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**CITY OF EUREKA SPRINGS
CITY COUNCIL MEETING
THURSDAY, JANUARY 7, 1999**

Mayor Beau Satori called the first City Council Meeting of 1999 to order on Thursday, January 7th, 1999, at 7 p.m., the Western District Courthouse.

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

ALSO PRESENT: Many people did not sign in. Those that did were, Robert McVey, Kirby Murray, Earl Hyatt, Elizabeth Latiro, Butch Berry, Nikki Salazar, Glen Strange, L.J. Smole, Lola Bunch, David White, Jack Albert, James Taylor, Bill Voiers, Kathy Harrison, Jack Holly, Alan Long, Libby Freeland, Don Matt and Clerk Lee. City Attorney Tom Laub was not present.

1. City Council Procedures for 1999.

The motion was made and seconded to set the procedures for 1999.

Alderman Schrader made the motion that the Council start with the Pledge of Allegiance. At that time the Administ was customary to do so.

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

a. Mayor Satori said the first thing on the list of procedures was days and times to hold City Council meetings.

Alderman Schrader made the motion to establish the amount of meetings to be held in a month and what days are held. No second.

Alderman Freeland asked about Agenda meetings.

Mayor Satori explained that when they had gone to the Municipal League Meetings with Mayors and Councilpersc state, it was customary in other cities to have either the Mayor or two Councilpersons put items on the agendas. TI regular meetings monthly. Special meetings can be called as needed. They also had evening meetings. Ms. Dick motion cover what dates, days and times. The first and third or second and fourth Thursday, etc.

Alderman Schrader said that some people were concerned about not having input into the meetings. He asked w thought about having town meetings, ward meetings, and neighborhood meetings to supplement City Council mee Mayor Satori said that public input will be welcome at the regular meetings and Public Hearings will be called for L Alderman Schrader said that people felt that their comments were not welcomed, and would need to know when t Mayor Satori said the Council would discuss the issue first and the floor could have a three minute period to comm in discussion of that issue. After community input, the Council would discuss to the point of taking the vote on that i

Alderman Jeffrey made the motion to hold the Council meetings twice a month on the first and third Thursdays at 7 Sumpter seconded.

Glen Strange said it might conflict with people working on special events if it were held on Thursday. The general there was a conflict, it wouldn't happen often enough to be a problem for anyone. If it did, the Council can change 1

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Alderman Jeffrey made the motion to follow Robert's Rules of Order. Alderman Schrader seconded. Mayor Satori asked the

the Arkansas Municipal League Procedural Handbook rules, which is based on Roberts Rules. Alderman Jeffrey made the motion to add the handbook, and Alderman Schrader seconded. All were in favor, 6/0/0.

b. Putting items on the agenda for the Council Meetings.

Alderman Sumpter made the motion to require all items for the agenda in by the Monday at 4 p.m. preceding the Thursday meeting. Freeland seconded.

Mayor Satori said that it has been suggested that people would contact either the Mayor or two Council members and have an agenda. After some discussion, Allan Long explained that agendas must be turned in by noon Friday, to be published in the pm. Monday would be too late.

The purpose in structuring the manner in which the agenda is set is to make sure that the community can respond, and yet it cannot be put on the agenda.

Alderman Schrader made the motion that items can be put on the agenda either by the Mayor, or two council persons. Alderman seconded. The voice vote was 5/1/0, with Alderman Freeland voting no.

Alderman Sumpter withdrew his motion on the deadline for items to be put on the agenda and Alderman Freeland withdrew. Sumpter then made the motion that the deadline for the agenda would be at noon on the Friday preceding the Thursday meeting. Stoppel seconded. 6/0/0.

c. Taping of meetings.

Alderman Taylor made the motion that all meetings of city government be televised, and replayed several times. Alderman Ms. Taylor then said she meant the Council, CAPC, Planning and HDC meetings.

Alderman Jeffrey said we need to be careful because already, the City is looking at hiring a new employee.

Alderman Taylor withdrew her motion and Alderman Stoppel withdrew his second.

Alderman Taylor made the motion that the Council, CAPC, Planning, HDC, and Parks Commission meetings be televised. She amended the motion to include that the video tapes be kept for a minimum of five years. Alderman Stoppel seconded.

Mayor Satori said we are already past the abilities of our audio visual specialist to keep up with all of the hours that he spends. His duties have expanded to the extent that they have exceeded the budget. The mayor also stated that within the next 5 years physical storage could disappear, since, in the foreseeable future, we could have new means, such as compact discs, on things.

It was established that a new employee would have to be hired anyway, because Mr. Matt cannot physically do all that would Schrader said that video tapes were invaluable to him in his election campaign, and that minutes were little or no value. May video tapes will be invaluable to the Council members to keep up with what is happening on the commissions, and also for Council members who may not be able to attend.

The voice vote was 5/1/0, with Alderman Jeffrey voting no.

d. The length of time citizens will have to speak.

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Alderman Taylor made the motion to begin by giving the citizen a three minute limit. Alderman Stoppel seconded. It was established that if that person needs more time they could have more. If a person had a presentation, they could be put on the agenda. Supporting paperwork put in the Council and Mayor's boxes ahead of time. Alderman Freeland said given the time it will take at agenda meetings, the citizens should make every effort to be concise. The Mayor said he has always had a hard time keeping to two minutes but that since he has spoken to several groups, he is developing the ability. He said that if one keeps their thoughts to two minutes is quite a bit of time. The voice vote was 6/0/0.

e. The City Attorney should be directed by the Council to write an ordinance.

The mayor said in the past someone other than the Mayor or Council might direct the City Attorney to write an ordinance, and it may not even be considered important by the council, but it still is a cost to have it done.

Alderman Jeffrey made the motion that anytime that the City requires legal action by the City Attorney, it be at the vote of the City Council. That is incurring expense to the City. Alderman Sumpter seconded.

Alderman Schrader asked why the City Attorney was not present at the Council Meeting, because that is part of his job. He is finding a candidate to run for City Attorney, he read the duties of the City Attorney, and one of them was that he must attend all City Council meetings. Mayor Satori said that he had not specifically asked the City Attorney to attend the meeting. After the Municipal Code was read, the City Attorney is to attend any and all City Council meetings, and that by special request of the Chairman of a commission meeting. That is what he is getting paid to do.

Alderman Stoppel said that the two main things the Council is interested in, then, is care in the number of ordinances that are written and that ordinances are well-written and will stand the legal test. Alderman Freeland said he felt that the City was hamstringing the City Administrator Dickens said that failed ordinances have cost the City inordinate amounts of money. Mr. Satori is trying to reduce the number of ordinances by reducing the amount of ordinances that are written by the City Attorney.

Mayor Satori said that the City Attorney needs to have clear direction as to what to do. He also will need to keep the City informed. The Mayor said, also, that a citizen can prepare, or have an attorney prepare an ordinance and bring it to the Council. The vote was 5/1/0, with Alderman Freeland voting no.

The next discussion was to explain to Alderman Schrader how an ordinance originates and the steps it goes through to get to the Council table.

Alderwoman Taylor talked about detailed and current reports from all of the commissions. The Mayor said that this is something that will go along with as the Council goes along.

Alderman Jeffrey said the commissions will be going through the same adjustments and give them time to get settled. Alderman Freeland wants a form report from each department and commission so that the Council always knows where each

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2, Second reading of Ordinance No. 1805, regarding the addition of two commissioners for the Historic District Commission. Alderman Jeffrey made the motion to suspend the rules and place Ordinance No. 1805 on its second reading by title only. Alderman Freeland seconded. All were in favor, 6/0/0.

Ms. Dickens read the ordinance by title only.

Alderman Schrader asked why the commission asked for more people. It was explained that there are times, when people are unable to attend, that the commission has a hard time having a quorum. They have asked for the City Council's help with the ordinance. The motion was made and seconded to approve. All were in favor, 6/0/0.

Alderman Jeffrey made the motion to further suspend the rules and place Ordinance No. 1805 on its third and final reading by title only. Alderman Freeland seconded.

Several objections were voiced, that it should take three separate readings.

The ordinance was introduced in December, and Alderman Jeffrey said that he had not received any resistance. Alderman Freeland said that the commission had asked for the help of the Council, and that is all. Both Alderman Sumpter and Alderman Freeland said that the reason to put this off. It is not costing the City any money and it is not changing the amount of power held by the commission.

The roll call vote was 4/2/0, with Alderpersons Taylor and Schrader voting no.

Ms. Dickens read the ordinance by title only.

Alderman Jeffrey made the motion to approve and Alderman Freeland seconded. The roll call vote was 5/1/0, with Alderwoman Taylor voting no.

3, Fuel Bids for City Vehicles.

The motion was made and seconded to consider the fuel bids. All were in favor, 6/0/0.

Mayor Satori said the City received three bids, from Tad's Quick Stop, K-Way, and Bunch's. The bids include the pump discount and the hours of operation. He asked the Council to consider the total savings and hours of operation.

Several concerns were discussed. Alderman Freeland said that when he spoke with some of the stations, they said that because of the price at the pumps was more consistent, and it stayed the same longer. It was questioned whether it would be cheaper to buy fuel tanks, and buy direct from the distributor. Alderman Stoppel said that the City used to have their own fuel tanks, and because of the price at the pumps was more consistent, and it stayed the same longer.

requirements it was found to be more cost effective to buy the fuel by the bid process at the stations.

The question of diesel fuel was raised. Bunch's has diesel fuel and there would be a discount on the pump price. The City can get a rebate on diesel fuel.

Alderman Sumpter made the motion to accept the bid from Bunch's. Alderman Stoppel seconded. The vote was four to accept. Freeland voted no, and Alderman Schrader abstained for lack of information, 4/1/1.

4. Date for special election on Noise Ordinance No. 1797.

The petition called for the election to be held on January 12, 1999. The Election Commission was unable to meet that date. The law says a date

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Alderman Freeland made the motion to ask the Election Commission to set the date for the earliest possible Tuesday. Alderman Stoppel seconded. Alderman Schrader said there is another referendum petition out there for the sidewalk ordinance, and that if the Election Commission, perhaps both things could be put on the same election. The voice vote was Alderman Jeffrey, Sur Freeland, yes, and Alderman Schrader, Taylor, and Stoppel, no, 3/3/0.

Alderman Schrader made the motion to have the Election Board set the date for the latest possible time. There was no second.

Alderman Stoppel made the motion that the special election date for the noise ordinance be set for March 16th, 1999. Alderman Stoppel seconded. All were in favor, 6/0/0.

5. 911 Addressing.

Police Chief Earl Hyatt said that there are limited areas in town that are drastically flawed in the 911 addressing. The errors could create a serious problem for an individual in those areas who needed help. He would like the Council's approval to go take care of the problem. He knows that Tim Collins and Terry Black from Southwestern Bell have a list of the problems and in the Mayor's office. Before the final list can be implemented we have to present it to the Postmaster for his blessing. The problem is that some of the addresses are inaccurate or incorrect. The Chief gave an example of a call that they had received there was a lot of confusion, but turned out all right.

Alderman Freeland made the motion to direct the Mayor to proceed to resolve this situation. Alderman Schrader seconded. All were in favor, 6/0/0.

6. Trolley Bids.

Mayor Satori met with Charles Fargo earlier in the day. He wanted to inform the Council that the State has approved the grant for a new trolley. The City's share would be 20% or \$49,000. Normally the City would sell the oldest trolley, which is a 1984 Chevrolet which would normally bring in about \$46,000. The problem then would be to come up with the funds for the City's share. Mr. Fargo is working with the State agency to get some additional funding, which might add up to 96% of the cost.

There are other possibilities of sales of equipment. The Council needs to keep in mind the trolley situation, with regards to budget discussions.

7. Alternatives to the wastewater project.

Alderman Jeffrey reported that during the last meeting a consensus was formed as to how the City should proceed. The City has hired the engineering firm to prepare the appropriate memorandum to be approved in Little Rock before the City can go forward with the project. The main cost of the previous project was the SBR reactor system that would be used to reduce the nitrates/nitrites out of the water. This was dropped and instead the City will use a denitrification basin. It is not as efficient, and it is less expensive. It should cost in the order of \$720,000. That is the bare minimum that the City can get by with because it was to be in place and functioning by the year 2000.

The second largest item that is urgently needed at this time is the trunk line that goes down North Main Street. It makes sense to build that trunk line before the State paves that portion of the highway.

The third item is an expansion of

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The combined cost in capital would be about 1.6 million dollars, compared to the original 3.5 million. The committee was not sure about the additional operating costs. That needs to be factored into the rate increase the City v

An additional item that was discussed was the unsewered areas. The possibility was raised that it could be a test area for a cleaning up wastewater. It will take a lot of study, because the City has not done this before. Alderman Jeffrey had suggested the issue. That would be up to the Mayor.

Alderman Schrader charged that the City has not used competitive bidding. He said the City needs to use competitive bidding the initial plans and the ongoing work.

Administrator Kim Dickens explained that the City goes out for bids for everything that it is supposed to go out for. The reason McClelland Engineering is because they are our engineering firm of record. The City requests statements of qualifications and for several years, McClelland Engineering has been the firm chosen by the Mayors to do the work. The City is currently for the year 1999. Those statements of qualifications are due by the 29th of January. Then the mayor decides what company City. They are put in other papers than just the Times-Echo. We do not solicit bids by letter. It could be a liability problem, if s contacted, and others were not.

Already, Ms. Dickens has received several replies from Little Rock. Last year, she received one from Oklahoma.

8. Remodeling of the old police building.

Alderwoman Taylor made the motion to discuss, with Alderman Sumpter seconding. All were in favor, 6/0/0.

The last proposal in 1998 was that the building would be demolished, and the City did get permission to do so.

Mayor Satori had recently looked at the building. He feels that the building could be turned into one large meeting room with convenient to City Hall. It can be set up permanently for the City meetings so they can be televised. The interior would have to be finished. Mr. Murray said it would be legally necessary to have heat and air conditioning and two restrooms. Also, the building waterproofed. The approximate space is 32' by 60'.

There was a lot of discussion.

Alderman Freeland said he believed that \$35,000 was set aside for the project, with an additional \$15,000 to be used for furniture.

There was talk about the stairway to Armstrong Street being re-inforced and a retaining wall to hold back Armstrong Street. there is a retaining wall in existence.

Alderman Freeland made the motion to pursue the investigation and estimates on the costs involved. Alderman Schrader seconded.

Mr. Murray said it has always had a mold and moisture problem. There can be some things done to minimize that. Also, the winter. Mr. Murray said he didn't know what walls are bearing walls. Mayor Satori said that posts could be used just as there Alderman Schrader said maybe there would be other buildings that could be used for holding meetings. The point was made own other buildings.

Alderman Sumpter mentioned that the citizenry could volunteer time and materials to help with the cost of making the building

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The voice vote was 6/0/0, to go ahead and investigate the costs.

The motion was made and seconded for a ten minute break. All were in favor. The meeting recessed at 9:40 p.m. and was r 9:55 p.m.

9. 1999 City Budget.

Mayor Satori said that the budget has to be in place, by law, by the first of February.

Ms. Dickens explained to the Council the process that is followed before the budget is presented to the Council for its approval. David Beauchamp meet with every department head and go through the budget item by item. Once they have met and done they can, it goes before the Council to study, understand and in some cases alter. The Council discussed having a workshop Friday is court day, which starts at 1 p.m., they decided to hold a budget workshop in the morning.

The motion was made and seconded to hold a budget workshop at 10 a.m. on Friday, January 8, 1999. All were in favor, 6/0.

Mayor Satori announced that there three positions, #1, #3, and #5 open on the cemetery commission. He called for volunteer to contact him and fill the positions. He also mentioned that Position #2 is open on the Planning Commission, and that two are on the City Advertising and Promotion Commission.

Ms. Dickens announced that next week SWEPCO will be trimming trees, and around wires.

Director of Public Works, Kirby Murray, reminded the Mayor that the Solid Wastes Advisory Committee will need a replacement Watson.

Mayor Satori presented Kathy Harrison as his appointee for position #2. Ms. Harrison would replace Richard Nickleson, who expired on the first of January, 1999. She is the president of the Preservation Society. Alderman Schrader asked if the Mayor for the council to vote that night. Alderman Jeffrey said that usually the vote would wait until the next council meeting, so that it would like to speak with the person before they vote, they can, and also for community input.

The Council generally appoints the Council members for the CAPC. They decided to go ahead and nominate and vote in the new members. Alderman Schrader made the motion to appoint Bill Freeland for the CAPC. Alderman Jeffrey seconded. All were in favor 5/0/1 with Mr. Freeland abstaining.

Alderman Sumpter made the motion that Alderman Jeffrey continue as a representative on the CAPC. Alderman Stoppelsee Satori said that he believes that Alderman Jeffrey has been instrumental in the financial recovery of the CAPC from 1996, 1997. He said that there was a great deal of devastation of the cash reserves in 1992, 1993, 1994 and part of 1995. In reading the commission minutes for the last ten years, he said that in the time served, Mr. Jeffrey maintained an iron hand on that budget. Mr. Jeffrey deserves credit for the solidity of the cash reserves more than anyone else on the commission. All were in favor, Alderman Jeffrey abstaining.

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Fire Chief McVey said that the Fire Department/Emergency Services was approached to see if they would be interested in physician take over the medical director position for the EMS Service. We operate under his umbrella and the hospital would have some local control, as would the Chief. The Dr. has reviewed the City's book of protocols and has submitted a bid. The hospital indicated that Washington Regional Medical Center Foundation would contribute 50% of his salary as medical director. The fact that the City has a new medical director, Dr. Chris Lawrence. The further result is that it has reduced the burden on the Fire Department budget by \$3500 annually.

The motion was made and seconded to adjourn. All were in favor, 6/0/0. The meeting was adjourned at 10:47 p.m.