

**CITY OF EUREKA SPRINGS
CITY COUNCIL MEETING
TUESDAY, January 13th, 1998, 9 a.m.**

The City Council Meeting was called to order by Mayor Barbara A. O'Harris at 9 a.m. on Tuesday, January 13th, 1998, in the Jury Room of the Western District Court House.

PRESENT:

Mayor Barbara A. O'Harris, Alderwomen and Watson, and Aldermen Christman, Jeffrey and Freeland. Alderwoman Seratt was absent due to illness. Alderwoman Zeller was a bit late.

ALSO PRESENT:

Kim Dickens, City Planner; Earl Hyatt, Police Chief; Kirby Murray, Director of Public Works; Alan Long, Times-Echo; Nikki Salazar, Director of Parks & Recreation; David Beauchamp, CPA for the City; Don Matt, Cameraman; Jay Miner, City Attorney; Don Young, Administrative Assistant; and Mary Ann Lee, City Clerk-Treasurer.

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 as is. All were in favor, 5/0/0.

APPROVAL OF THE MINUTES:

The clerk passed out an amended last page. The motion was made and seconded to approve. All were in favor, 5/0/0. Alderwoman Zeller came in.

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OLD BUSINESS:

1. Ordinance #1774, providing additional funding for the Municipal Court Judge and Clerk retirement fund (second reading):

The motion was made and seconded to suspend the rules and place Ordinance #1774 on its second reading by title only. All were in favor, 5/0/0.

Mr. Young read the ordinance by title only.

The motion was made and seconded to approve. All were in favor, 5/0/0.

The motion was made and seconded to further suspend the rules and place Ordinance #1774 on its third and final reading by title only. All were in favor, 5/0/0.

Mr. Young read the ordinance by title only.

The motion was made and seconded to approve. All were in favor, 5/0/0.

NEW BUSINESS:

1. 1996 Audit

Mayor O'Harris said that the only things that needed to be addressed were:

There were two things that the state auditors objected to:

a. The voluntary cemetery tax was never put to a vote. The quorum court voted to let Eureka Springs put it on the ballot. It was done in error. That has already been taken care of. A letter was sent to the City Clerk from County Clerk Shirley Doss stating that the voluntary cemetery tax would no longer be put on the tax bills.

b. The other item was money, \$134,000, that was left to the City of Eureka Springs, under the direction of the executrix, who has the authority to decide where the money should go over a period of years. An error was made and the money was put into an account under the City of Eureka Springs' name. It was unfortunate because the gentleman wanted his legacy to be anonymous. This has been corrected. The comment was that it never appeared in the minutes, but it shouldn't have because it should never have been brought up at the Council table. If the money had been set up in the right kind of account, as it should have been, it could have been given anonymously, and this could have been avoided. The deceased gentleman wanted it done that way.

Everything else that was commented on was immediately responded to and these two items were the only ones that needed to be acted on.

2. Council Procedures for 1998:

Alderman Jeffrey made the motion that the Council adopt Roberts Rules of Order, and Alderman Christman seconded. All were in favor, 5/0/0.

Alderwoman Watson made the motion to leave the Council

meeting times as they are. Alderman Christman seconded. No vote was taken. Mr. Freeland said that if the Council could find the \$2000 give or take a few dollars, we could have the capabilities of replaying some of our meetings over and over during the month so that people would have a better chance to know what is going on.

Alderwoman Watson asked that the Council not talk about appropriating money now for anything new, until the budget is passed. Alderman Jeffrey suggested that when the City sets up the system in the old police building, perhaps this could be integrated then, out of the money allocated for that project.

David Beauchamp commented that the money would come out of General Improvement Capital which is not as tight as the operating budget. Alderwoman Zeller said that what the Council needs is credibility, and adding to the information they receive can only help.

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Alderman Jeffrey asked why was this being brought up now when they were discussing times and procedures for meetings.

Alderman Freeland said that he considered this to be part of the procedures to be set up. A vote was never taken on the times the meetings should be held because the subject was changed.

Alderman Freeland made the motion that each of the Council's meetings would be televised whenever the Council gathers as a whole body, and that we have available the equipment to reproduce the meetings round the clock, and specified Council Meetings, Agenda Meetings and Workshops, and any gathering that the Council has within the City. Alderwoman Zeller seconded.

Both Alderwoman Watson and Alderman Jeffrey said they liked the idea of an informal untelevised meeting. Alderman Jeffrey said if all the public does is sit and watch on TV, they are not participating and it discourages them from participating. Everyone has the right to attend a work session just as they can the other meetings. He said that anything that is done at a work session is discussed at the other meetings before action is taken. Alderwoman Zeller said that she is for televising everything, simply because people should see how the Council agonizes over some of the decisions that are made, and perhaps they would understand more of how the decisions are reached, and why they had to be done the way they were. Alderman Freeland made the motion to postpone until it could be discussed.

The Mayor said she saw no reason to postpone something that will affect the meetings. The whole purpose of this subject was to set up the procedures for the year, which needs to be done now.

Alderman Freeland withdrew the motion as above and the motion for postponement, and restated his motion.

He made the motion to include, with the televising of the agenda-setting meetings and the Council meetings, the capabilities of re-playing the meetings at additional times automatically.

Mr. Miner tried to clarify by saying that all agenda and council meetings would be televised and have them repeated during the month, week or whatever. Alderwoman Watson seconded. By voice vote, all were in favor, 5/0/0.

Alderwoman Zeller made the motion to televise workshop sessions. Alderman Freeland seconded. By roll call vote, the vote was 4/1/0, with Alderman Jeffrey voting no.

Alderman Freeland said he would like to discuss the articles that he had about effective Council Meetings at the next agenda-setting meeting. He said he would pass the articles out to each person.

Alderwoman Watson said she wanted to make a motion that the Department Heads all sit together and nobody be allowed to disturb them at the meetings. She said they should be allowed to focus on the meeting. It was seconded. The department heads that were present didn't seem to think they had a problem. The general consensus was that there are other times that the citizens can contact them. After some discussion Alderwoman Watson restated her motion. It was that at the Council meetings and commission meetings our Department Heads who are in attendance are treated with the respect that they deserve and are allowed to concentrate on the meetings and not to be talked to and pressured by the public, and that this procedure can be monitored by our Mayor. Alderwoman Zeller seconded. The roll call vote was 5/0/0. Alderman Freeland asked that the Mayor take care of those situations when they arise and that she send memos to the Commissions to do the same

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Alderman Freeland said that he didn't feel that the Council follows Roberts Rules completely.

Mayor O'Harris made the statement that when she started three years ago, there was a lot of chaos in the

meetings and that has been stopped. She said she was tired of Council members criticizing the way the council does things on a constant and ongoing basis. She said she felt that the Councils have done a good job and she has done a good job, and she didn't appreciate the constant criticism from members of the Council.

ADMINISTRATIVE ASSISTANT:

Mr. Young reported that the Sales and Use Tax receipts for the month of November were \$171,162.94 which is a 3.20% increase over last year. It is \$43,616.82 more than last year. We may go a little over the year, 1995, however we do not have the December check in here yet.

The motion was made and seconded to adjourn. The vote was 5/0/0. The meeting was adjourned at 10:10 a.m.

APPROVED: