

375

**CITY OF EUREKA SPRINGS
COUNCIL MEETING
TUESDAY, APRIL 14, 1998**

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, March 10, 1998 Regular meeting, March 24, 1998

OLD BUSINESS:

1. Ordinance No. 1778, amending Chapter 4.16.05 pertaining to Occupation License procedure, Ms. Dickens. (third reading)
2. Ordinance No. 1783, increase ~~water~~/waste water rates. (second reading) NEW BUSINESS:
 1. Ordinance No. 1779, Providing a pay back plan for others to utilize a water or sewer line that was initially paid by a private person, Ms. Dickens. (first reading), Postpone
 2. Ordinance No. 1782, amending the sign ordinance to allow the display of banners, (first reading) Postpone
 3. Proposed Sidewalk Ordinance 1780, (response from Planning and HDC), Ms. Dickens, Postpone
 4. Bd discussion on the Old Police Building, reject or accept.
 5. Ordinance No. 1784, McPed regulations (first reading)
 6. Authorization of Parades for the following (Mr. R. Manley)
 - Mustang Car Show, April 25
 - Convertible Car Show, June 20
 - Truck Show, July 25
 - Street Rod Show, September 26
 7. Gold Wing Riders Association, Parade, and use of the City Parking Lot on May 2, 1998 8AM to 3PM, and Proclamation
 8. Request to vacate portion of The Boulevard in Block 28, Clayton Survey, Ms. Ann Martin

MAYORS COMMENTS:

ADMINISTRATIVE ASSISTANT'S REPORT:

DEPARTMENT HEADS COMMENTS:

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS:

Vacancies:

Solid Waste Advisory Committee, Residential Representative
Waste Hauler Representative

Parks, Position 1, expires 5-02

Planning Position 5, expires 1-1-01

Parking Authority Position 2, expires 9-1-99

ANNOUNCEMENTS:

McClelland Engineering, Sewer, Sidewalks, Parks, Grant Work in Progress

Renovation of some city offices

376

**CITY OF EUREKA SPRINGS
CITY COUNCIL MEETING**

TUESDAY, April 14, 1998, 9 a.m.

The City Council Meeting was called to order by Mayor Barbara A. O'Harris at 9 a.m. on Tuesday, April 14, 1998, in the Jury Room of the Western District Court House.

PRESENT: Mayor O'Harris, and Alderpersons Seratt, Watson, Zeller, Christman, Jeffrey and Freeland.

ALSO PRESENT: Kirby Murray, Kim Dickens, Earl Hyatt, Nikkie Salazar, Alan Long, David Dempsey, Ann Martin, Beau Satk Raymond Rasor, Don Young, Jay Miner and Clerk Lee.

PLEDGE OF ALLEGIANCE:

Mr. Young led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

The motion was made and seconded to approve the agenda. All were in favor, 6/0/0.

APPROVAL OF THE MINUTES:

The minutes were not ready to be approved. The clerk said she would have at least part of them at the April 28th meeting.

OLD BUSINESS:

1. Ordinance #1778, amending Chapter 4.16.05 pertaining to Occupation License Procedure, Ms. Dickens, (third reading): The motion was made and seconded to suspend the rules and place ordinance #1778 on its third reading by title only. All were in favor, 6/0/0.

Mr. Young read the ordinance by title only.

The motion was made and seconded to approve. The vote, in favor, was unanimous, 6/0/0.

2. Ordinance #1783, increase water/waste water rates, (second reading):

The motion was made and seconded to suspend the rules and place Ordinance #1783 on its second reading by title only. The vote in favor was 6/0/0.

Mr. Young read Ordinance #1783 by title only. The motion was made and seconded to approve.

There was quite a long discussion during which ideas were discussed on how to do what needs to be done as painlessly as possible. Alderwoman Zeller had done a lot of research and had spoken with McClelland Engineering and Johnny Quinn many times. She said she would like the work to be done in three parts. She said she thought the City might get a grant for full funding in two years, and even though it was a gamble, it might just work. She said it would take some political influence to get it done. Alderwoman Zeller said that if the City could make some improvements to the sewer plant now, so that it could run for the next two years, and if the City would apply for a PC&E loan and also apply for a Rural Development Grant, it would help us do this. She said that the City would have to install the nitrite/nitrate filter, and right now the sludge bed would not handle the extra 25% sludge. It would cost about \$300,000 to enlarge it to hold the new capacity. Also, it would cost about \$150,000 for bar screen and dirt removal, and then we would have to fix our infiltration problem, which would be our loan from PC & E, at less than a million dollars. Then do a Rural Development Grant which would be about 35% funding, and then go for the EP, Grant, to build a new plant.

Kirby Murray: Said if they would hold off for two years, that would be great.

Several people said we have already had an extension of two years and six months. Mr. Murray said we've known about this for five years.

Mayor O'Harris: We have had to put money into an escrow account and lost the interest. She checked all of her records going back through 1995, that she has received and everything has been said and done consistently right up to what we are being told now. It hasn't changed.

**CITY OF EUREKA SPRINGS
CITY COUNCIL MEETING
TUESDAY, April 14, 1998, 9 a.m.**

377

Alderman Jeffrey: Everything has been gone over again and again, and the reason the rate hike is as large as it is now, is because it has been postponed for so long. He said that if the Council had acted on this in 1995, the City would already have some funds in the account and the rate increase wouldn't have had to be so high. He said we should start the process now, and

investigate all possibilities for grants and apply for as many as we may need, but the City cannot continue to put off doing something about this problem.

Mayor O'Harris asked Don Young about the application for a grant that has already been applied for. Mr. Young said that Ava Lee called and said that they don't have the pre-application letter. He said that they are such a large organization that several of those letters have been lost. He said also, that we were ambushed by the man in Little Rock who said the City did not qualify for anything. Ms. Ava Lee said that he did not have the right to make that decision. The letter had been FedExed and he would be calling Ms. Ava Lee in the afternoon to be sure that she had received it.

Alderman Freeland said he would not like to vote on anything until it was decided on how the rates would be applied, and everyone understood the plan.

Alderman Jeffrey said it wouldn't hurt to have a committee to study this and that the residential people shouldn't always have to consistently absorb the rates. He said the business community are the only ones who have the ability to recoup some of the rate increase.

Mr. Murray said he would need to submit a request to postpone because he had received a letter from DPC&E requiring the City to submit the plan for nitrate/nitrites removal, which would be due June 1st.

Alderman Jeffrey said he would like to see a study done to find a way to help the residential sector. He said that the largest part of this problem comes from the tourism industry, not the residential community. He thought that a committee should be formed from business, residential, and Council.

The suggestions were that Joyce Zeller, and David Jeffrey be on the committee for the Council, Randy Wolfmarger for the Business sector, along with one other business person, and Jan Bullock and Ernst Schraeder for the residential people.

The vote on the second reading of Ordinance #1783 was 5/0/1, with Alderwoman Zeller abstaining.

NEW BUSINESS:

1. Ordinance #1779, Providing a pay back plan for others to utilize a water or sewer line that was initially paid by a private person, Ms. Dickens, First reading.

Mr. Miner said he has contacted some cities to see how they have handled this situation and all of the information is not back as yet. He is not happy with what has come in so far. The motion was made and seconded to postpone this to April 28th, to be discussed at the April 21st Agenda-setting meeting. All were in favor, 6/0/0.

2. Ordinance #1782, amending the sign ordinance to allow the display of banners, first reading. The same problem was true with this situation. Mr. Miner was waiting for some information, so the ordinance has not been written. The motion was made and seconded to postpone to April 28th, with a discussion at the April 21 Agenda-Setting meeting. The vote was 6/0/0.

3. Proposed Sidewalk Ordinance #1780, (Response from Planning and HDC), Ms Dickens:

378

**CITY OF EUREKA SPRINGS
CITY COUNCIL MEETING
TUESDAY, April 14, 1998, 9 am**

Kim Dickens, City Administrative Assistant, wearing the hat for City Planner said that the HDC and the Planning Commission took a vote at the last combination meeting. They said limestone with limestone, added the imprinted concrete, and aggregate concrete at the discretion of the the people in other areas of the city.

The ordinance that is in existence is very hard to read and understand. She said she would like to take the sidewalk ordinance to a land use attorney, and have them write up the sidewalk ordinance in simpler terms so it is easier to understand. It is really important that we do changes in our ordinances now, so that when they are codified, they will be right.

The people who codify take all of our ordinances, clear back to the beginning, and pull out the ones that contradict each other, or any silly ones that go back a long way, and no longer apply to life as it is now. They

will simplify everything and put them in a format that tells us what we need to do, how to do it, who they need to see, and what the penalties are for not doing things properly. They will restructure the ordinances and make them very clear. Then, after this is done, the ordinances need to be sent there so that they can all be codified.

The cost for writing the sidewalk ordinance will be brought to the Council next time.

The motion was made and seconded to postpone the sidewalk ordinance until May 12th. The vote was unanimous, 6/0/0.

4. Bid discussion on the Old Police Building, reject or accept:

The bids were both much higher than the money set aside for the project.

The motion was made and seconded to reject the bids. The vote was unanimous, 6/0/0.

5. Ordinance #1784, Moped regulations, (first reading):

The motion was made and seconded to place Ordinance #1784 on its first reading in its entirety. All were in favor, 6/0/0.

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

Alderman Jeffrey said that no legislation was done by the moped committee. They only met to make suggestions, and nothing can be legislated except by the vote of the Council. It was meant to be a starting point.

Chief Hyatt said that his only concern was that the franchisee cannot control what people do once they have driven the moped away. He felt that the wording of the ordinance was ambiguous.

Mr. Rasor said that the rules are already posted.

Alderman Zeller said that Mr. Rasor said his objections meant that if the City passed the ordinance, it would cause him to sue the City. Alderman Watson made a motion to postpone until the next Council Meeting, and it was seconded. Aldermen Seratt and Zeller and Alderman Jeffrey voted no. Alderman Watson, and Aldermen Christman, and Freeland voted yes. The vote was 3/3/0, and failed.

The vote on the first reading was Aldermen Christman and Jeffrey, and Aldermen Seratt and Watson voted to approve, and Alderman Zeller, and Alderman Freeland voted no, 4/2/0.

6. Authorization of Parades for the following, Roy Manley:

The Mustang Car Show, April 25,

The Convertible Car Show, June 20

Truck Show, July 25

Street Rod Show, September 26

The motion was made and seconded to approve these parades. All were in favor, 6/0/0.

7. Gold Wing Riders Association, Parade and Use of City Parking Lot on May 2, 1998, from 8 a.m. to 3 p.m., and Proclamation:

The motion was made and seconded to approve the parade for May 1st. Everything was talked over with the Police Chief, as were the parades in the list that was just approved. The vote 6/0/0.

The Mayor read the Proclamation.

**CITY OF EUREKA SPRINGS
CITY COUNCIL MEETING
TUESDAY, April 14, 1998, 9 a.m.**

8. Request to vacate a portion of The Boulevard, in Block 28, Clayton Survey, Ms. Ann Martin:

Ms. Martin said that the vacation had been approved by the HDC. Alderman Jeffrey said that the deed should be written so that there is an easement in case the City ever wants to extend the sidewalk.

The motion was made and seconded to set the Public Hearing on May 5th, at 6:45 p.m. All were in favor, 6/0/0.

The Mayor announced that the grant from the Rural Advocacy to help Dr. Hopkins with the retirement center was turned down.

The Arkansas Rural Community Grant Program has awarded \$5,000 for Cycle 2, for the Parks and Recreation Association. The parks is to be commended for applying for the grant.

Nikki Salazar announced that the March for Parks event will be held on Saturday, April 18th, and will start at 10 a.m. at Harmon Park. There will

be a rest stop, and the parade will end at Basin Park, where there will be food provided by Subway, and music. T-shirts will be sold and Nikki showed everyone the t-shirt. It was really pretty on the front with the names of the sponsors on the back, and it was to be sold for \$12.00. Mayor O'Harris said that she wanted to brag about our business owners and how they chip in and help when there is something worthwhile going on.

Administrative Assistant's Report

Mr. Young said that the sales tax report is up 15.52% over this time period in 1997. They reflect the December profits.

Beau Satori stood up and asked if the agendas could read "reminders, instead of announcements. He said some people are confused by that and are not sure if it will be discussed at the meeting.

The motion was made and seconded to adjourn. All were in favor, 6/0/0. The meeting was adjourned at 10:25 a.m.

APPROVED: