

SPRINGS  
404  
MEETING

CITY OF EUREKA

COUNCIL

TUESDAY, JUNE

23, 1998

AGENDA

CALL TO ORDER  
ROLL CALL, ESTABLISHMENT OF QUORUM  
PLEDGE OF ALLEGIANCE TO THE FLAG  
APPROVAL OF THE AGENDA  
APPROVAL OF THE MINUTES: May 26th, and June  
9th, 1998, Council  
Minutes.

**OLD BUSINESS:**

1. Ordinance No. 1786A, Annexation of Lot 24 and 25 in Harvey Estates, (Second Reading).
2. Ordinance No. 1780, an ordinance amending Chapter 9, Section 9.04.03 Sidewalks, of the Municipal Code of the City of Eureka Springs, revising requirements for building and maintaining sidewalks, (First reading).

**NEW BUSINESS:**

1. Ordinance No. 1788, Ordinance amending ordinance No. 1436 authorizing the City's membership in the Carroll County Solid Waste Authority; authorizing the application for an amendment to the Articles of Association of the Authority and authorizing and prescribing other matters pertaining hereto, (first reading).
2. Ordinance No. 1779, providing a pay back plan for private persons utilizing an existing water/sewer line(s) that was initially paid by a private person, (first reading).
3. Ordinance No. 1782, amending the sign ordinance to allow the display of banners. (Postpone 7/21/98).
4. Request from Chief Hyatt to institute a fee for fingerprinting persons, who are employed in any position of authority over children or elderly and Health Care professionals.
5. Request from Kirby Murray to discuss additional directional signs.

MAYORS COMMENTS:

ADMINISTRATIVE ASSISTANT'S REPORT:

DEPARTMENT HEADS COMMENTS:

COMMISSION, COMMYFEE, AND AUTHORITY REPORTS:

Vacancies:

Planning, Position 5, Expires 1-1-01

ONGOING PROJECTS:

McClelland Engineering, Sewer, Grant work in progress.

ADJOURNMENT

**CITY OF EUREKA SPRINGS  
CITY COUNCIL MEETING  
TUESDAY, JUNE 23RD , 1998**

Mayor Barbara O'Harris called the meeting to order at 9 a.m., on Tuesday,

, June  
23rd, 1998, in the Court Room of the Western District Courthouse.

PRESENT:

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

Alderman Freeland left to pick up Alderman Christman. There was still a quorum present so the meeting began.

ALSO PRESENT:

Alan Long, David Dempsey, Bill Douglass, David Stoppel, Libby Freeland, Bryan Ukena, Beau Satori, Earl Hyatt, Kim Dickens, Don Matt, Jay Miner and Clerk Lee.

PLEDGE OF ALLEGIANCE:

Ms. Dickens led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

The motion was made and seconded to approve the agenda. All were in favor  
4/0/0.

**CITY OF EUREKA**

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**PRESENT:**

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**ALSO PRESENT:**

Alan Long, David Dempsey, Bill Douglass, David Stoppe, Libby Freeland, Bryan Ukena, Beau Satori, Earl Hyatt, Kim Dickens, Don Matt, Jay Miner and Clerk Lee.

**PLEDGE OF ALLEGIANCE:**

Ms. Dickens led in the Pledge of Allegiance.

**APPROVAL OF THE AGENDA:**

The motion was made and seconded to approve the agenda. All were in favor, 4/0/0.

**APPROVAL OF THE MINUTES:**

The motion was made and seconded to approve the minutes of May 26th, 1998. With a few minor amendments, the vote to approve, as amended, was 4/0/0.

The motion was made and seconded to approve the minutes of June 9th, 1998. There were a few amendments to be made. The vote to approve as amended was 4/0/0.

**OLD BUSINESS:**

1. Ordinance No. 1786-A, Annexation of Lots 24 and 25 in Harvey Estates, (Second Reading):

Alderman Seratt made the motion to suspend the rules and place Ordinance No. 1786-A on its second

reading by title only, with Alderwoman Watson seconding.

Bill Douglas then came and explained that the zoning had to be changed to R-3 for this property and that the Council might want to read the ordinance in its entirety.

Alderwomen Seratt and Watson withdrew their motion and second respectively.

Alderwoman Seratt made the motion to place Ordinance No. 1786-A on its second reading in its entirety. Alderwoman Watson seconded. The vote to read was 4/0/0.

Administrative Assistant Kim Dickens read the ordinance in its entirety. Aldermen Freeland and Christman came in while Ms. Dickens was reading. Alderwoman Seratt made the motion to approve and Alderwoman Watson seconded. All were in favor to approve, 6/0/0.

Alderman Jeffrey made the motion to suspend the rules and place

Ordinance No. 1786-A on its third and final reading by title only.

Alderwoman Seratt seconded. All were in favor, 6/0/0.

Ms. Dickens read the ordinance by title only.

Alderman Jeffrey made the motion to approve with Alderwoman Seratt seconding. All were in favor, 6/0/0.

2. Ordinance No. 1770, an ordinance amending Chapter 9, Section 9.04.03 Sidewalks, of the Municipal Code of the City of Eureka Springs, revising requirements for building and maintaining sidewalks, (first reading):

Alderwoman Seratt made the motion to place Ordinance No. 1780 on its

First reading in its entirety. Alderwoman Watson seconded. All were in favor 6/0/0.

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There was some discussion. Alderman Jeffrey wanted to postpone until the Council could really discuss the ordinance. Alderman Freeland said that ADA standards need to be addressed with regard to this ordinance.

Beau Satori insisted that it must go back through the HDC and Planning Commissions.

Alderman Jeffrey made the motion to postpone until July 14th, with discussion on July 7th. Alderwoman Watson seconded. All were in favor, 6/0/0.

Ms. Dickens said that an inordinate amount of time has already been spent on this ordinance, and that it needs to be done, so that the Council can go on with other things. This has been going on since December.

#### NEW BUSINESS:

1. Ordinance No. 1786, an Ordinance amending Ordinance No. 1436, authorizing the City's membership in the Carroll County Solid Waste Authority; authorizing the application for an amendment to the Articles of Association of the Authority and authorizing and prescribing other matters pertaining hereto, (first reading):

Alderwoman Seratt made the motion and Alderman Christman seconded to place Ordinance No. 1788 on its first reading. All were in favor, 6/0/0. Ms. Dickens read the ordinance in its entirety.

Alderwoman Seratt made the motion to approve with Alderman Watson seconding.

Bryan Ukena said that the County and the City of Green Forest wanted to clear up the "gray areas" in the agreement. They did not want to be forced to use the Authority collection services. Brown & Farris Industries have a contract with Berryville.

Mr. Ukena also reported that the Hazardous Waste Roundup was very successful this year. He said that around 600 gallons of paint and several banned pesticides were collected this year. He said that there may be a permanent site set up in the near future.

The vote on the first reading was 6/0/0.

Alderwoman Seratt made the motion to suspend the rules and place Ordinance No. 1788 on its second reading by title only with Alderwoman Watson seconding it. All were in favor, 6/0/0. Ms. Dickens read the ordinance by title only. Alderwoman Seratt made the motion to approve and Alderwoman Watson seconded it. All were in favor, 6/0/0.

4. Alderwoman Seratt made the motion to further suspend the rules and place Ordinance No. 1788 on its third and final reading by title only. Alderman Christman seconded. All were in favor, 6/0/0.

Ms. Dickens read the ordinance by title only. Alderwoman Seratt made the motion to approve, with Alderwoman Watson seconding. All were in favor, 6/0/0.

2. Ordinance No. 1779, providing a pay back plan for private persons utilizing an existing water/sewer line(s) that was initially paid by a private person, (first reading):

Alderwoman Seratt made the motion to place Ordinance No. 1779 on its first reading in its entirety. Alderwoman Watson seconded. All were in favor, 6/0/0.

Mr. Murray, Director of Public Works, said that there were some amendments that needed to be done, and asked that it be postponed. Alderwoman Watson made the motion to postpone to the July 14th regularly scheduled City Council Meeting. Alderwoman Seratt seconded. All were in favor of postponing, 6/0/0.

3. Ordinance No. 1782, amending the sign ordinance to allow the display of banners. (postponed until 7-28-98):

Alderwoman Watson made the motion to postpone Ordinance No. 1782

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4. Request from Chief Hyatt to institute a fee for

fingerprinting persons who are employed in any position of authority over children or elderly, and Health Care professionals:

Chief Hyatt explained that there is an inordinate amount of time spent on fingerprinting people, and it has put extra stress on a fairly small group of people. Not everyone is trained or certified to do fingerprinting. He asked for a fee of \$10 to be charged for this service.

Alderman Seratt made the motion to approve, with Alderman Jeffrey seconding. All were in favor, 6/0/0.

5. Request from Kirby Murray to discuss additional directional signs:

Mr. Murray had given the Council a list of signs that are there and a list of suggested signs. The Council wanted to check on some of the locations, and suggested locations.

Alderman Seratt made the motion to postpone until the July 14th meeting with Alderman Christman seconding. All were in favor, 6/0/0.

Libby Freeland gave an Auditorium report:

Ms. Freeland said that there were about 600 people present at the Classical Music Festival—good turnout. She said that everyone was very pleased with the performance and the group was delightful.

Both productions of the performance by Lane House were very successful, and people were very surprised the various talents showcased. There was a performance by a school of dance that was good.

We had 700 people in the Auditorium for graduation.

She said that the Blues Festival was well attended and that it is the largest money-maker that the Auditorium has.

Friday and Saturday, July 17th and 18th, will be the Cajun Festival. She said that Gale Larimer has pushed for this to be maintained, and that it should be a good one. It is Cedric Benoit and the Cajun 101, the rockin' fiddler.

Missoula Children's Theatre is holding auditions for The Emperor's New Clothes, which will be held July 20th at 10 a.m. It will cast approximately 50 children from this area.

September 3rd and 4th will be Folk Festival weekend.

Ms. Freeland has made several personal appearances and there is good support from the community.

She said she has had lots of complaints about the heat in the balcony. It has been around 105 degrees up there and she asked about getting some air conditioning units up there.

Also, she mentioned that the basement of the Auditorium would be a good place to put the Blues Festival next year, if the place could be air conditioned and a safe way in and out could be done.

Alderwoman Watson said that she had been receiving complaints because there were no plans made for celebrations for July 4th.

Kirby Murray said that things are moving along with the North Main St. property. The planters are built, and Verla is planting plants.

In the winter, work will be done on the edges of the street, and they will fill holes and cut curbs.

He gave a general report on what Public Works is doing. They are smoke testing. He said that if you go home and suspect a fire in your house, call 911 anyway, just to be on the safe side.

The Planer Hill sidewalk plans will be changed to include imprinted concrete which can be made to look like stone, and is a lot less expensive.

The Highway Department will start on a 250' area downtown on South Main and will be doing one side at a time in concrete. It will be started later in ~~~

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composting it. Forty per cent of the City's waste stream is food wastes. They have to decide how to collect it all and get a system worked out as to how it can be composted. It would save a lot of money on waste hauling.

**MAYOR'S COMMENTS:** Mayor O'Harris said that there would be no fireworks for the 4th of July this year. Fireworks have to be set up very carefully and there must be a certain number of entrances and exits to handle the traffic flow. It became a large problem last year at Holiday Island. She reported that there would be a pot luck dinner at Harmon Park on July 4th, and it would last from 5 p.m. until dark. Everyone was invited to come.

**ADMINISTRATIVE ASSISTANTS REPORT:**

Ms. Dickens thanked Verla Donnell for a job well done around the City. The flowers and shrubs look just beautiful.

There was a short discussion about why the City can't hold fireworks on the Lake Leatherwood property, and the same problems exist. There is not a large enough cleared area at this time, and also there is only one entrance/exit.

Beau Satori asked what was being done about Joe McClung's stretch of sidewalk near Basin Park. He was told that Mr. McClung was to be at the next HDC meeting.

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