

336

**CITY OF EUREKA SPRINGS
COUNCIL MEETING AGENDA
TUESDAY, DECEMBER 9, 1997**

9:00 A. M.

AGENDA

CALL TO ORDER

ROLL CALL, ESTABLISHMENT OF QUORUM

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF THE AGENDA:

APPROVAL OF THE MINUTES: Regular meeting November
12, 1997 Special Council
Meeting November 18,
1997

OLD BUSINESS:

1. Solid Waste, Authorization to negotiate a contract for the collection of Solid Waste with the Carroll County Solid Waste Authority.

NEW BUSINESS:

1. Ordinance No. 1773, annexation of Lake Leatherwood
2. Consideration of Joyce Zeller for vacancy of Ward III, Position 2

on the City Council.

3. Council Meeting 12-16-97, change of meeting time to 6 P.M.
4. Acceptance of map bids for the Transit Dept, Mr. C. Fargo

MAYORS COMMENTS:

ADMINISTRATIVE ASSISTANTS' REPORT:

DEPARTMENT HEADS COMMENTS:

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS:**ANNOUNCEMENTS:**

McClelland Engineering, Sewer, Sidewalks, Parks, Grant Work in Progress
Ordinance No. 1770, amending the sidewalk ordinance.

ADJOURNMENT

**CITY OF EUREKA SPRINGS
CITY COUNCIL MEETING MINUTES
DECEMBER 9, 1997**

Mayor Barbara A. O'Harris called the regularly scheduled City Council Meeting to order at 9 a.m. on Tuesday, December 9, 1997.

PRESENT

Mayor Barbara A. O'Harris, and Alderpersons Jeffrey, Christman, Freeland, Watson and Seratt.

**CITY OF EUREKA SPRINGS
337
CITY COUNCIL MEETING MINUTES
DECEMBER 9, 1997**

ALSO PRESENT:

Nikki Salazar, Susan Hubbard, Kirby Murray, Alan Long, Lisa Liggett, Charles Fargo, Kim Dickens, Ron Latimer, Joyce Zeller, Jay Miner, Don Young, and Deputy Clerk, Sheila Hulsey. Clerk Lee was absent.

PLEDGE OF ALLEGIANCE:

Don Young led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

There was a mistake on the agenda. The Mayor said that minutes that would be approved were for the Special Council Meeting, November 18th, the Regularly Scheduled City Council Meeting, November 25th, and the Special Council Meeting December 2nd, 1997.

Charles Fargo had three tour groups coming and needed to get his map bids taken care of. The

Mayor asked that Item 4 under New Business be moved all of the way up. The motion was made and seconded to approve and all were in favor, 5/0/0.

APPROVAL OF MINUTES:

The motion was made and seconded to approve the minutes of November 18, 1997.

Alderman Freeland said he would like to add to the minutes of the last meeting to make some notes of hiring and closing of applications and of the procedure itself and as well a publication of Municipal League which is an employee guideline and subtitled "Avoiding a Lawsuit". It deals with the seriousness of primarily the process of defining a position in such detail that one does not leave oneself open to the interpretation of discrimination. It has the knowledge of a lot of people in personnel law who compiled it.

Alderman Jeffrey said he did not have any problem to adding those things to today's meeting, but they were not brought up in the meeting of the November 18th meeting and should not be added. The vote on the approval of the minutes was 5/0/0.

The motion was made and seconded to approve the minutes of November 25th Council Meeting. Alderman Jeffrey said he had a minor correction, on page two in the section dealing with the Auditorium Department. It dealt with the date that the announcement of the award of the Arkansas Entertainers Hall of Fame. Alderwoman Seratt made the motion to postpone the approval of the minutes until the next Council Meeting, which would be December 16th, and Alderman Freeland seconded. All were in favor, 5,0,0.

The motion was made and seconded to approve the minutes of the December 2nd Special Council Meeting. All were in favor, 5/0/0.

OLD BUSINESS:

1. (4, New Business) Acceptance of map bids for the Transit Department, Mr. Fargo:

Lisa Liggett gave the Council and Mayor copies of the bid package ahead of time. The ad was published in the Arkansas Gazette. She said they received two bids.

One was from Toby Carroll at Roark Printing and one was from Cranford, Johnson, Roberts, and Woods.

The one from Roark Printing did not qualify for specifications in the bid. He wanted the Transit Department to provide the disc and the proofs and he would print, trim and fold it and deliver it. The cost would have been \$1 2,598.77

338 CITY OF EUREKA SPRINGS CITY COUNCIL MEETING MINUTES DECEMBER 9, 1997

The only qualified bid received was from Cranford, Johnson, Roberts, and Woods. The price for their bid was \$16, 271.20 for 200,000 maps. That does not include some of the advertising it will have.

Lisa said that the Chamber always had the map done, and so she would assume that all of the art work that has gone before belongs to the Chamber. The Chamber is going to pay their rent to the Transit Department in cash this year. The amount is \$18,000.

The motion was made and seconded to approve. Mr. Miner stopped the process at that point and said that the money is over \$10,000 and asked what newspaper it was published in. The Arkansas Gazette is considered an area paper. The question came up whether it is considered a local paper. Mr. Miner went to check on what is considered a local newspaper. There have been some changes in the law, and he wanted to make sure this was done properly. The Council went on with the meeting while Mr. Miner was gone.

OLD BUSINESS:

1. Solid Waste, Authorization to negotiate a contract for the collection of Solid Waste with the Carroll County Solid Waste Authority.

Director of Public Works, Kirby Murray outlined what he felt needed to be voted on:

1. Vote to accept the agreement with the Carroll County Solid Wastes Authority.
2. Vote to stop the bidding process.
3. Vote to appropriate \$5000 to be used as needed for consulting purposes, etc., (of which \$4400 would be returned to the City, once their money is arranged for).
4. Lease our small packer truck for \$15 per hour when needed and it fits into the City's recycling collection schedule.

Alderman Seratt made the motion to approve the agreement with the Carroll County Solid Wastes Authority. Alderman Christman seconded. All were in favor, 5/0/0.

The motion was made and seconded to stop the bidding process. Alderman Freeland asked what was the reasoning to stop the bidding process. Director Murray said that there is a tremendous amount of work involved for these companies to answer the bids.

Alderman Freeland said the study Mr. Roger Miner did was for companies who would have to go out and buy equipment in order to start. He said there may be a large hauler out there who could come in and offer extra services, etc., and the company would already have all the equipment they need. His concern was to find the lowest cost to the consumer.

Mr. Miner, the authority who did the study, said his perspective is limited to his own company. He said that there are other companies in the area who may have significant assets. One thing that makes Eureka Springs unique is that Carroll county and the cities in it are sufficiently far geographically from a major metropolitan

area, like Branson, or Highway 71 corridor, or Springfield. If a company doesn't plan to have the assets local, including backup, the service to a city will suffer. It is not really convenient or practical for these companies to bring in back up equipment. He said the company who gets the job is going to need to really beef up their asset base, for the long haul. They need to be ready for break downs and other emergencies that would affect service.

**CITY OF EUREKA SPRINGS
CITY COUNCIL MEETING MINUTES
DECEMBER 9, 1997**

Bryan Ukena said he thinks that the study is very clear about what will be needed to collect the solid wastes. He said that the collection costs will not increase to the City. The variable that we have is the disposal at the transfer station. That rate will go up. It has been discussed for several years and it is inevitable. He passed out a spread sheet that gave the current rate that the citizens are paying, and some projections that have been made to see how much the rates will increase. The spread sheet gave the Council an idea of how much it could affect the current rate. The Mayor brought out another point that had been discussed at the agenda-setting meeting, and that was that the goal of the Four-County Solid Wastes Authority is to have the whole county under this type of collection.

Mr. Ukena said the way to keep costs down is to expand the service in the outlying areas. When people can't get a hauler to carry solid wastes, they dump illegally and it becomes a larger problem. Another problem is the cost. An individual hauler might pick up 20 miles out of town, but the cost to the consumer is prohibitive. He went on to explain the spread sheet that he had passed out. The raise in the tipping fee at the transfer station is going to affect the overall business of Eureka Springs by about 10.7%.

Alderman Christman asked about low-volume residential and residential. Mr. Ukena explained that some people on fixed incomes meet an income criteria for a lower rate or low-volume rate.

The vote to stop the bidding process was 4/1/0, with Bill Freeland casting the negative vote.

The motion was made and seconded to agree to lease out our small truck as it fits into the City's recycling schedule, at the rate of \$15 per hour. The question was asked whether the City would supply the driver and fuel and the answer was no.

The question of insurance was brought up, since the driver wouldn't work for the City. Susan Hubbard answered by saying that because the City is a member of the Solid Waste Authority it should be put in writing but it should not be a problem. (At that point there were several conversations going on all over the room and it was impossible to hear more of Susan's answer).

The \$15 per hour would be extra revenue for the truck. It would be another revenue

stream. The variable rate, which is cost to repair, and expected life of the truck which is 10 years, for the hourly rental would be about \$14, so the lease rate was set at \$15. This is the truck that was bought with grant money, plus \$10,000 of the City's money. The roll call vote was 5/0/0.

The motion was made and seconded that the \$5000 fee would be set aside for consulting fees. \$4,400 will be returned to the City once everything is finalized.

Alderman Jeffrey asked Mr. Miner if this fee was for the finalization of setting up routes and getting everything in order to start the service. He said that it was.

The computer will need to be set up for billing. There is a lot of work involved in getting the accounts set up properly.

The vote was 5/0/0, to approve. The Solid Waste Authority is willing to offer technical assistance.

The Council went back to the question from Item #1, about what constitutes a local newspaper, and whether the ad placed by the Transit Department was in the right newspaper. The City Attorney had checked with the Municipal League and spoke to an attorney representing the City in some other matters, and he advised that the bids be refused and be republished in our county newspaper. A local newspaper is either a city or a county newspaper. Mr. Fargo said that he will re-publish, in both the Times

**CITY OF EUREKA SPRINGS
CITY COUNCIL MEETING MINUTES
DECEMBER 9, 1997**

Echo and the Arkansas Gazette That way it will be done properly The laws have changed about this, and that is why they are having this problem. This will not have to come before this body again. Alderman Freeland said that the bid should be re-written as to pre-printing and printing needs.

NEW BUSINESS:

1. Ordinance #1773, annexation of Lake Leatherwood:

The motion was made and seconded to place Ordinance #1773 on its first reading in its entirety. All were in favor, 5/0/0.

Mr. Young read the ordinance in its entirety. The motion was made and seconded to approve.

Alderman Jeffrey said that he did not believe that the Lake Leatherwood property would be in Ward 3, because it does not touch Ward 3. He believes that it would be considered Ward One. There would not be a lot of people to be added. The Council approved the reading as amended (the ward number will be changed to one) and the vote was 5/0/0. The Council decided to read the ordinance twice at the next meeting.

2. Consideration of Joyce Zeller for vacancy of Ward #3, Position #2, on the City Council. There was a motion and a second on record. Bill Freeland called the question. Then he withdrew calling the question. The Council unanimously voted in favor of Joyce Zeller filling the position. The Council congratulated Ms. Zeller, and reminded her to be sworn in.

3. Changing the time of the Agenda-setting meeting with a Council Meeting shortly after. The meeting will be held on December 16th at 6 p.m., with a Council meeting directly after. There was some talk of setting a workshop to talk about the budget. Alderman Jeffrey said that the Council Meeting that is to be held on December 16th is plenty of time to decide whether or not a workshop is needed.

Alderwoman Watson announced that the Chamber After Hours at the Ellis House has been changed to Thursday, December 11th, from 5:30 to 6:30 p.m. Everyone is invited.

Alderwoman Seratt announced that the Women's Christmas Party is Wednesday, December 10th, at the top of the Basin Park Hotel, at either 7:30 or 8 p.m.

MAYOR'S COMMENTS:

Mayor O'Harris announced that she would like to compliment the Eureka Theatre Group. They had their last performance on Friday, Saturday and Sunday, December 5th, 6th, and 7th. If you missed it you missed something great. The people were from all over the area and they worked really hard, and if we see any of them we should compliment them. The turn-out was really good.

ADMINISTRATIVE ASSISTANT'S REPORT:

Don Young said that all of the bill orders have been released. He said that our sales and use tax receipts \$147,405.98 and it puts us up to 2.17% for the year compared to 1996.

He said that the Community Center Board is now an official board. It will be the umbrella for the Boys and Girls Club and for the Eureka Elders also. The meeting will be at the middle school on January 8th.

CITY OF EUREKA SPRINGS

341

CITY COUNCIL MEETING MINUTES

DECEMBER 9, 1997

Alderman Freeland asked that the Eureka Group be given a place on the January 6th agenda-setting meeting.

Kim Dickens said that under department head comments she said that any type of

construction that is going to be done in the City, short of interior work, the people need to go to her office before they go to Sheila Hulseby or Marvin Hawkins. They need to discuss with her what will be done before any permits can be issued. She asked that they call and make an appointment.

The motion was made and seconded to adjourn. All were in favor, 5/0/0. The meeting was adjourned at 10:10 a.m.

APPROVED:

Barbara A. O'Harris, Mayor

ATTEST: