

Mayor Dani Joy called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, April 14, 2008, in the jury room on the third floor of the Western District Carroll County Courthouse.

PRESENT: Mayor Dani D. Joy, Aldermen Patrick Brammer, Rae Hahn, Kathy Harrison, Eric Scheunemann, Joyce Zeller, City Attorney Tim Weaver, Finance Director Yvonne Kline, Public Works Director Dwayne Allen, Fire Chief Eddie Davis, Building Official Marion Chrysler, and City Clerk-Treasurer Mary Jean Sell CMC.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Joy led the Pledge of Allegiance to the Flag.

Mayor Joy recognized Mikey Armstrong and John Galvin of the Public Works Department for their efforts during the recent heavy rains in clearing a blocked drainage culvert to allow water to move away from the foundation of the Flint Street Fellowship Church, 33 N. Main. She also praised the work of all the city employees and volunteers who helped with various situations during the storms.

APPROVAL OF THE AGENDA:

Ms. Harrison moved to approve the agenda. Mr. Scheunemann seconded.

Ms. Hahn wanted the "open mike" removed and citizen comments held before the council comments at the end of the meeting. Ms. Harrison moved to have public comments prior to council comments, *added by Ms. Hahn April 28, 2008, "as approved by the Council at the March 31 meeting."* Ms. Hahn seconded. Ms. Harrison, Ms. Hahn, Mr. Scheunemann voted aye. Mr. Brammer and Ms. Zeller voted no. Motion failed 3/2/0

Mr. Scheunemann said he wanted an executive session to discuss a situation reported by a former employee of the Public Works Department. Mayor Joy said everyone involved should be present and set the item for the agenda of April 28.

Mayor Joy said Item 3 of Old Business, discussion of the Farmers' Market in the Planer Hill Park and Ride lot has been resolved and should be removed from the agenda.

On the motion to approve the agenda as amended, Mr. Brammer, Ms. Zeller, Mr. Scheunemann voted aye. Ms. Harrison, Ms. Hahn voted no. Mayor Joy voted aye to approve the agenda. Motion passed 4/2/0

APPROVAL OF THE MINUTES: March 31, 2008

Ms. Hahn moved to approve the minutes of the regular City Council meeting of March 31, 2008. Mr. Brammer seconded.

Ms. Hahn said she wanted to add "*before Council votes to discuss*" in her motion during public comments.

Mr. Scheunemann said he wanted to add "*Mr. Scheunemann said he would discuss but not vote because A.C.A. 14-42-109 prohibits elected officials from willful and knowing failure to execute any law. By voting, and continuing business we are failing to execute A.C.A. 14-42-411*

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regarding Alderman vacancy." to the minutes on the discussion of Ordinance 2075.

On the motion to approve the amended minutes of March 31, 2008, all voted aye. Motion passed 5/0/0

OPEN MIKE:

Comments were taken from Enid Swartz, Steven James Gary, Beverly Blankenship, Alicia Scheunemann.

DEPARTMENT HEAD AND COMMISSION REPORTS:

Building – Ms. Chrysler the Spring Clean up is scheduled from April 28 to May 2. She said election signs could

only be displayed 30 days prior to an election. Address numerals must be prominently displayed on building with residential numbers being at least three inches tall and those on commercial buildings at least six inches tall.

Fire – Chief Davis said his department had held a demonstration of an extraction from a wrecked vehicle for the students at the high school. He reminded property owners to keep vegetation away from their houses as part of the city’s FireWise program. He introduced Richard Woodmansee, new chairman of the Western Carroll County Ambulance District.

Public Works – Mr. Allen said there has been some damage to the bridge at the intersection of Main St. and Magnetic Road from the recent heavy rains and runoff water in the creek. He is talking with FEMA (Federal Emergency Management Agency) to see if the city can get financial assistance to repair local damages. He thanked all of the “guys on the crew” in handling the recent situations caused by the storms.

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND VACANCIES:

Historic District Commission – Position 6 – expires 3/7/011 – Nominee Vicki Webster
Mr. Brammer moved to accept the nomination of Vicki Webster for Position 6 on the HDC. Ms. Zeller seconded. Ms. Webster was in attendance. There was discussion about her availability as a commissioner since she works in Oklahoma but maintains a residence here.

Ms. Hahn moved to postpone the vote on the motion. Mr. Brammer seconded. All voted aye. Motion passed 5/0/0

Parks and Recreation Commission – Position 6 – expires 5/01/09

Planning Commission – Position 2 - expires 1/1/11

Black Bass Dam Committee – Ms. Hahn said the Carroll County Judge had held a meeting last Friday and visited the dam site. She and Committee member Lany Ballance had not been informed of the meeting, therefore could not attend. She wants to be informed of all meetings regarding the dam.

OLD BUSINESS:

1. **Discussion of Ordinance 2075 amending HDC procedures (3rd reading)** (Mayor Joy)

Mr. Brammer moved to suspend the rules and place Ordinance 2075 on its third reading by title only. Ms. Zeller seconded. By roll call, four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

Mayor Joy read the title of Ordinance 2075 aloud.

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Mr. Brammer moved to approve the reading of Ordinance 2075 on its third and final reading. Ms. Zeller seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

Mr. Brammer moved to take a break at 7 p.m. Ms. Hahn seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0 Meeting resumed at 7:12 p.m.

2. **Discussion of raising city water and sewer rates** (Mayor Joy)

(Note: There is an insufficiency of revenue to cover the required amount of funding necessary to pay the bonded indebtedness for the Series 2002 and 2005 revenue bonds.)

Ms. Hahn moved to open discussion. Mr. Brammer seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

Mayor Joy read aloud a statement explaining the financial situation and the need for water and sewer rate increases to make the bond payments.

Comments from Jeff Feldman, Beverly Blankenship, Tori Bush, Joe McClung Sr., Terry McClung were taken.

Ms. Hahn said she wanted to have a budget meeting. Council members agreed to 9 a.m. Thursday, April 17, in City Hall.

NEW BUSINESS:

1. **Discussion of staggered, four-year City Council terms.** (Harrison, Scheunemann)

Ms. Harrison moved to discuss the proposal for staggered, four-year City Council terms.

Ms. Hahn seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

Comments were taken from Beverly Blankenship.

Ms. Harrison said she would bring two proposed ordinances on the issue to the Council.

Ms. Hahn moved to postpone further discussion. Mr. Brammer seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

2. **Discussion of proposed ordinance to adopt subdivision regulations** (Hahn, Harrison)

Mr. Brammer moved to open discussion. Ms. Hahn seconded.

Ms. Harrison moved to re-adopt Title 15, Subdivisions, of the 1978 Municipal Code. Mr. Brammer seconded. Four voted aye. Mr. Scheunemann did not vote. Motion passed 4/1/0

Mr. Weaver said he will have an ordinance ready for the April 28 meeting.

AGENDA SETTING:

Beverly Blankenship asked for a regulation to require mayors to present a five-year work plan for the city in November of each year.

COUNCIL COMMENTS:

Ms. Harrison said she wanted an emergency clause attached to the subdivision ordinance. She said she wants a report from the Parks and Recreation Department on the year's budget and projects. She wants to add a discussion of Joe McClung's property to the April 28 agenda.

Ms. Hahn wants a report from Chief Davis about the prototype alarm system installed at the Crescent Hotel. She read aloud a letter from Bill Taylor regarding the HDC.

Ms. Hahn and Mr. Scheunemann said they wanted an executive session on the April 28 agenda.

ADJOURNMENT:

Mr. Brammer moved to adjourn at 9:10 p.m. Ms. Hahn seconded. All voted aye. Motion passed 5/0/0

This is the signature page for the minutes of the April 14, 2008, regular Eureka Springs City Council meeting.

Mayor Dani D. Joy

City Clerk-Treas. Mary Jean Sell CMC

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