

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
Monday, August 13, 2018 6 p.m.**

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

APPROVAL OF THE MINUTES: July 23, 2018

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Pos. 3 – **vacant** – expires 7/1/20. Pos. 5 – **vacant** – expires 1/1/19

CAPC – Pos. 2 – **expired** 6/30/18

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

Parks

HDC

Cemetery – Pos. 1 – **vacant** -- expires 2/15/21. Pos. 2 – **vacant** – expires 2/15/21.

PUBLIC COMMENTS -- 3 minutes for each citizen

NEW BUSINESS:

1. Discussion of process for electing new Council person – Mr. Thomas and Ms. Greene
2. Discussion of kenneling dogs – Ms. Greene and Mr. Thomas
3. Acceptance of 2016 Audit – Mayor Berry
4. Larry Burkett damage claim – Mayor Berry
5. Resolution to donate protective gear – Mayor Berry
6. Resolution to donate vehicle – Mayor Berry
7. Resolution to auction vehicles – Mayor Berry

UNFINISHED BUSINESS:

1. Ordinance No. 2269 Amending Adoption of Plans – 3rd reading
2. Ordinance No. 2272 Amending Planned Unit Development – 2nd reading
3. Update on Auditorium remodel – Mr. Thomas and Ms. Greene

AGENDA SETTING

CITY COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

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

MONDAY

AUGUST 13, 2018

Mayor Robert "Butch" Berry called the regular meeting of the Eureka Springs City Council to order at 6 p.m. Monday, August 13, 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, 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 the agenda. Ms. Greene seconded. Mayor Berry suggested having New Business 3 as the first item for discussion. Mr. McClung moved to approve the agenda as amended. Ms. Greene seconded.

Motion carried 5/0/0.

APPROVAL OF THE MINUTES: July 23, 2018

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

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

COMMISSION, COMMITTEE, AUTHORITY REPORTS AND EXPIRED TERMS:

Planning – Two seats are vacant.

CAPC – No report

Hospital – One seat is vacant.

Parks – No report

HDC – No report

Cemetery – Two seats are vacant.

PUBLIC COMMENTS:

Bob Jasinski offered a written explanation of his concerns regarding the proposed change in public notices and hearings by Planning. He emphasized that current Code language follows the State statute. It was also noted the public notice that was published said little about the topic to be heard.

Laurel Owen summarized observations of developments with the dog situation on Council. She favored reshaping the animal ordinance to help ensure humane care of animals and thus, public safety.

NEW BUSINESS:

3. Acceptance of 2016 Audit

Mayor Berry asked for a motion to accept the 2016 Legislative audit. Mr. McClung so moved. Ms. Greene seconded.

Ms. Schneider moved to accept the audit for 2016. Ms. Greene seconded.

Motion carried 5/0/0.

1. Discussion of process for electing new Council person

Ms. Greene moved to discuss the process for electing a new Council person. Ms. Schneider seconded. Mr. McClung nominated Tom Buford. Ms. Schneider called point of order and said (Council) does not elect, but appoints. Discussion followed regarding voting, ballots, and the two people who sent notice of their willingness to be on the ballot.

The four returned ballots were for Tom Buford.

Ms. Greene moved for a recess. Mr. McClung seconded.

Motion carried 4/0/1 with Ms. Schneider abstaining.

Mr. Buford was sworn in and joined the table.

2. Discussion of kenneling dogs

Ms. Greene moved to discuss. Ms. Kendrick seconded. Ms. Greene listed the permitted uses in R-1 and questioned whether having animals in an uninhabited house would require a CUP (Conditional Use Permit). Mr. Weaver clarified running a business. Discussion followed regarding dogs in another part of town, Code definition of nuisance, the Animal Control Officer's response, and adding language about odors. Further discussion included procedures, other perceptions of the situation, enclosure size, pot belly pigs and waste on sidewalks.

Ms. Schneider moved to clean up the animal code in the way that was suggested by Police and Animal Control. She agreed to prepare written changes for the next meeting. Ms. Greene seconded.

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

4. Larry Burkett damage claim

Ms. Greene moved to discuss. Ms. Schneider seconded. Mayor Berry summarized Mr. Burkett's description of a limb hanging over Mountain St. that knocked off his door side mirror. He reported it to Public Works and he said the limb had been trimmed when (the situation was investigated.) Discussion followed about who did the trimming and whether it was a City-owned tree.

Ms. Schneider moved to (postpone) until Mr. Burkett (comes to) discuss it. Ms. Greene seconded.

Motion failed 2/4/0 with Ms. Greene, Mr. Thomas, Ms. Kendrick and Mr. Buford voting "No."

Discussion followed about tort immunity. Ms. Greene moved to reconsider deferring this until the next meeting. Ms. Schneider seconded. A roll call vote followed.

Motion carried 5/1/0 with Ms. Kendrick voting "No." Ms. Schneider moved to defer until the next meeting when Mr. Burkett can be here to talk with (Council) or (Council) will decide. Mr. McClung seconded. Ms. Kendrick favored someone from Public Works present. A roll call vote followed.

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

5. Resolution to donate protective gear

Mayor Berry called for a motion to discuss. Mr. McClung so moved. Ms. Schneider seconded. Mr. McClung moved to assign the resolution a number and read it for approval. Ms. Kendrick seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 733 A RESOLUTION TO AUTHORIZE THE MAYOR TO DISPOSE OF CITY-OWNED PROPERTY WITHOUT RECEIVING MONETARY COMPENSATION.**

6. Resolution to donate vehicle

Mayor Berry called for a motion to discuss a resolution to donate the vehicle. Mr. McClung so moved. Ms. Schneider seconded. Mr. McClung moved to assign the resolution a number and read it for passage. Ms. Greene seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 734 A RESOLUTION TO AUTHORIZE THE MAYOR TO DISPOSE OF CITY-OWNED PROPERTY WITHOUT RECEIVING MONETARY COMPENSATION.**

7. Resolution to auction vehicles

Mayor Berry called for a motion to discuss the disposal of surplus City property through auction. Mr. McClung so moved. Ms. Greene seconded. Mr. McClung moved to assign the resolution a number and read it for passage. Ms. Kendrick seconded. A roll call vote followed.

Motion carried 6/0/0. Ms. Armstrong read **RESOLUTION NO. 735 A RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS CITY PROPERTY THROUGH AUCTION.**

UNFINISHED BUSINESS:

1. Ordinance No. 2269 Amending Adoption of Plans – 3rd reading

Ms. Greene moved to (suspend the rules and) read Ordinance No. 2269 by title only. Ms. Kendrick seconded.

Mr. Weaver said he didn't believe it's a significant change and that it's legal to do it. A roll call vote was taken.

Motion carried 5/1/0 with Mr. McClung voting "No." Ms. Armstrong read the Ordinance title.

Ms. Greene moved to approve the third reading. Ms. Kendrick seconded. A roll call vote followed.

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

2. Ordinance No. 2272 Amending Planned Unit Development – 2nd reading

Ms. Greene moved to discuss Ordinance No. 2272 by title only. Ms. Kendrick seconded. Ms. Schneider objected to expenses an applicant would have to incur if the application is denied. Discussion

followed about other application fees and processes involved.

Ms. Greene moved to suspend the rules and place Ordinance No. 2272 on its second reading by title only. Ms. Kendrick seconded. A roll call vote was taken.

Motion carried 6/0/0. Ms. Armstrong read the Ordinance title.

Mayor Berry called for a motion to approve Ordinance No. 2272 as amended. Mr. McClung so moved. Ms. Greene seconded.

Motion carried 6/0/0.

3. Update on the Auditorium

Ms. Schneider moved to discuss. Ms. Greene seconded. Mayor Berry described the five inch concrete slab found beneath the wood floor of the Auditorium basement. He spoke about rebar that is supporting the slab, and the air space and dirt below that. A third elevator system is being considered that will not require a pit. By the next meeting, the plan is to have drawings and cost estimates available.

AGENDA SETTING:

Ms. Greene added discussion of panhandling downtown. Mr. Thomas seconded.

Ms. Greene added discussion of animal feces and bag dispensers around town. Ms. Schneider seconded.

Mr. Thomas added an update on the Roberts Rules of Order workshop. Ms. Schneider seconded.

Mr. Thomas added appropriation of tax money to Parks for 2018. Ms. Greene seconded.

CITY COUNCIL COMMENTS:

Mr. Thomas provided handouts from 3PlayMedia whose business is to create close caption and subtitles, and provide services to universities and agencies. The article listed Eureka Springs as #3 of 5 cities, and Mr. Thomas credited the three people responsible: Kim Stryker, Don Matt and David Rush.

Ms. Schneider reported on the 8th Annual Eureka event, noting 92% of the people were from outside the 72632 zip code area. The oldest athlete was 74 and the youngest was 10. Sixteen states and four countries outside the U.S. were represented. Jessica Meyers earned first place a ½ hour ahead of the others. Roger McMillan took second.

Ms. Greene welcomed Tom (Buford).

Mr. Buford said he was looking forward to working with all.

MAYOR'S COMMENTS:

Mayor Berry thanked Mr. Buford for stepping up. He read a list of upcoming events

ADJOURNMENT:

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

Motion carried 6/0/0. The meeting ended at 7:25 p.m.

ATTEST:


City Clerk Treasurer Ann Armstrong

APPROVED:


Mayor Robert "Butch" Berry