.

Ms. Schneider moved to re-nominate Terry McClung. Ms. Kendrick seconded.

Motion carried 5/0/0.

Mayor Berry noted there are vacancies on the CAPC and Hospital Commissions.

PUBLIC COMMENTS:

Linda McBride, 264 Spring St., spoke about parking in the residential area of Spring St. Striping and removing one trolley stop had been suggested as short-term fixes. Ms. McBride asked for leadership for the citizens for this solvable welfare and safety problem.

James DeVito, 5 Center St., spoke about having served on Council and his willingness to serve again. He spoke about having worked together on the SWEPCO issue and Ordinance No. 2223, and said he lives and works to serve his friends, neighbors and constituents in the second Ward.

Cameron Denoewer spoke about the importance of history in Eureka Springs and the ability to look back and see mistakes to keep from getting into bad situations. He spoke about the leadership with the Community Center, and cautioned against using tax payers' money again to fund private projects.

Pat Matsukis, 5 Mountain, spoke about the ice problem on Mountain created by water directed onto the street rather than toward the creek. She said she'd thrown her hat into the ring for the Council seat and summarized her time in service in the community and understanding of politics and grant writing.

NEW BUSINESS:

1. Set meeting dates for 2018

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

City Council 1/8/18 1

meetings on the second and fourth Mondays each month. Ms. Schneider seconded. It was noted Memorial Day and Veterans Day will fall on meeting Mondays.

Motion carried 5/0/0.

2. Pro tempore for 2018

Mr. McClung moved to have David Mitchell continue. Ms. Kendrick seconded.

Motion carried 4/0/1 with Mr. Mitchell abstaining.

3. Rules of procedure for Council for 2018

Mr. Mitchell moved to discuss. Mr. McClung seconded. Mr. McClung moved to use Roberts Rules of Order (abridged). Mr. Mitchell seconded.

Motion carried 5/0/0.

4. Announcement of Council vacancy in Ward II, Position 1

Ms. Kendrick moved to accept Peg's (Adamson) resignation. Mr. Mitchell seconded for discussion. Mr. Mitchell recalled Ms. Adamson's saying during a November Council meeting that she would be resigning as of midnight December 31. He read State Statute 14-43-411 regarding Council voting at the first regular meeting after the occurrence of the vacancy.

Motion carried 5/0/0.

Ms. Kendrick moved to proceed to elect by a majority vote a replacement of the Alderman. Mr. Mitchell seconded. Following discussion about ballots having been prepared and signing the ballots, Mr. Mitchell then moved to follow the Municipal League and, should (Council) use the ballots tonight, that (Council) sign the ballots. Ms. Kendrick seconded. The names were read in the order in which they were received by the Clerk Treasurer: Greg Moon, Melissa Greene, Pat Matsukis, James DeVito and Taylor Weaver. Ms. Schneider objected strongly to signing the ballots and left the table.

A voice vote followed Mr. Mitchell's restatement of the motion. Motion carried 4/0/0.

Melissa Greene received three votes and Taylor Weaver received one.

Mr. Thomas moved to swear in Ms. Greene. Mr. Mitchell seconded.

Motion carried 4/0/0. Mr. Mitchell moved to recess for five minutes. Ms. Kendrick seconded.

Motion carried 4/0/0.

The meeting resumed at 6:50 p.m. Ms. Greene joined the table.

5. Ordinance to add Planning recommendations to Code/City Attorney's opinion of proposed B&B owner requirement

Postponed during approval of the agenda

6. Ordinance No. 2263 Clarifying quorum of the whole – 3rd reading

Ms. Kendrick moved to discuss. Mr. McClung seconded. Mr. McClung moved to suspend the rules and read Ordinance No. 2263 by title only. Ms. Greene seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read **ORDINANCE NO. 2263 AN ORDINANCE CLARIFYING MAJORITY VOTE AS TO ALL COMMISSIONS, BOARDS AND OTHER SUB-ENTITIES OF THE CITY OF EUREKA SPRINGS.**

Mr. McClung moved to approve Ordinance No. 2263 on its third reading. Ms. Kendrick seconded. A roll call vote followed.

Motion carried 5/0/0.

7. Discussion of Food Truck situation

Removed from the agenda during approval of the agenda

8. Discussion of discontinuing showing the Video on YouTube/broadcasting

Mr. Mitchell motioned to discuss. Ms. Kendrick seconded. Mr. McClung moved to "discontinue broadcasting our meetings and just record for records only." Ms. Greene seconded.

Motion carried 5/0/0.

9. Budget for 2018

Mr. Mitchell moved to discuss. Ms. Kendrick seconded. Mr. Thomas noted the removal of a \$27,000 contribution by the CAPC. Finance Director Lonnie Clark said there was also the addition of one full-time employee for the Cemetery. For the Building Inspector to address rehabilitation of structures, \$30,000 was added. For a generator for the Waste Water Treatment Plant, \$50,000 was added as a Capital expense. Related costs for that were estimated.

For Infrastructure and Improvements, revenue increases were based on the limited number of months in 2017 when those funds were coming in.

Ms. Kendrick motioned to amend the resolution to add \$30,000 to the appropriations for the General Fund, making the total \$3,379,703. Mr. Mitchell seconded.

Motion carried 5/0/0.

Mr. McClung moved to assign the budget resolution a number and read it for passage, as amended. Ms. Kendrick seconded. A roll call vote followed.

Motion carried 5/0/0. Ms. Armstrong read **RESOLUTION NO. 722 A RESOLUTION PROVIDING FOR AND ADOPTING BUDGETS FOR THE CITY OF EUREKA SPRINGS, ARKANSAS, FOR THE TWELVE-MONTH PERIOD BEGINNING JANUARY 1, 2018, AND ENDING DECEMBER 31, 2018; APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE PROVIDED FOR THEREIN.**

In preparation for an ordinance to set accelerated payoffs for the 2010 and 2008 Bonds, Mr. Clark provided a schedule. In interest, a minimum of \$251,658 would be saved. Discussion continued on the percentage of Infrastructure and Improvement (I&I) funds that would be applied and a mechanism to assure following the plan. It was noted the requirement for an additional audit of Water and Sewer funds would be eliminated and would save an estimated \$24,000 per year.

Mr. Mitchell moved to take the amortization schedule as presented to Counsel and ask that that be turned into an ordinance to come back to Council. Mr. McClung seconded.

Motion carried 5/0/0.

10. Recognition of two employees who received awards

Ms. Kendrick moved to discuss. Mr. Mitchell seconded. An Outstanding Achievement Award for systems of less than 5,000 people was given to Kris Yandell of the Eureka Springs Public Works Department. Manager of the Year for Waste Water was given to Terry Long of the Eureka Springs Public Works Department. These were granted by the Northwest District of the Arkansas Water Works and Environment Association. A Letter of Recommendation was then sent by the Mayor for recognition at the State level.

UNFINISHED BUSINESS:

1. School Board feedback on giving the old High School property to the City

Mr. McClung moved to discuss. Mr. Mitchell seconded. Mayor Berry spoke about hesitation among the School Board members about giving the property to the City. No action was taken.

2. Update on contract with the Community Center for room for Council meetings

Mr. Mitchell moved to discuss. Ms. Kendrick seconded. Mayor Berry said a contract is being prepared and a copy will go to the City Attorney for review before it's brought to Council.

Mr. Mitchell made a motion to "suspend all engagement with the Eureka Springs Community Center Foundation until such time as the City of Eureka Springs elected officials, in conjunction with legal counsel, has the opportunity to conduct in-depth due diligence on the Eureka Springs Community Center's Foundation Articles of Incorporation, lease with the school district and financial records of all income sources and detailed expenses." Mr. Thomas seconded. Discussion followed regarding doing business with private entities, due diligence and limited expenses in what was offered by the Foundation.

Mr. Thomas offered an amendment to Mr. Mitchell's motion: to revoke the vote that was taken back in November that committed (Council) to moving to the Community Center. Ms. Kendrick seconded. A vote on the amendment followed.

Motion carried 4/1/0 with Mr. McClung voting "No."

Ms. Kendrick motioned to, at this point in time, that (Council) not pursue a lease with the Eureka Springs Community Center Foundation. Ms. Greene seconded.

Following discussion of what had taken place, Ms. Greene withdrew her second. Ms. Kendrick thanked Ms. Greene.

Mr. McClung amended Mr. Mitchell's motion to eliminate "the City of Eureka Springs and legal counsel conducting due diligence on the Foundation." Mr. Mitchell seconded. There was no vote. With the Mayor and several Council members adding words, the motion became "to vote on (Mr. Mitchell's) motion as amended."

Motion carried 4/1/0 with Mr. McClung voting "No."

3. Norris St. lease update

Mr. McClung and Mr. Mitchell moved to discuss. Mayor Berry spoke about a letter received from Dr. Beard's Attorney requesting three months to move out. Preparation of a short-term lease was requested from the City Attorney. Following discussion of several options for meeting in City-owned properties, Mr. Thomas noted he'd provided Council a list of considerations for due diligence in making the decision.

AGENDA SETTING: No new items were added.

CITY COUNCIL COMMENTS:

Mr. Mitchell read an overview of events that have taken place in addressing holding City meetings in an A.D.A compliant location.

Ms. Greene thanked everyone who had confidence in seating her tonight and resigned from the HDC and Planning Commissions.

Mr. McClung welcomed all to 2018 and quipped, "It's gunna be a dandy."

MAYOR'S COMMENTS:

Mayor Berry read an extensive list of upcoming events.

ADJOURNMENT:

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


Motion carried 5/0/0. The meeting ended at 8:08 p.m.

ATTEST:



City Clerk Treasurer Ann Armstrong

APPROVED:



Mayor Robert "Butch" Berry

City Council **1/8/18** **4**

**CITY OF EUREKA SPRINGS
COUNCIL MEETING**
Monday, January 8, 2018 6 p.m.

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: December 11, 2017

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 4 – vacant – expires 7/1/18. Pos. 6 – vacant – expires 1/1/21. Pos. 7 – expired 1/1/18 – application from Woodie Acord

CAPC – Pos. 3 – vacant -- expires 6/30/19. Pos. 5 – vacant Council member seat – expires 12/31/18. Pos. 6 – vacant Council member seat – expires 12/31/18

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

Parks

HDC – Pos. 3 – expires 11/30/20

Cemetery

PUBLIC COMMENTS:

NEW BUSINESS:

1. Set meeting dates for 2018
2. Pro tempore for 2018
3. Rules of procedure for Council for 2018
4. Announcement of Council vacancy in Ward II, Pos. 1
5. Ordinance to add Planning recommendations to Code/City Attorney's opinion of proposed B&B owner requirement – Mr. Mitchell and Ms. Adamson
6. Ordinance No. 2263 Clarifying quorum of the whole for all commissions – 3rd reading
7. Discussion of Food Truck situation – Ms. Schneider and Ms. Adamson
8. Discussion of discontinuing showing the Video on Youtube/broadcasting – Mr. McClung and Ms. Kendrick
9. Budget for 2018/Amortization chart – Mayor Berry
10. Recognition of two employees – Ms. Kendrick and Mr. Mitchell

UNFINISHED BUSINESS:

1. School Board feedback on giving the old High School Property to the City -- Mayor Berry
2. Update on contract with Community Center for room for Council meetings – Mayor Berry
3. Norris St. lease update – Mayor Berry

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT