

over the meeting, which was held in the Courtroom of the Western District Courthouse.

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

ABSENT: Alderperson Stoppel.

ALSO PRESENT: David Beauchamp, Charles Goodwin, Alex Haynes, Royal Alcott, Jeff Pratt, John Billings, Kirby Murray, Lisa Liggett, Pat Haave, Nikki Salazar, Lisabeth Freeland, Robert McVey, K.J. Zumwalt, Kelly E. Simon, E. Alan Long, City Administrator Kim Dickens, City Attorney Tom Laub, and Deputy City Clerk Laura Jo Smole.

PLEDGE OF ALLEGIANCE

Mayor Satori led the Pledge of Allegiance.

APPROVAL OF AGENDA

Alderman Sumpter moved to move the Commission, Committee, and Authority Reports and Vacancies, Department Heads' Comments, and City Administrator's Comments to the top of the agenda. Alderman Jeffrey seconded. It was discussed that the council had decided to permanently change the agenda with these same changes at the previous meeting. As minutes of that meeting were not available Alderman Sumpter withdrew his motion and requested agenda be amended so that the Commission, Committee, and Authority Reports and Vacancies, Department Heads' Comments, and City Administrator's Comments to the top of the agenda for this meeting.

496

CITY OF EUREKA SPRINGS COUNCIL MEETING MINUTES March 18, 1999

Alderman Jeffrey requested that an item be inserted as "UNFINISHED BUSINESS ITEM 4, a report to the council concerning property located at the top of Planner Hill."

Alderman Jeffrey moved to adopt the agenda as amended. Alderman Schrader seconded. The motion was passed by voice vote, 5-0-0.

APPROVAL OF THE MINUTES

The minutes for the March 4th meeting were not available. Alderman Sumpter moved to accept the minutes of the February 18th meeting. Alderwoman Taylor seconded. There was no discussion. The minutes were accepted by voice vote, 5-0-0.

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND VACANCIES

Alderman Freeland moved to confirm the appointment of Mr. David Fithian to position 4 of the

Planning Commission and Board of Zoning Adjustment for the remainder of that seat's term

(07/01/00). Alderperson Taylor seconded.

The appointment was affirmed by roll call vote, 5-0-0.

Alderman Freeland moved to confirm the appointment of Mr. Bob Jeffreys to position 6 of the

Historic District Commission for a new three-year term. Alderman Schrader seconded. The appointment was affirmed by roll call vote, 5-0-0. The mayor announced his nomination of Richard Quick for position 7 (exp. 1/01/00) of the Planning Commission and Board of Zoning Adjustment.

The mayor announced his nomination of Larry Williams for position 7 (a new three year term) of the Historic District Commission

DEPARTMENT HEAD COMMENTS

Kirby Murray Public Works Mr. Murray announced that the South parking lot at City Hall will be re-paved March 19th. The curb area of the North lot will be repaired at a later date. He also reported that a SWEPCO representative gave a proposed cost to bury utilities where the city proposed to put in a new sidewalk at one million dollars (\$1,000,000) per mile. A discussion followed that discussed the location of the sidewalk on Planner Hill and some of the factors behind that cost. Mr. Murray relayed that SWEPCO would be burying a larger cable due to heat dissipation factors. Alderman Schrader asked the Mayor to request that Mr. Murray continue to explore buried utility cable throughout the city.

Mayor Satori stated that he has been talking with other utility engineers. He also speculated that utility deregulation may permit the City to negotiate a lower cost per mile. He is also investigating funding options.

Alderman Jeffrey stated a need to proceed cautiously wants to avoid an increase in utility rates or taxes.

A query regarding telephone cable revealed that telephone cable is already buried.

Lisa Liggett Transit Ms. Liggett requested authorization to purchase new uniforms (current uniforms are two years old). There was a brief discussion about the style of uniform.

The Mayor stated he will discuss uniforms with Ms. Liggett and will have a selection for the Council to review at its next regularly scheduled meeting. She announced that trolley service will begin April Pt.

David Beauchamp Finance — Mr. Beauchamp announced the recent hiring of David Reuter as a part-time Janitor for City Hall.

UNFINISHED BUSINESS

Council Procedures for 1999. Alderman Jeffrey moved to have this item stricken as a standing agenda item. Alderman Schrader seconded. A discussion followed. Mr. Laub responded to a question concerning the opening of discussions about issues by Council members. He indicated that Alderpersons could use the City Council

Comments portion of the agenda to initiate discussion. He also stated that the Council could add an agenda item for open comments from the floor (public in attendance). There motion was passed by voice vote, 5-0-0.

Bay Shores Water Agreement (Ord. 1807, Second Reading). Alderman Freeland moved to read Ordinance 1807 by title only. Alderman Schrader seconded. Alderman Jeffrey moved to amend the motion to include a reading of paragraph six (6) Alderman Sumpter seconded. There was a brief discussion, Alderman Freeland withdrew his motion. Alderman Jeffrey withdrew his amendment

CITY OF EUREKA SPRINGS COUNCIL MEETING MINUTES March 18, 1999

Alderman Freeland moved to read Ordinance 1807 by title only and to read paragraph six (6) as corrected. Alderman Jeffrey seconded. The motion passed by roll call vote 5-0-0.

Mr. Laub then read Ordinance 1807 by title only and read paragraph six (6).

Alderman Jeffrey moved to approve Ordinance 1807 on its second reading. Alderman Sumpter seconded. A discussion of the Ordinance followed. Several minor errors were pointed out to be corrected. A lengthy discussion then followed about the issue of selling water directly from the supply line. Mr. Laub provided guidance from his interpretation of the Ordinance, current Municipal Code and current agreements. Additional wording was suggested to clarify language.

Alderman Sumpter moved to end debate and read the Ordinance. Alderman Jeffrey seconded. By roll call vote the motion passed 4-1-0. (For — Alderpersons Jeffrey, Schrader, Sumpter and Taylor. Against — Alderperson Freeland.)

The Ordinance was passed on it's second reading by roll call vote 3-1-1. (For — Alderpersons Jeffrey, Sumpter and Taylor. Against — Alderperson Freeland. Abstained — Alderperson Schrader.)

There followed a brief discussion of the appropriateness of abstentions. During the discussion Alderman Schrader criticized the Ordinance as written. Mr. Laub requested to know why at this time the Ordinance was being criticized. Alderman Schrader apologized.

There was a discussion about whether the third reading should be read at this meeting or April 1st meeting.

Mr. Alex Haynes, representing Bay Shores, distributed to the Council and Mayor documents outlining the impact of various pricing structures. He, the Council, and Mr. Beauchamp discussed rates and costs.

There then followed a discussion of the validity of the 1997 agreement between the City of Eureka Springs and Grassy Knob.

Increasing Wastewater Rates (Ord. 1808, First Reading). Alderman Sumpter moved to read the Ordinance. Alderman Freeland seconded. Alderman Jeffrey moved an amendment to the Ordinance.

Mr. Laub stated that he had not seen and was uninformed about the Ordinance. He counseled the Council and Mayor that he should be involved in all Ordinances as City Attorney. The

Mayor and Council apologized to Mr. Laub and assured him that he would be fully involved in the future.

Alderman Sumpter withdrew his motion. There followed a discussion about how to route proposals to ensure they are at a minimum reviewed by the City Attorney.

Alderman Freeland moved to table this agenda item and to set a special City Council meeting for Monday, March 22, 1999 at 7 p.m. with the agenda item of Wastewater Rates. Alderwoman Taylor seconded. The motion passed by voice vote, 5-0-0.

Report from Alderman Jeffrey on proposal to purchase property at Hwy 23S and Hwy 62. Alderman Jeffrey reported on his meeting with Mr. Runge, who owns the property. He reported that when the property was for sale three years ago the asking price was \$99,000. He felt that this would still represent the current asking price. He displayed to the Council a plot of the land showing the land, the roads and the current highway easement. He reported that the site had limited potential for a building, which would require several variances. He stated that it's location as a dominant feature to the entrance of the historic district would permit it to be a good place to install a water feature.

The discussion that followed brought out several concerns including the size of the lot should the state use their easement.

Alderwoman Taylor moved to authorize Alderman Jeffrey in concert with the City Attorney to continue with negotiations to purchase the property. Alderman Sumpter seconded. There followed a brief discussion about appraisals and negotiations. The motion passed by voice vote, 4-0-1 (Alderman Jeffrey abstained).

At this time the Council recessed for approximately ten minutes.

498

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
March 18th 1999**

NEW BUSINESS

Permission to bid for balcony air-conditioning in Auditorium. Ms. Libby! Freeland requested that the City Architect be authorized to draw up specifications to install air conditioning on the balcony level of the City Auditorium. Bids will then be accepted based on these specifications after review by the City Attorney. Alderwoman Taylor moved to so authorize the City Architect. Alderman Schrader seconded. The motion passed by voice vote, 5-0-0.

Request for May Day Parade Permit. Alderman Sumpter moved to approve a request for a May Day Parade in conjunction with the Fine Arts Festival on May 1, 1999 and to waive the fee. Alderman Freedland seconded. Mayor Satori relayed the approval for the parade route and time by Chief Hyatt. The motion passed by voice vote, 5-0-0.

Adoption of the Eureka Springs Transit Department Drug and Alcohol Policy. Ms. Lisa Liggett distributed the policy that would be adopted. She also discussed a proposed benefit for employees of a counseling service. This service could also be adopted for all city employees at a good rate. She will bring this issue to the Council at a later date.

Alderman Sumpter moved to adopt the Drug and Alcohol policy for the Transit Department. Alderman Jeffrey seconded. There was a discussion of ramifications of the Council adopting a policy versus approving an Ordinance or Resolution. The policy was adopted by voice vote, 5-0-0.

Alderman Sumpter requested that the Employee Assistance Program be placed on the April 1st agenda.

CITY COUNCIL COMMENTS

There were no comments.

MAYOR'S COMMENTS

There were no comments.

ADJOURNMENT

Alderman Taylor moved to adjourn. Alderman Sumpter seconded. The meeting was adjourned at 10:30 p.m.

APPROVE:

Beau Zar Satori, Mayor

ATTEST:

Mary Ann Lee City Clerk-Treasurer