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6. Approval of taping all City meetings. (Plan Commission, HDC & CAPC)
7. Approval of the sale of a few vacant lots to Jess and Betty Green. (Postpone)

**MAYORS COMMENTS:****ADMINISTRATIVE ASSISTANT'S REPORT:****DEPARTMENT HEADS COMMENTS:****COMMISSION, COMMITTEE, AND AUTHORITY REPORTS:**

Parking Authority- Position 1-Expired 9/1/98 John Cross

Plan Commission- Position 6

**ONGOING PROJECTS:**

McClelland Engineering, Sewer, Planer Hill Sidewalk, Parks, Grant  
Work in Progress

**CITY OF EUREKA SPRINGS****CITY COUNCIL MEETING MINUTES**

**SEPTEMBER 22, 1998 at 9 a.m.**

Mayor Barbara O'Harris called the regularly scheduled Eureka Springs City Council meeting to order at 9 a.m., on September 22nd, 1998, in the Courtroom of the Western District Courthouse.

**PRESENT:**

Mayor Barbara O'Harris, Council persons Seratt, Christman, Watson, Zeller, Jeffrey and Fredland.

**ALSO PRESENT:** Fire Chief Bob McVey, Alan Long, Kirby Murray, David Dempsey, David Beauchamp, Nikki Salazar, Don Matt, Jack Byrne, Earl Hyatt, Ed Leswig, Jay Miner and Clerk Lee. Administrative Assistant Kim Dickens was absent. She was representing the Mayor at another meeting.

**PLEDGE OF ALLEGIANCE:**

Alderman Jeffrey 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 motion was made and seconded to approve the minutes of September 8th, 1998. All were in favor, 6/0/0.

**OLD BUSINESS:**

1. Approval of Ordinance #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 of sidewalks. (First reading, to postpone):

The ordinance was not ready to read. The City is waiting for information from the National Historic Register about imprinted concrete. The motion was made and seconded to postpone the first reading until the City Council meeting of October 13th, 1998. All were in favor, 6/0/0.

2. Approval of Ordinance No. 1797, an ordinance amending the noise ordinance. (First reading, to postpone):

Earl Hyatt, Police Chief, Alderwoman Zeller, and Kim Dickens had not had a chance to meet to discuss where the sound measurement should take place. The motion was made and seconded to postpone the first reading until the City Council meeting of October 13th, 1998. All were in favor, 6/0/0.

3. Approval of Ordinance No. 1782, an ordinance amending the sign ordinance to allow the display of banners. (First reading):

The motion was made and seconded to place Ordinance ~~~missing portion~~~

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**NEW BUSINESS:**

1. Approval of the investigative committee for the purchase of the Sandy Bass Planer Hill parking lot:

The Council discussed the forming of a committee to study ways and means available to purchase the lot. David Jeffrey, Kim Dickens, John F. Cross and Charles Fargo were suggested as members. Alderwoman Watson made the motion to form a committee of David Jeffrey, Kim Dickens, John F. Cross and Charles Fargo. Alderman Christman seconded. The vote was 6/0/0 to approve.

2. Approval of Ordinance No. 1799, an ordinance amending paragraph 4 of Section 2 of ordinance No. 1227 for the purpose of amending the definition of gift and souvenir shop, (First reading):

The motion was made and seconded to postpone the first reading of this ordinance until the October 13th, 1998 City Council meeting. The vote was 6/0/0.

Alderwoman Watson said she heard of a meeting about this subject that was not set through the regular channels. She said she felt that when a commission was discussed and the members of the commission were not there to defend themselves that it was unfair.

Alderman Freeland said he would give a factual account of that meeting at the next agenda setting meeting.

3. Approval of Ordinance No. 1798, an ordinance amending Ordinance No.

1758, Section 240.10 of the Eureka Springs Ambulance Service Fees, (first reading):

The motion was made and seconded to place Ordinance No. 1798 on its first reading in its entirety. All were in favor, 6/0/0. Alderman Stratt read the ordinance in its entirety.

The motion was made and seconded to approve. Chief McVey said that Ordinance No. 1798 made two changes to the existing ordinance. The base rate went from \$300 to \$375. The cost per mile was raised to \$4.50. This is well within reason in the Medicaid Scale.

The vote to approve was 6/0/0.

4. Approval of banner for Fire Department- October 4 through October 25, 1998:

The banner will say, in part, "Charge your batteries when you change your clocks. Smoke alarms save lives". There will be classes on fire prevention in the schools that week.

5. Approval for public transportation to Lake Leatherwood from May to October in 1999:

The Transit Department is willing to make two runs a day on Friday, Saturday and Sunday at 11 am. and 3 pm. The rides would originate either from the Transit Department/Chamber of Commerce building or the Trolley Dept downtown and take riders to Lake Leatherwood. It would enable people to go out to the lake at 11 am. and come back on the 3 o'clock run. The vote to approve was 6/0/0.

6. Approval of taping all City meetings (Planning Commission, HDC & CAPC):

The motion was made and seconded to approve. Alderman Jeffrey reminded the Council that this subject has come up regularly through the years, and since the Courthouse building is not ADA accessible, the City could be opening up itself to litigation if this is mandatory. He made it clear that he is not against having the meetings broadcast, but he does think it should be clarified for everyone.

The discussion ranged from where the meetings can be held and the ADA accessibilities of various places, to the hiring of part-time help ~~~missing line~~~

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which would be necessary. The City owns a stair-tracker which is available to use. No one was against having the meetings taped. They are taped now for audio use. But the question was who would run the equipment. Where exactly the meetings would be held was an issue. It was agreed that when a place can be set up permanently to hold our City meetings it would be much more cost effective.

David Beauchamp asked the question as to whether each commission would have someone to run the equipment. He said it would put urdo stress on Don Matts job. Don works for both the City and the County and has a great ceall of resporsibility. Mr. Beauchamp also reminded the Council a job was eliminated to conserve money. It would be cver \$400 per month extra to hire a part-time person. The cther issue was that the County has first call on the jury room upstairs, and of course, the courtroom.

The Mayor said she couldn't say too much right now because she did not have all of the information together, but she is working on setting up a place for permanent use. She indicated that she would know more in a couple of weeks. The Council vated uranimously to broaccast the aforementioned meetings live, 6/0/0.

7. Approval of the sale of a few vacant licts to Jess and Betty Greent

The Mayor said that the Parks and Recreation members were going to look into the subject, and would get back to us. The motion was made and seconded to postpone until the October 13th City Council meeting. All were in favor, 6/0/0.

Alderman Jeffrey asked if the greenspace includes both the unvacated streets, and property owned by the City. It includes both, according to "vacant streets and alleys", and greenspace" in the municipal code book, according to Mayor O'Harris.

COMMISSIONS:

Mayor O'Harris recommended that John F. Cross maintain his seat on the Parking Authority for another term. The Council vated uranimously in agreement, 6/0/0. Mr. Cross' term is five years, and he holds position #1.

MAYOR'S COMMENTS:

Mayor O'Harris announced that the annual Public Hearing for the Transit Department be held on October 20th, 1998, at 7 p.m., which will be before the regular agenda-setting meeting to be held that night.

She discussed a letter signed by Citizens who live below Lake Leatherwood Dam. It has come to the City's attention very recently that the dam reeds attention and that the City has had five years in which to do that. It also said that the City must "render the structure harmless to downstream residents".

Kirby Murray listed the requirements that have been done faithfully and on a timely basis. He said that the State has given the City an annual letter of safety for the dam. He said that Leatherwood Dam is a store dam with a concrete center. Therefore if the dam would fail, the whole structure would fail, and it would flood downstream. He said Black Bass Lake's dam is a store dam with a dirt center, so that if it failed, the water would come through in streams and relieve the pressure, and the whole thing would not fail at the same time.

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The recommendation to fix Leatherwood dam is to pin the dam to the bedrock base. The cost would be about \$570,000. Mr. Murray said that he had written a letter in May, 1998, to ask for more time and explain what had happened. He wrote some time ago, and still has not received an answer. David Beauchamp said that there is morey every year set aside for the reimbursement of the ccost of the recycling center. The City could take \$200,000 out of that fund each year for the next 3 years, and it would ccover the cost.

Alderman Jeffrey commented that he had experience in engineering, and that the City should get another opinion before they spent that kind of money. He was not sure that pinning the dam to bedrock would make that much of a difference. He said that the dam was embeded into a channel of bedrock when it was built and that is like a tongue-in-groove fit.

Aldewoman Seratt made the mction to put the money aside into a special account, each year, for this purpose. Aldewoman Watson seconded. All were in favor, 6/0/0.

Mayor said a recent report said that N. W. Arkansas has the lowest unemployment rate in the state.

She also reported that the State Highway Department will be constructing passing lanes where they can on Highway 23 South.

Sheila Seratt said that the Preservation Society will ask that Eureka Street be blocked on December 5, 1998 for the Tour of Homes, so the Council can be thinking about that.

Alderman Watson announced a going away party at the Ellis House for Bob Purvis. He had accepted a position in Pine Bluff. The party was that evening, September 22, 1998, from 5 to 7 p.m.

The motion was made and seconded to adjourn. All were in favor. The meeting was adjourned at 10:15 a.m.

ATTEST: