

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
August 5, 1999**

The August 5th, 1999 meeting was called to order at 7:05 p.m. Mayor Beau Satori presided over the meeting, which was held in the court room of the Western District Courthouse.

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

ALSO PRESENT: Alan Long, Robert McVey, Diane Murphy, Lisa Liggett, David Reuter, Nikki Cherry, Kelly Simon, Earl Hyatt, Ed Leswig, David White, Don Matt, Kim Dickens, Tom Laub, 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, 5/0/0.

APPROVAL OF THE MINUTES: Alderman Jeffrey thanked the Clerk for the way she had cut down on the length of the minutes. There were two amendments to the minutes duly noted, Mr. Rew's name, and Alderman Sumpter's vote on page one. All were in favor to approve, 5/0/0.

COMMISSION, COMMITTEE AND AUTHORITY REPORTS AND VACANCIES:

Mayor Satori said he had several people interested in filling positions but he was not yet ready to nominate anyone for various reasons, and he thought he would be ready at the next meeting.

There was no DEPARTMENT HEAD COMMENTS and no CITY ADMINISTRATIVE ASSISTANT'S REPORT.

UNFINISHED BUSINESS:

Council procedures; minutes. The Mayor reminded the Council that the City Clerk-Treasurer is an elected official with a handbook to guide her in the writing of the minutes, and it is really up to her discretion how they are written.

Request for vacating property. (Frank Green), postpone until August 19, 1999:

The request from Frank Green is postponed until August 19, 1999.

NEW BUSINESS:

Daffodil planting on the Loop. (Jason Oury): Mr. Oury had the idea to plant daffodils on City property around the Historic Loop. He needed permission from the Council to do so. During discussion it was mentioned that once daffodils get established, they naturalize and pretty much take care of themselves.

The motion was made and seconded to grant him permission to plant daffodils on public property. After more discussion the motion was amended and seconded to direct Public Works to help if City equipment is needed. The vote on the amendment was 5/0/0. The vote on the motion was 5/0/0.

Courtesy Ticket (Ed Leswig/Earl Hyatt):

Mr. Leswig thanked Lisa Liggett, Interim Director of Transit, Kirby Murray, Director of Public Works and the Chamber of Commerce for their contributions toward the free shuttle that runs from the Planer Hill parking lot to the North Main St. Parking lot and back.

Mr. Leswig then went on to present the idea of Courtesy notices to the visitor who is parked in a legal space and has let the meter run out. The idea is to leave a courtesy ticket of one hour grace time. If the meter hasn't been fed during that period of time, a regular ticket would be issued. We could do some

PR work by issuing these tickets first. The next step was to get the Chamber and the CAPC to underwrite the \$5000 that it is "guestimated" it would cost the City in lost revenues. Several points were made. There is a problem with business owners parking in the downtown parking and loading zones. There are many letters received by the Mayor's Office complaining about the tickets that are issued to people who have spent money in our motels, restaurants, and shops. The tickets would be issued to visitors because they are not familiar with the town. The question was could it legally be done unless it was a standard for everyone and not just visitors. Chief Hyatt, Mr. Leswig, and Mr. Laub will study the issue for legality.

Free transit service to non-profit organizations. (Lisa Liggett):

Ms. Liggett said that many organizations and schools ask for Transit to give them free rides, but that there is no policy in place to do so. She wanted Council direction as to what to do in those instances. The Council decided to have Ms. Dickens, Mr. Laub and Ms. Liggett work to form a policy for the Council's consideration. Alderman Freeland said there is an Attorney General's opinion that neither cash nor in kind services can be provided and it is immaterial if it is non-profit. He said it is more complicated than one would think. There was a long discussion which covered many points. One point that was made was the City of Eureka Springs' Boys and Girls Club, out of twenty two clubs in Arkansas is the only one that doesn't have any amenities provided by the City. One point was that the Transit Department has a \$5.00 monthly pass. That is a reasonable cost for a child to ride in the summer months. If the City allowed non-profit organizations to ride free, the out of town groups would be making arrangements to come at certain times and be driven out to Leatherwood or somewhere and interrupt the regular service. Most people agreed that when they were kids and went on field trips, they had to pay for transportation. Ms. Liggett said other Transit systems have special promotions, and that would be something to look at, and she also said she had discussed the issue with parents, and most said they would expect to pay for transportation for their kids. The policy also was suggested that monthly passes could be purchased at City Hall.

The motion was made and seconded to not allow anyone to ride free on the trolley until a policy is in place.

Then an amendment was made and seconded to present the policy at the August 19th, 1999, City Council Meeting.

The vote on the amendment was 5/0/0.

The vote on the original motion was 3/1/1, with Alderman Schrader voting no, and Alderman Jeffrey abstaining. Mayor Satori voted yes, so the final vote was 4/1/1.

Alderman Sumpter said he would be happy to work with Ms. Dickens, Ms. Liggett and Mr. Laub on the policy, and Ms. Dickens suggested that Diane Murphy also have some input.

Alderman Freeland reminded them there are specific state and federal considerations to be looked into.

Permission for funds for purchases to obtain grant funds. (Earl Hyatt):

Chief Hyatt was asking permission from the Council to utilize funds which were not budgeted to the Police Department because the department has been approved and given a grant for the Smart Moves Program. This program would be working with the Boys and Girls Club, and the school. It is one of the top programs in the country for prevention of drugs, alcohol, and teen pregnancies. The intention is to send several children from the schools for training. It is a peer program. Shelly Summers, the school resource officer, will be leading it. The grant is a refund grant. The City has to spend the money and then we are reimbursed. The Boys and Girls Club will be providing about \$4200. The City would be spending \$14,087.44.

The motion was made and seconded transfer the amount of \$14,087.44 for the purpose of the Smart Moves Program. All were in favor, 5/0/0.

The motion was made and seconded to recess for ten minutes. All were in favor, 5/0/0.

The meeting was recessed at 8:40 and reconvened at 9:00 p.m.

City purchases of bank CD's via competitive bidding.(Ernst Schrader/Diane Murphy):

Alderman Schrader had a resolution drawn up, and Diane Murphy had a policy written out. Both spoke of their discussions with Bank Officials, and what they felt needed to be done. Alderman Schrader said his concern was to make sure each bank in the City had equal opportunities to give the City the best interest they can on the City's Certificates of deposit.

The motion was made and seconded to instruct Ms. Murphy not to renew the two C.D.'s that are ready to be renewed until she has obtained bids from the four banks and that she has met with the Mayor and she and the Mayor have picked the highest bid.

Ms. Murphy said it was never the City's intention to only deal with one bank in town. It is only in the last few years that the City has had more than one bank.

Ms. Dickens made it clear that she and Ms. Murphy cannot make policy making decisions. They are not part of the governing body. Their only concern is that the City have a clear written down policy to follow in these instances.

Alderman Schrader withdrew his motion.

The motion was made and seconded to accept Ms. Murphy's draft of a policy in which she used policies from the City of Fayetteville as a guide, and to use that policy for now, at least.

Alderman Schrader made a procedural motion to go over Ms. Murphy's policy, paragraph by paragraph and vote on each amendment, which was seconded by Alderwoman Taylor. The vote was 4/1/0, with Alderman Jeffrey voting no.

Mayor Satori read the policy paragraph by paragraph. On the second paragraph under Policy, a motion was made.

Alderman Schrader made the motion to strike the word only in the first line and in the third line, after the period, add "unless the Mayor shall decide also to invite banks authorized to do business in the state of Arkansas which do not have offices located within the corporate limits of the City of Eureka Springs". Alderwoman Taylor seconded. There was a long discussion.

Alderman Jeffrey called the question. Alderman Freeland seconded. That vote was 5/0/0.

The vote on the motion was Schrader and Taylor, yes, and Jeffrey, Freeland and Sumpter, no, 2/3/0. Motion failed.

Alderman Freeland made the motion to call the question. There was no second.

Mayor Satori read on. When he reached paragraph two under "Procedures", more action was taken. Alderwoman Taylor made the motion to strike the word "verbal" and insert the word "written". Alderman Freeland seconded. After discussion, Ms. Taylor withdrew her motion to amend.

Alderman Schrader made the motion that the Finance Department will notify all banks with branches located within the City of Eureka Springs at least one week in advance to say that they will telephone the bank on a specified date to ask for a bid on CD's, and that a report go out to all of the banks every six months to let them know what will be coming due. This motion got lost in the discussion and had no second.

Alderwoman Taylor said to add to the policy that the City give banks 6 months notice and ten days notice of maturity. She then amended her motion to say that the City will give fax notification to all of the banks in town on a monthly basis and seven to ten days notice of maturity of any CD. There was no second.

Then Alderman Freeland simplified her motion to delete the word review, and substitute the word "report" At the end add "Reports will be distributed to all eligible banks". Alderman Sumpter seconded. All were in favor, 5/0/0. (This simplification is worded totally different than Ms. Taylor's motion as stated in the above paragraph, but she said "that is my motion").

Mayor Satori then began to read the second paragraph under Procedures. Alderman Freeland made the motion that "an officer of" be added after "from" in the first line. Alderman Sumpter seconded. All were in favor, 5/0/0.

The next paragraph deals with what happens in the case of a tie. Alderman Schrader insisted that the banks would rather the City flip a coin in the case of a tie bid. Alderman Schrader made the motion that the City flip a coin in the case of a tie bid. The motion died for lack of a second.

Alderman Taylor made the motion that tie bids be decided by the rotation method. She then withdrew her motion. Alderman Schrader seconded after the motion had been withdrawn.

Ms. Murphy used Fayetteville as an example and read part of the criteria list used in the event of a tie. The list was comprehensive and concise.

The vote on the original motion was to approve the Investment Policy as it is amended. It does not cover any other vehicle than the two allowable investments, which are Treasury Bills and Certificates of deposit. The vote was 5/0/0.

Choose Council representative for Sports complex citizens Advisory Committee:

Alderman Taylor made the motion to appoint Alderman Schrader for the Sports complex Citizens Advisory Committee. Alderman Freeland seconded. All were in favor, 4/0/1, with Alderman Schrader abstaining.

May Arts and Crafts Show, May 13th and 14th, 2000, utilizing the City Hall Parking Lot:

The motion was made and seconded to approve the May Arts and Crafts Show utilizing the parking lot between the City Hall and the Auditorium. All were in favor, 5/0/0.

CITY COUNCIL COMMENTS:

Alderman Sumpter said that at a recent Eureka Springs Resort Association meeting, they discussed whether or not they would be ready if power went down, and there was no electricity or water. He said it might be good if the City interacted with the town at large to come up with ideas in case anything does happen. Are our businesses prepared to take care of their customers? The Mayor appointed Alderman Sumpter to head a committee to discuss this. Alderman Sumpter did say that he had discussed the subject with the Police Chief and was assured that all precautions had been taken. City Hall is also prepared.

Alderman Jeffrey said he had been trying to get the Wastewater Task Force together to meet and asked for information on the members.

Alderman Schrader asked that speed bumps on Flint Street be put on the agenda for the August 19th. He also said that at a future time Commissions CD's should be discussed so that they follow the same policy.

Alderman Freeland said that the CAPC had interviewed the first candidate for executive director. Ms. Dickens said that as soon as she can, Ms. Murphy will be going to Fayetteville to spend some time with their financial director. They have an award-winning audit each year and even though the City is a lot smaller, a lot can be learned from them.

MAYOR'S COMMENTS:

Mayor Satori announced that the Blues Festival Task Force would meet Monday, August 9th, at 7 p.m. at City Hall.

With regard to the ruling on the CAPC removals, he said the City Council followed the code completely. Unfortunately the clause for removal in the ordinance was ruled to be in conflict with the law. This will have to be addressed.

The motion was made and seconded to adjourn. All were in favor, 5/0/0. The meeting was adjourned at 10:35 p.m.

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Signature page for August 5th, 1999, City Council Meeting minutes.

APPROVED:

Beau Zar Satori, Mayor

ATTEST:

Mary Ann Lee, City Clerk-Treasurer