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**CITY OF EUREKA SPRINGS
CITY COUNCIL MEETING MINUTES
SEPTEMBER 8, 1998**

Mayor Barbara O'Harris called the regularly scheduled Eureka Springs City Council meeting to order at 9 a.m. on August 25th, 1998, in the Courtroom of the Western District Courthouse.

PRESENT:

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

ALSO PRESENT: Nikki Salazar, Earl Hyatt, Robert McVey, Alan Long, David Dempsey, David Beauchamp, Don Matt, Kim Dickens, Jay Mirer and Clerk Lee.

PLEDGE OF ALLEGIANCE: Kim Dickens led in the Pledge of Allegiance. **APPROVAL OF AGENDA:**

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

APPROVAL OF MINUTES:

The motion was made and seconded to approve the minutes of August 25, 1998. It was brought to the Clerk's attention that a section had been dropped between page 4 and page 5.

A vote was taken to approve the amendment to the minutes. All were in favor, 6/0/0.

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

OLD BUSINESS:

1. 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 of sidewalks. Set up workshop:

The motion was made and seconded to set up a workshop for the Council, for September 17th at 7 p.m. All were in favor, 6/0/0.

The Council asked the HDC and the Planning Commission to submit their positions on this issue in writing for the Council to work with.

The motion was made and seconded to postpone Ordinance No. 1770 until the October 13th Council Meeting with discussion at the October 6th Agenda-setting meeting. All were in favor, 6/0/0.

2. Approval to use the force account for sewer line replacement:

There is \$90,000 in that account, and Public Works wants to use \$50,000 of it to fix City sewer lines. \$40,000 will be left in the account for emergencies. The department has a priority list:

1. Fritz Street
2. Norris Street, (north)
3. North Main

4. Wheeler (north)
5. Ojo Street
6. Spring Street to Bridge St. (John Mitchell)
7. Elk (north)
8. Jacobs Ladder
9. Eureka Street (south)
10. White St. (Wilson's to Elk)
11. Linwood (north west)
12. Emporia (north east)

The department plans to work one through five on the list and then try to do at least part of number six.

Alderman Seratt made the motion to approve. Alderman Watson seconded.

Alderman Jeffrey asked James Clark if there is any plan to work on the

~~~~~ missing line ~~~~~

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Alderman Zeller asked if this money would be available to help homeowners take care of their lines.

Alderman Jeffrey said we would be competing with private plumbers, and the City shouldn't use our people to do private work. Mr. Miner said the private sector cannot use City funds, or Municipal credit. He suggested that someone look at how many people are affected and come up with some ideas.

Alderman Freeland said we should put this subject on an agenda meeting. He said there are people who simply have not done the repairs that previous years have discovered. It is not just a simple issue and there needs to be a plan.

Alderman Seratt said that the City cannot put City money into private property and it's a moot point. The issue that is being discussed is City sewer lines.

The vote to approve was 6/0/0.

3. Ordinance No. 1793, and ordinance updating the Municipal Code book for current building codes (third reading):

The motion was made and seconded to place Ordinance No. 1793 on its third and final reading by title only. All were in favor, 6/0/0. Ms. Dickens read the ordinance by title only.

The motion was made and seconded to approve.

Mr. Miner explained to the Council that each time new codes come out this needs to be updated. It is a housekeeping matter.

All were in favor, 6/0/0.

4. Ordinance No. 1789, an ordinance amending the noise ordinance, (first reading):

The motion was made and seconded to place Ordinance No. 1789 on its first reading in its entirety. This was the ordinance that Earl Hyatt and Kim Dickens wrote. All were in favor, 6/0/0.

Ms. Dickens read the ordinance in its entirety.

The motion was made and seconded to approve for the purpose of discussion. There was a long discussion. At one point Alderman Seratt made the motion to postpone. It died for want of a second. The vote on the ordinance was 1/5/0. Alderman Jeffrey voted yes, and the rest voted no. Ordinance No. 1789 failed on the first

reading. The ordinance Joyce Zeller wrote was to be put on for the agenda-setting meeting.

#### NEW BUSINESS:

1. Approval of the investigative committee for the purchase of the Sardy Bass Planer Hill Parking lot: There was a long discussion about the ways and means of acquiring the property. A committee will be formed at some point. Alderwoman Watson made the motion to lease the property with the idea of investigating the idea. The motion failed for lack of a second. There was a straw vote and the outcome was to form the committee and study the project further.
  
2. Approval of the Ozark Folk Festival and their activities in Basin Park: The motion was made and seconded to approve the activities for September 26th and 27th, 1998. All were in favor, 6/0/0.
  
3. Approval of the Corvette weekend activities in Basin Park, October 2,3, &4, 1998: The motion was made and seconded to approve, 6/0/0. There was mention of taking up eight spaces across from Basin Park to park the winners. That is a separate issue and was not voted on at this meeting.

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### CITY OF EUREKA SPRINGS CITY COUNCIL MEETING MINUTES SEPTEMBER 8, 1998

#### MAYOR'S COMMENTS:

Due to the continuing permits in the tax exempt municipal bond market, the City of Eureka Springs 1993 Sales and Use Tax Bond is now a viable candidate for refunding. The net savings to the City based upon today's market is approximately \$75,000. To initiate this refunding, David Beauchamp has done a report to the bond company. It sounds like a great deal for the City.

Last week at the Agenda-setting Meeting there was a remark made that startled the Mayor. It said that the cost of the sidewalk ordinance was \$6000. The Mayor passed around a cost sheet for that ordinance, which was \$588.60.

The Northwest Arkansas Times had an article entitled "Eureka Springs Airport Coup miffed the Airport boosters". Our CAPC Marketing Director, and the Ad Agency representative got one of the four major advertising positions at the new airport. Ours was number three, at the baggage pickup area. Some of the areas closer to the airport were miffed because they said they should have had prior knowledge. Everyone was given the same notification. We were at the right place at the right time.

#### ADMINISTRATIVE ASSISTANTS REPORT:

Ms. Dickens said the City has received a check from the State of Arkansas in the amount of \$168,399.26. This is the Sales and Use Tax for July 1998. The amount distributed was \$164,233.00. That is about a 3% increase for this year.

The ordinance for the display of banners will be ready for the agenda-setting meeting for September

15, 1998.

Robert McVey reported on a mailing his department received from Air Evac. A lady fell off a cliff out at Hogscald. It happened on August 20th.

The lady was laying about 30 feet down at the edge of the water and it took about 20 minutes to locate her. A Grassy Knob first responder heard the call and brought his boat down. They were able to load her into the boat, then an ambulance and then Air Evac. Her right leg and hip were broken, she had numerous rib fractures and a subdural hematoma. Air Evac complimented the department. They said that our department didn't give up looking for her, and it saved her life.

The report Chief McVey gave is covered next.

1. Each shift has done a manipulative hose evolution on the drill-ground to eliminate task errors on the fire-ground and to let the Chief learn their capabilities.

2. There is now a record keeping system to begin a hydrant maintenance program. Each hydrant will be flowed, lubricated, and tested and the results recorded. Public works has agreed to paint and repair hydrants as needed.

3. E. S. Volunteer Firefighters have agreed to contribute \$250. toward the purchase of a hydrant diffuser so that maintenance may begin this fall.

4 They have also agreed to contribute \$250. toward the purchase of a banner to be flown in April and October. It will say, "Charge your clock, check your batteries! Smoke detectors save lives."

5. Three slots have been reserved at Ok. State University for firefight academy training in Oct. This University is a nationally recognized leader in fire service training. Training requires a total of ten days and results in Firefighter 1 certification. Cost per individual is \$650. It saves the City a lot of money.

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7. Each shift has been assigned a volunteer apparatus and will be responsible for maintenance for one of the fire engines. Maintenance will now include driving apparatus for a minimum of 10 minutes.

Alderman Zeller mentioned the seeming disparity between the number of restaurants in town and the number of grease traps that had been inspected. The Mayor responded that they would invite the building inspector to the agenda-setting meeting to report on it.

The motion was made and seconded to adjourn. All were in favor. The meeting was adjourned at 10:37 a.m.

APPROVED:

**CITY OF EUREKA SPRINGS**  
**COUNCIL MEETING**  
**TUESDAY, September 22, 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: September 8, 1998

OLD BUSINESS:

1. Approval of Ordinance No. 1770, an ordinance amending Chapter 9, Section 9.04.C3 Sidewalks, of the Municipal Code of the City of Eureka Springs, revising requirements for building and maintaining of sidewalks. (First reading) (Postpone)
2. Approval of Ordinance No. 1797, an ordinance amending the noise ordinance. (First reading) (Postpone)
3. Approval of Ordinance No. 1782, an ordinance amending the sign ordinance to allow the display of banners. (First reading)

NEW BUSINESS:

1. Approval of the investigative committee for the purchase of the Sandy Bass Planer Hill Parking lot.
2. Approval of Ordinance No. 1799, an ordinance amending paragraph 4 of Section 2 of ordinance 1227 for the purpose of amending the definition of "gift and souvenir shop". (First reading)
3. Approval of Ordinance No. 1798, an ordinance amending Ordinance No. 1758, Section 2.40.10 of the Eureka Springs Ambulance Service Fees. (First reading)
4. Approval of banner for Fire Department-Oct 4 thru Oct 25. **ct** Approval for public transportation to Lake Leatherwood from