

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES**

December 16, 1999

The December 16th, 1999 meeting was called to order at 7:00.m. by Mayor Beau Satori. It was held in the jury room of the Western District Courthouse.

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

ALSO PRESENT: Kate Allen, Earl Hyatt, Diane Murphy, Kirby Murray, James DeVito, Tom Laub, and Clerk Lee.

PLEDGE OF ALLEGIANCE: Ms. Dickens led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA: Ms. Dickens asked that the Auditorium Roof Scuttle be Item No. 9 under New Business. Mayor Satori asked that the possibility of fireworks for New Year's Eve be Item No. 10. The motion was made and seconded to approve the agenda as amended. All were in favor, 5/0/0.

APPROVAL OF THE MINUTES:

The motion was made and seconded to approve the minutes of December 2nd, 1999, as amended. All were in favor 5/0/0.

COMMISSION, COMMITTEE AND AUTHORITY REPORTS AND VACANCIES:

Mayor Satori nominated Ann Armstrong for Planning Commission Position 1, which expires July 1, 2002.

DEPARTMENT HEAD COMMENTS :

Kirby Murray said that because of the State's highway work, the time lines have been moved back for the Planer Hill Sidewalk. He reported on the time lines for the grant money. A plan must be submitted by June of 2000, and a contract for the work must be awarded by January of 2001. The rest of the money will come from Street Fund reserves.

He also thanked the Dortch family for their many kindnesses over the years. They have allowed several easements through their property and even loaned the services of heavy equipment to the wastewater treatment plant at no cost to the City.

CITY ADMINISTRATOR:

Ms. Dickens said that the weekend is the last to provide trolleys this year. The trolleys cannot pull into the depot, so they will be loading and unloading and turning around in the Courthouse parking lot. She then suggested that the Council amend the agenda to permit Genes Bland and Verna Mayberry to take care of the problem at 25 Owen St.

The motion was made and seconded to amend the agenda to put items #2 and #3 as one and two under Unfinished Business. All were in favor, 5/0/0.

UNFINISHED BUSINESS:

Discussion regarding 25 Owen Street. (Kim Dickens):

Ms. Dickens explained that there was a problem when the Mayberry's deed was drawn up. The deed reads lots #2 and #3 and there is no lot two. It should read lots #3 and #4. The motion was made and seconded to take whatever action is necessary to remedy the situation. The unanimous vote was 5/0/0.

Discussion regarding 158 Spring St.-Methodist Church Property (Kim Dickens):

Ms. Dickens explained that the City has leased a portion of the property in question to the church for 99 years. The other piece of the property in question would be traded for the leased portion.

Alderman Jeffrey said back in 1903, when the lease was made, the City did not vacate property. They did long term leases. That is something he has run into many times when selling real estate. The motion was made and seconded to read Resolution No. 469. All were in favor, 5/0/0. Ms. Dickens explained that the Church has a closing and needs to get this taken care of. Ms. Dickens read Resolution No. 469. The motion was made and seconded to approve. All were in favor, 5/0/0.

Ordinance No. 1824-A, an ordinance allowing the Elna M. Smith foundation to collect CAPC tax. (third reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1824-A on its third and final reading by title only. All were in favor, 5/0/0. Ms. Dickens read the ordinance by title only. The motion was made and seconded to approve. The vote was 4/1/0, with Alderman Schrader voting no.

Ordinance No. 1828, an ordinance repealing Ordinance No. 1756 creating a Performing Arts Department. (First reading):

The motion was made and seconded to place Ordinance No. 1828 on its first reading in its entirety. All were in favor, 5/0/0. Ms. Dickens read the ordinance in its entirety. The motion was made and seconded to approve. The thinking behind the ordinance was stated. It has constantly been a drain on the City's finances. Most of the money helping them comes from the CAPC anyway. The Mayor feels it is an underutilized asset. Not much will change. The paychecks will still be done at City Hall. The CAPC can use funds for it because it can serve, and has, as a Convention Center. The vote on the first reading was 5/0/0.

Discussion regarding the Jazz Festival Date at the Auditorium Jack Holly):

Mr. Holly said he had thought he had reserved the Auditorium for the third week-end of September in the year 2000. He came to the Council to confirm the reservation. In the meantime, the Mayor reserved the third week-end in September for the Jazz Festival that will be put on by the CAPC, and he paid for it. After a long discussion, there was a motion and second to postpone the rest of the discussion until the January 6th, 2000, meeting. In the meantime, the City Attorney was to look at the procedures for the Auditorium. All were in favor, 5/0/0.

NEW BUSINESS:

Discussion regarding the construction of a new Police Facility. (Kim Dickens):

Kim Dickens, Earl Hyatt, and Diane Murphy had been working very hard to come up with a plan for a Police Department Building that would be built to fit the PD's needs and look to the future when more building might be necessary.

Ms. Dickens explained the proposal. Tom Johnson and Bill Nystrom had a piece of property on Passion Play Road, across from the Eureka Family Medical Center that they felt would be an ideal property to build on. They would sell it to the City for \$150,000.

Diane Murphy explained that the money would not come out of the budget, but would be provided as follows: The land proposed would cost \$150,000. \$100,000 of the money would come from the Bryson Trust, and the rest would come from reserves. The bond issue would be secured from non-taxed revenue, which would be the revenues from the franchise fees for our utilities. That bond money would pay for a building which would cost approximately \$406,000. The \$40,000 per year that we now pay out in rent would pay the bond off in about 15 years. The cost would not impact the City's budget at all. At the end of the lease that we have for the building the Police Department is in now, the City will have paid \$200,000 in rents, plus \$50,000 in renovation costs. That is money we will never see again.

Chief Hyatt said it is important to build to fit the needs of a police station. The space that they are in now is less than adequate even though it was retrofitted to fill the requirements. The proposed building would hold regular offices, but would have a room for the 911 equipment, plus a meeting room, two

holding cells, a shower and changing room, a target training room, a Sally port suitable for loading and unloading prisoners, and would have room to expand if it becomes necessary. There would be storage space for evidence, (which now has to be rented), and an impound yard. The Chief said that there has been some concern about respond time. He said respond time is dependent on wherever the responding officer happens to be. The respond time coming down Magretic Road is 2.5 minutes.

Tom Johnson presented the design for the layout and the building. The main floor would be 3500 square feet. The basement level would be 2000 square feet. Mr. Johnson assured the City that if it should decide to build the building on another piece of property, he would still be the architect. He showed that all of the set back variances and easements on the proposed property were drawn in, and he said that allowances had been made for the tree planting and landscaping to be in line with ordinances that exist and that will be coming up. The property is wooded, but none of the trees are extremely large so there shouldn't be any problem with removing what was needed to build on the property. Mr. Johnson said that the property was 3.3 acres, but after taking out all of the easements and set backs, it would be approximately 2.7 acres. He said there is room in the back part of the property to build another 10,000 square feet. Also, the property is fairly level, for this area.

After the presentation, the Council decided that those who could would meet at 10 a.m. the next day to look at the property proposed. Also, Mayor Satori wanted to be satisfied that the City did not own a piece of property that would do as well.

Mr. Laub said a Resolution and a contract would have to be drawn up.

The motion was made and seconded to have a special council meeting at 10 a.m. on Monday, December 20, 1999, just before the budget meeting. 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 recessed at 9:25 p.m. The meeting reconvened at 9:33 p.m.

Resolution 468. Valic Pension Fund. (Diane Murphy):

Ms. Murphy explained to the Council that a representative from Valic had met with employees and most of the employees had agreed to change over to Valic. The gain is approximately double to what they are getting now. The people who are in the plan and those who may want to be a part of the plan were invited to sit and talk with Mr. Benny Moore and ask questions. The general consensus was that the funds are making about 2.5% and the same funds could be making over 5%.

The motion was made and seconded to read Resolution No. 468. All were in favor, 5/0/0.

Ms. Dickens read the resolution.

The motion was made and seconded to approve. All were in favor, 5/0/0.

Resolution No. 467. Rural Services Grant. (Kim Dickens):

Ms. Dickens said that the grant application must be in by January 19, 1999. The motion was made and seconded to read Resolution No. 467. All were in favor.

Ms. Dickens read the resolution.

The motion was made and seconded to approve. All were in favor, 5/0/0.

Set Public Hearing for the Rural Services Grant:

The Council set a date for the Public Hearing for the Rural Services Grant on December 29th, 1999 at 5:30 p.m.

Auditorium. Roof Scuttle Room:

The Auditorium needs a way to get to the roof from the balcony. A proposal was presented from Michael Riley of M&B Restoration to provide (except for the roof scuttle), and install all materials and labor for constructing the room and the roof scuttle/ladder and electrical as laid out in Robert Berry's drawings for the total lump sum of \$3000.

The motion was made and seconded to approve the proposal of M & B Restoration for \$3000. Mr.

Ron Latimer gave the Auditorium a portion of the scuttle which saved the City \$300. The proposal was approved, 5/0/0.

Millennium Fire Works. (Mayor Satori):

Mayor Satori proposes to gain permission to set off fireworks on Marble Flats between Magnetic Road and Mill Hollow. He needs permission from the Council to allow fireworks inside the City Limits. As of the time of the meeting, nothing is settled. He would have to gain permission from the property owner, make sure the company would be available to do it, and then come up with \$5,000 to pay the fireworks company. He explained that all of the proper regulations would be followed, but that the location would allow most everyone in town to see the fireworks from their homes.

Alderman Freeland made the motion to approve the allocation of the discretionary \$5000.00 and to allow the variance to the ordinance for New Year's Eve, 1999. Alderman Sumpter seconded. All were in favor, 5/0/0.

Mayor Satori went on to say that he hoped that the CAPC would pick up the \$5000 expense of the fireworks. It was also mentioned that the town is booked solid for the New Years weekend and it would entertain our visitors, also.

MAYOR'S COMMENTS:

Mayor Satori said he is satisfied with the progress the City has made on many issues and is looking forward to working with everyone in the coming year 2000.

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

This is the signature sheet for the minutes of December 16th, 1999.

APPROVED:

Beau Zar Satori, Mayor

ATTEST:

Mary Ann Lee, City Clerk-Treasurer