

502

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
APRIL 1, 1999**

The April 1, 1999 meeting was called to order at 7 p.m. Mayor Beau Satori presided over the meeting, which was held in the Courtroom of the Western District Courthouse.

PRESENT: Mayor Satori, and Alderpersons Jeffrey, Taylor, Schrader, Sumpter, Stoppel and Freeland.

ALSO PRESENT: Kirby Murray, E. Alan Long, Ed Leswig, Robert McVey, Debbie Davis, Lisa Liggett, Alex Haynes, Jeannette Haynes, Edward Jordan, Ron Brannan, Charles Goodwin, David Beauchamp, Nikki Salazar, Tom Laub, and Clerk Mary Ann Lee.

PLEDGE OF ALLEGIANCE:

Ms. Dickens in led the Pledge of Allegiance.

APPROVAL OF AGENDA:

The March 4th, 1999 minutes were added to the agenda. Alderman Jeffrey said he had a report on the information he was asked to gather.

Alderman Sumpter asked about the Transit uniforms, and the employee assistance program. The Transit uniforms were being taken care of. The employee assistance program had not been discussed by the Department Heads because they had not had a meeting. Alderman Jeffrey made the motion to approve the agenda as amended. Alderman Sumpter seconded. All were in favor, 6/0/0.

APPROVAL OF THE MINUTES:

March 4, 1999:

Alderman Sumpter made the motion to approve the minutes and Alderman Jeffrey seconded. Alderman Schrader mentioned some amendments. On the first page under agenda the item pertaining to banners, there was a bad sentence, which was amended to everyone's satisfaction. Also, on page two, speaking about the six inches added to the sidewalk, the word "additional" was added. Also, the word "effect" should have been "affect". Also, he took exception to the word "contract" (with regard to the original Bay Shores agreement), because it was not used in the meeting, and said it should be amended to read "agreement". Alderman Schrader made the motion to approve the minutes as amended. Alderman Jeffrey seconded. All were in favor, 6/0/0. The vote on the original motion was 6/0/0.

March 18, 1999:

Alderman Sumpter made the motion to approve the minutes and Alderman Jeffrey seconded. Alderman Jeffrey said his name was spelled right three times, and wrong fifteen times. Bob Jeffreys' name is spelled like his with an "s" added. Alderman Schrader took exception to the deputy clerk's word "outburst" on page 3, and on page 5, he said that it is enough to say that the City Council voted to adjourn. The clerk said that she appreciates any amendments that help the minutes to read well. Alderman Freeland said that some of these corrections could be given to the Clerk before the meetings, instead of taking up time at the meetings.

The vote on the amended minutes was 5/0/1. Alderman Stoppel did not attend the March 18th, 1999, meeting, so he abstained.

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND VACANCIES:

Richard Quick was suggested for Position 7 on the Planning Commission—expires 1/01/00.

Alderman Taylor made the motion to approve Mr. Quick for Position 7.

Alderman Jeffrey seconded. All were in favor, 6/0/0.

Larry Williams was suggested for Position 7 on the Historic District Commission. Alderman Schrader made the motion to approve and Alderman Taylor seconded. All were in favor, 6/0/0.

CAPC Report:

Alderman Taylor said the CAPC has passed an amended budget. They have entered into negotiations for Sally Riker to be the Director of Special Events. Also, they have entered into negotiations with Barbara King Dozier to be their Media Person. Barbara Dozier works for CJRW Advertising firm as a Media Specialist. Mrs. Dozier is in the process of giving notice and coming here.

Mayor Satori said Ms. Riker has a marketing degree, and has been involved in festival production. She coordinated the State's 1986 sesquicentennial celebration for the entire year. She has experience with major corporations in product marketing. She has done festivals in Los Angeles. Alderman Schrader asked if these appointments are to CAPC Positions. Mayor Satori said they are not. They are contracting for services for the CAPC. Alderman Schrader asked what the role of the City Council would be. The Mayor said none.

503

CITY OF EUREKA SPRINGS COUNCIL MEETING MINUTES APRIL 1, 1999

DEPARTMENT HEAD COMMENTS

Kirby Murray said that on April 12th and 13th, the parking lot behind City Hall will be closed off so that the City can slurry seal the parking lot. They need warm sunny days for that process to be done.

Alderman Jeffrey asked about the three bus parking places that were supposed to be in the parking lot. Mayor Satori said that the man who did the striping measured and legally, there was only room for two. In the event that a third bus came in there is room. It is not marked but it can be used.

Kirby Murray, Director of Public Works, read a critical letter written by Alderman Schrader. The point was made by Ms. Dickens that if there is a problem with how things are done by the City, she is available to accept these kinds of complaints, and that is how it should be handled.

Fire Chief, Bob McVey thanked the City for allowing the Fire Department to fly the banner about changing batteries in smoke detectors. Of the homes across this nation, only 60% have smoke detectors. Statistically, 40% have failed or are due to fail due to lack of maintenance. The fire inspection program, which is a courtesy this year, has recently begun. The majority of the businesses do need corrections. The department is leaving them with a notice of what needs to be fixed to become fire safe.

He said that Robert Pettis was officially hired on March 22nd, 1999 as a paramedic. He fills a position that has been vacant since April of 1998. This will help to limit excessive overtime. For the last few months, the Department has been searching for a fire staff car. They have found that \$20,000 will not purchase a low mileage suburban type vehicle. The vehicle they have found is a 1997 Chevy Tahoe, 4 door, with 34,000 miles on it. It still has two thousand miles under warranty. The cost is \$24,000.

There is a trade in value of \$2500 on their old vehicle, which leaves an outstanding balance of \$1500. The department is asking the Council to amend the 1999 Budget to take \$1 500. from the vehicle depreciation account.

David Beauchamp said an emergency would have to be declared to avoid the bidding process. It is hard to go out for bid on a used vehicle. Mr. Laub, said in the Municipal Code it says in Chapter 3.04 that the City Council, by ordinance, may waive the requirements of competitive bidding in exceptional situations, where this procedure is deemed not feasible or practical. Alderman Freeland said the City could give the dealer a letter of intent to buy, subject to approval of the ordinance. He moved that the Mayor have the authority to pursue this, by preparing a letter of intent based on the passing of an ordinance with an emergency clause, and to direct the City Attorney to prepare an ordinance for the next regularly scheduled meeting. Alderman Jeffrey seconded.

At this point, David Beauchamp said that a ninth full time firefighter has been hired, and it has not been budgeted for.

The voice vote on the motion was 61010.

Bob McVey said that at the time that he was hired, it was fully understood that he was not an EMT, or a paramedic. The new position was created at that time. When Mr. Jordan retired, he left a position that has been filled with part-time overtime, or time and a half overtime people. Mr. Beauchamp said that the City has never had nine full time paramedic/EMT people. They did have eight, with Mr. Jordan filling that position by going on rotation. The budget will have to be amended.

Mayor Satori announced that he had named Lisa Liggett as Interim Transit Director. He said he spent a month researching this decision and felt she was the right person for the job.

Ms. Liggett thanked the Mayor and Council. She said that the trolleys started today. She said the Tram Tours were 75% up over last year in March. She said she would have financial statements and ridership comparisons for the next meeting.

Mayor Satori asked Nikki Salazar for a report. She said things are going well and exciting. Last weekend they attended and helped with the Midwest Southwest National Recreation Parks Association Conference in Fayetteville. Next weekend Sondra Torchia starts the guided spring tours, starting from Basin Park. They will be at 10 a.m. on Saturdays and noon on Sundays, and they are \$6.00 and \$12.00. She will tell more about March for Parks later.

ADMINISTRATIVE ASSISTANT COMMENTS:

Ms. Dickens reported that the demolition of the old police building should be starting within the next week.

UNFINISHED BUSINESS

Bay Shores Water Agreement. (Ordinance No. 1807). Third Reading

There was another long discussion. The general consensus was that under the new agreement with Carroll-Boone the City probably couldn't sell water to Bay Shores

504

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
APRIL 1, 1999**

Alderman Freeland said that the City could re-affirm the old agreement, and add the 15% that's been added to our rates. No one was comfortable with the idea that none of the cities could sell water under the new Carroll-Boone water agreement. Everyone agreed that the Cities should go back to the table with Carroll-Boone and settle the water sales subject. Ms. Dickens said she wanted to be sure that everyone understood that there is no possible way that Bay Shores can annex into the City. Annexation is the key word to the ordinance. If someone contiguous to the city limits wanted water, of course the City would want them to annex. There is no physical way that Bay Shores can.

City Attorney Tom Laub recommended that the Council re-affirm the earlier agreement, repeal Section 10.04.05, and re-work it at a later date. Some of the wording was changed in Ordinance No. 1807.

Alderman Stoppel made the motion to suspend the rules and place Ordinance No. 1807 on its third reading by title only, and to read the amendments as they will be written. Alderman Sumpter seconded. The roll call vote to read was 5/1/0, with Alderman Schrader voting no. The City Attorney read the ordinance by title only with the amendments that were to be added. Alderman Jeffrey said he wanted it in the minutes that this is done with the provision that the Council is going to re-write Section 10.04.05 to re-insert it in. It is not a total repeal of that portion of the original ordinance that encouraged annexation to any adjacent properties that wanted water. Alderman Jeffrey said this subject should be put on the next agenda, so that it is handled right away. Alderman Jeffrey made the motion to approve the third reading as amended. Alderman Stoppel seconded.

Alderman Jeffrey made the motion to add the "A" to Ordinance No. 1807 Alderman Stoppel seconded.

The vote to add the "A" to the ordinance was 6/0/0.

The vote to approve the ordinance as amended was 5/1/0, with Alderman Schrader voting no. Alderman Sumpter made the motion to limit the discussion to 15 minutes. There was no second. He said that the subject had had plenty of discussion. He was reminded that he could always call the question, if he wanted to vote.

Alderman Sumpter made the motion and Alderman Stoppel seconded to read Resolution No. 455.

Alderman Jeffrey reminded the Council that the emergency clause for Ordinance No. 1807-A needed to be read.

Aldermen Sumpter and Stoppel withdrew their motion and second.

Alderman Jeffrey made the motion to read the emergency clause for Ordinance No. 1807-A. Alderman Sumpter seconded.

Alderman Schrader asked why an emergency clause was necessary since this is the third reading. The answer was to eliminate having to wait for thirty days for the ordinance to go into effect.

All were in favor, 6/0/0.

Mr. Laub read the emergency clause.

Alderman Freeland made the motion to approve. Alderman Stoppel seconded. The roll call vote was 5/1/0, with Alderman Schrader voting no.

Bay Shores Water Agreement. (Resolution 455)

Alderman Sumpter made the motion to read Resolution No. 455. Alderman Stoppel seconded. All were in favor, 6/0/0.

Ms. Dickens read the resolution.

Alderman Jeffrey made the motion to approve. Alderman Sumpter seconded. There was a long discussion and finally Mr. Laub said that the City did not have to use Resolution No. 455. He said the ordinance protects Bay Shores. The resolution allowed the Mayor and the City Clerk to sign a contract. Alderman Schrader voiced his objections. Alderman Freeland said he felt that Carroll-Bacone wouldn't object.

Mr. Haynes questioned whether it would all be legal.

Alderman Freeland asked whether he wanted our water or not.

Alderman Jeffrey wanted it understood that 15% is to be added to the original price agreed upon because that is the percentage the City's water was increased.

Alderman Jeffrey withdrew his motion to approve and Alderman Sumpter withdrew his second. Resolution No. 455 was not used.

Alderman Stoppel made the motion to recess for 10 minutes with Alderman Sumpter seconding. The vote was 6/0/0. The meeting was recessed at 10:05 and reconvened at 10:15 p.m.

Increasing wastewater rates. (Ordinance No. 1808. Second Reading:

Alderman Jeffrey made the motion to suspend the rules and place Ordinance No. 1808 on its second reading by title only. Alderman Stoppel seconded.

Ms. Dickens said there were three things that needed to be done to the ordinance.

On page one, the three blanks needed to be filled out. Under "a" the first 2,000 gallons was \$6.70. The next one was \$3.95. The third one was \$4.80. On page 2 under "b" toward the
~~~~ missing line?~~~~

## **CITY OF EUREKA SPRINGS COUNCIL MEETING**

### **MINUTES**

**505**

**APRIL 1, 1999**

Alderman Schrader pointed out that he wanted to amend a word on page 2, section b, where it said "water service to the user will be discontinued". He said that Ed Leswig had suggested the wording be changed to read "water service to the user will be subject to discontinuance pursuant to policy". The point made is to have a written and fair policy that can be passed out to anyone who is interested under FOI, and the City can prove how each situation is handled.

Alderman Freeland said for a point of order, the motion is on the floor to read. Then, during discussion, the Council can amend. The vote to read was 6/0/0.

Ms. Dickens read the ordinance in its entirety.

Alderman Schrader made the motion to amend page 2, section b. to say will be subject to discontinuance pursuant to policy. Alderman Jeffrey seconded. All were in favor, 6/0/0.

Alderman Jeffrey made the motion to change the word at the top of page 2, "over and above the

rates "established by" to "reflected in". Alderman Schrader seconded. The vote was 6/0/0.

Ms. Dickens said she would talk to David and Diane and Mr. Leswig, and write a policy to be presented at the next council meeting.

Alderman Schrader made the motion to amend the ordinance to say 10 days past the billing date, 20 days past the billing date, so that both starting points are the same. Alderman Sumpter seconded. 6/0/0.

The vote on the second reading was 6/0/0. There was, however no motion and seconded to approve,

#### Report on Runge Property. (David Jeffrey):

Alderman Jeffrey reported on his discussion with Dan Runge about the property at the top of Planer Hill. Mr. Runge would sell that parcel for \$99,000. if the City would lease the property back to him for one year. He would like to finish out this year. Alderman Jeffrey said he didn't think the City could get started with our project before the year is over. The sign lease has two years to go and if we don't want the sign, we would have to buy out the lease. Alderman Jeffrey said he had not seen a copy of the lease for the sign. He said that he was hoping that the 10% real estate commission could be avoided. Mr. Runge said that he had never listed the property with a realtor and that the \$90,000(?) offer was not acceptable. Alderman Schrader would like to see the property lines and know exactly where it is. Alderman Jeffrey said he would mark the property lines so that they can be seen, as best he can. He said that the money for this property doesn't even come close to the amount that we are willing to spend on the sidewalk, and it is the entrance to the downtown. After some discussion, Alderman Stoppel made the motion to set a Special Council Meeting at 6 p.m. on April 15th, 1999, to walk the Runge property at the top of Planer Hill. Alderman Jeffrey seconded.

(This meeting would take place before the regularly scheduled City Council Meeting at 7 p.m.). All were in favor, 6/0/0.

#### NEW BUSINESS:

Alderman Freeland made the motion to amend the agenda and place "item 4, Signs for the School District" next on the agenda, because Debbie Davis had been waiting patiently.

Alderman Stoppel seconded. All were in favor, 6/0/0.

#### Discussion regarding temporary variance for signs for the School District:

Debbie Davis said that the schools would like uniform signs for all three schools. She asked Ms. Dickens to give some background for the proposal.

Ms. Dickens said copies of two signs were in the packets she prepared for the Council. The colors and the message board and everything that was planned were included. The Planning Commission Chairman, Ed Leswig, had suggested that she and Tom Laub look into the legalities and bringing this to the Council.

Ms. Dickens said that she and Ed Leswig, Chairman of the Planning Commission will be working on a new sign ordinance. She said the schools are asking for a temporary variance for 18 months or less, or the passage of a new sign ordinance, and then when the ordinance is in place, they would have 45 days to comply with changes that needed to be made to bring them into compliance. The Planning Commission and Ms. Dickens are looking into signs and these signs should be very close to compliance to what they have been looking at for ground signs.

Ms. Davis said that there is no provision for school signs in the City ordinance. They will be using a sign company from Lowell, Ar. The company does most of the signs for schools in Northwest Arkansas. These signs are actually smaller than most of the signs that they do. The signs are needed for communication for parents and students, for current events and meetings.

Alderwoman Taylor made the motion to allow the installation of three signs, the variances to be 18 months or less, or the passage of a new sign ordinance. At that time the schools will have 45 days to bring the signs into conformance with the then existing ordinance. Alderman Stoppel seconded. All were in favor, 6/0/0.

Approval of financial assurance-composting facility(Mr. Murray)

506

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

**APRIL 1, 1999**

-

Mr. Murray said that the reason for this is the City has been given a fairly recent requirement to provide a closure plan for our composting facility to the Arkansas Department of Environmental Quality, which used to be the Department of Pollution Control and Ecology. In this plan, the City has to provide financial assurance that if we decide to just quit composting, (which we wouldn't do), the Department would be able to access a certain amount of money to come in and dispose of any left over material and equipment and soil sampling, etc. There are two ways of doing this. A surety bond, which has an annual fee, or a letter of credit from a bank, which also has an annual fee. He and an engineer went to the bank of Eureka Springs and spoke to Joe McClung, Jr. and explained the situation. He, in turn, spoke to the bank board, and they said they would provide a letter of credit for \$20,045. to the City of Eureka Springs for no fee. They only ask that the Council vote to allow Mayor Satori to enter into this agreement and sign the papers. Alderman Stoppel made the motion to authorize Mayor Satori to enter into a letter of credit with the Bank of Eureka Springs for the composting facility. Alderman Sumpter seconded. All were in favor, 6/0/0.

Approval of additional funds for inflow and infiltration reduction. (Kirby Murray):

Mr. Murray said the council could skip this item for now. Roger Richards, who has been the foreman of the force account for many years, has met with some personal and sad situations. Mr. Murray asked that the item be put off until he is back on his feet.

Ongoing Wastewater plant issues. (Kirby Murray):

Mr. Murray reported on the serious problems with grease from grease traps. It gets into the system and clogs the system and eventually it reaches the treatment plant and it clogs various components of the plant. It coats the bacteria so they cannot do their job. We spend approximately \$10,000 annually on degreasers or enzymes to battle the problem. Along with this we have the problem of inflow and infiltration. The City built a flow equalization basin some years ago, and they did reduce the problem at that time. The problem is growing again. The City has eliminated all of the problems on the public side and identified literally hundreds of private sewer lines which have remained un-addressed for a long time. These are private lines that are leaking are causing the overflow at the plant that happens every time there is a heavy rain. They lost an employee recently, simply out of frustration, because she spent all of her time dismantling pumps and cleaning grease out of the pumps on a daily basis. She was personally responsible just as Mr. Murray is. He showed pictures of the grease build-up at the plant that is solid enough that you can almost stand on it. A massive load of grease is swept off of the primary clarifier every twenty minutes, and then it goes into the grease trap and into our digester. He believes that enforcement is the problem. The State could mandate that the City should use that last piece of land to build a flow equalization basin instead of the denitrification basin that we

need to put in.

Mayor Satori apologized for the serious state of exhaustion that everyone must be feeling right now. He said in his state of the city address that he had a serious commitment to sidewalks and sewers. He said he would address Mr. Murray's concerns the next day.

Proclamation — March for Parks, April 17th, 1999, 10:00 a.m., parade (Nikki Salazar):

The Mayor read the March for Parks Proclamation naming April 17th, 1999 as March for Parks weekend in Eureka Springs, Arkansas.

The March for Parks will start at Harmon Park at 10a.m. and end at Basin Park.

The Mayor said perhaps he could get them to march up over the hill and down to Black Bass Lake.

Ms. Salazar said that the proceeds from the march will benefit Basin Park.

Alderman Taylor made the motion to give permission for the march.

Alderman Freeland seconded. All were in favor, 6/0/0.

Proclamation for Be Kind To Animals Week (Good Shepherd Humane Society):

The first full week of May 2nd to May 8th, 1999 will be Be Kind To Animals Week.

Mayor Satori read a Proclamation to that effect. This is the 84th Anniversary of Be Kind To Animals Week.

L

**CITY COUNCIL COMMENTS:**

Alderman Jeffrey asked about the transit study that is in progress, and when was it authorized and by whom? Mayor Satori said he would answer that question under Mayor's Comments.

Alderman Freeland said that there is a high level of frustration right now because of all of the changes that have happened in a short time. It was discouraging to him to hear of a Council Member engaging in a frontal attack of a department head. Appropriate channels are set up and things can be handled more properly.

Alderman Schrader said he was sorry that Mr. Murray chose to make the letter public. Ms.

Dickens said that she is at work 60 hours a week and these kinds of complaints can be handled through her office.

507

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING MINUTES  
APRIL 1, 1999  
MAYOR'S COMMENTS:**

Mayor Satori announced that on March 12, 1999, Charles Fargo, former director of transit, retired.

Mayor Satori contracted the Community Resource Group, Inc. to do a study, give advice and review the Transit system. He said that he has had long standing opinions that have been

changed by this group. The cost is less than \$3,000. There will be no change of routes at this time. They are still in the process of reviewing the system.

Alderman Taylor made the motion to adjourn. Alderman Stoppel seconded. All were in favor, 6/0/0. The meeting was adjourned at 10:35 p.m.