

CITY OF EUREKA SPRINGS COUNCIL MEETING MINUTES

October 21st, 1999

The October 21st, 1999 meeting was called to order at 7:05 p.m. by Mayor Beau Satori. It was held in the courtroom of the Western District Courthouse.

PRESENT: Mayor Satori, and Alderpersons Jeffrey, Schrader, Stoppel, Taylor, and Sumpter. Alderman Freeland came in later.

ALSO PRESENT: Kate Allen, Bob McVey, Bill Eamgey, Charles Thurman, Gail Money, Sally Riker, Diane Murphy, Jack Van Cauill, , David White, Jeff Pratt, Brent Updegraph, Greg Motzko, Robert Pettis, Jason Bailey, Nick Samac, Doug Munyon, Tim Collins, Judge Alan Epley, Judge Tim Parker, Attorney William Mertins, Jerry Runner-Smith, Attorney Kent Crow, Attorney Tim Weaver, Jeanne Elderwind and daughter, Kim Dickens, City Attorney Tom Laub, and Clerk Lee. More people attended but they did not sign in. Many were from Clear Springs School.

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

APPROVAL OF THE AGENDA:

Alderman Jeffrey asked that the discussion regarding Clear Springs School be held first under Unfinished Business. Also it was asked that the Council re-address the shuttle to be continued through the year's end. This was item four under unfinished business. The agenda was approved as amended, 6/0/0.

APPROVAL OF THE MINUTES:

The minutes of October 7, 1999 were late in getting to the Council. The motion was made and seconded to postpone until the November 4th Council Meeting. All were in favor, 6/0/0.

COMMISSION, COMMITTEE AND AUTHORITY REPORTS AND VACANCIES:

Alderman Schrader made a motion, and it was seconded, to again postpone a vote on Pat Matsukis since she had to be out of town. All were in favor, 6/0/0.

The motion was made and seconded to approve Cynthia Hudson. Alderman Jeffrey said rumors were going around about things Ms. Hudson intended to do and he was hesitant until he and all of the other Council members had heard from her. The motion was made and seconded to postpone the approval of her position until the next meeting on November 4th, 1999. All were in favor, 6/0/0. Mayor Satori said that it is the responsibility of a nominee to call and speak with the Council so that they can vote intelligently on a nominee.

Mayor Satori said that Glenn Strange had resigned from the Parks and Recreation Commission and he nominated Elaine VanNatta for that position, which is position #3 and the term expires 5-31-04.

DEPARTMENT HEAD COMMENTS:

Fire Chief Robert McVey made a presentation to the members of his staff that have received their Certified Professional Firefighter status. He reported that the certifications are 75% complete. He presented Firefighters Badges to the following staff members:

Captain Jimmy Kelley, Firefighter-Paramedic Greg Motzko, Firefighter-Paramedic Robert Pettis, Firefighter-Paramedic Jason Bailey, Firefighter-Paramedic Nick Samac, Firefighter-Paramedic Doug Munyon, Firefighter-Paramedic Brent Updegraft, and Firefighter-EMT Tim Collins. Judge Alan Epley swore them in. They were applauded by those present.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens had nothing to report at this time.

UNFINISHED BUSINESS:**Discussion regarding Clear Springs School construction:**

Alderman Jeffrey explained that construction had been stopped at Clear Springs School, on September 21st, 1999. It has caused a severe financial hardship to the school, and they would like the Council's help to get work started again. Alderman Jeffrey said that since none of the codes were being violated, and there was no safety or health issue involved, he wanted to make a motion that the City to rescind the stop work order, by the Building Inspector of September 21st, 1999, and allow construction of the building to proceed to completion. Alderman Schrader seconded.

There were several points that were a concern. The inspector said that the Gypsum dry wall was not put in according to the directions of the company.

The school had put in a radiant heat system, and could not get permission of the State to use it. They dismantled it, took out the manifold and walled the system up, but the building inspector had wanted them to cut off the tubing at the surface of the slab and fill it with concrete, so that it could never be used.

The school has purchased gas furnaces for the heating. The inspector felt that there wasn't room to put in the duct work.

Alderman Jeffrey said he is on the Board of Directors of the school and will refrain from voting on this issue.

Mr. Laub said that Mr. Jeffrey should amend his motion to add the words "to proceed in conformity with the codes". Alderman Schrader made that motion with Alderman Jeffrey seconding.

Ms. Dickens said that the opinion of the inspector was that the dry wall was hung incorrectly, and that was the major problem. She was informed that the wall has been reinforced.

Headmaster Jerry Runner-Smith said that Joe Summers, who will be doing the duct work for the heating and air, said he would make what space he needed, and if he had to take down dry wall to do the job, he would do that and then fix it. The main item there is getting on his list, because he is very busy. The Headmaster said that even though the State had sanctioned the pouring of concrete into the radiant heat system, it was not mandatory, and since it was walled in, that should be sufficient to keep the system from ever being used.

Ms. Dickens said the concern that has caused a lot of these problems is that there are a lot of things that have been done incorrectly on this job. It is Roger's job to see that the people at Clear Springs School get the very best job from the contractors that they have working for them. The City wants it to be safe and built right for them. This is not for the City. This is for the people who are paying to build the school. The job needs to be right and it needs to be safe, above all things, as is true about every building that is built here.

Mr. Runner-Smith stated several times that the dry wall job is ready to be inspected.

The vote on the amendment was 6/0/0.

The vote on the motion to resume was 4/1/1, with Alderman Freeland voting no, and Alderman Jeffrey abstaining because he is on the board.

Ordinance No. 1818, prohibiting outdoor price signs at lodging facilities, third reading:

The motion was made and seconded to suspend the rules and place Ordinance No. 1818 on its third and final reading by title only. All were in favor, 6/0/0.

Ms. Dickens read the ordinance by title only.

The motion was made and seconded to approve.

Alderman Schrader invited Kert Crow to speak to the Council against Ordinance No. 1818. When

asked who he represented, he said he did not represent anyone but was there as a friend to the Council. Mr. Crow cited many reasons why he felt the ordinance would not survive a court test.

William Mertins spoke in defense of the ordinance for the Resort Association. He offered a different interpretation much of the case law that had been brought up. He said they have done their homework, and they believe the ordinance will stand.

Annemarie Svendsen spoke against the ordinance. Gail Money, manager of Thurman's Lodge spoke against the ordinance. Both were convinced that it would cause a financial hardship to the motel owners who use this practice.

Alderman Jeffrey said it is worth trying. He said if it didn't cause the robust economy that he hoped for, he would be the first in line to have the ordinance rescinded.

The vote on the third and final reading was 5/1/0, with Alderman Schrader voting no.

Ordinance No. 1820, changing the number of Park Commissioners from 5 to 7. (Third reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1820 on its third and final reading by title only. All were in favor, 6/0/0.

Ms. Dickens read the ordinance by title only.

The motion was made and seconded to approve on the third and final reading. The vote was 5/1/0, with Alderman Jeffrey voting no.

Discussion about re-instating David White's free shuttle:

A lot of the downtown merchants were in support of Mr. White's shuttle running through the holidays. A petition had been signed by over a hundred business owners asking that the shuttle be continued.

Alderman Taylor made the motion to approve the extension of the free shuttle through Christmas. Alderman Stoppel seconded. Everyone was raving about the free shuttle.

Then there was quite a discovery. The City had never drawn up a contract for this service. Not only that, but Mr. White thought there was about \$1300 per week-end to be used for this, and the fact was the cost of the transit shuttle was estimated to be about \$377 per week-end. With that much of a discrepancy, it was obvious that there was a large difference between the money available, and the money spent to provide the shuttle.

At this point, the motion was made and seconded to recess. All were in favor, 6/0/0. The meeting was recessed at 9:10 p.m. The meeting was reconvened at 9:25 p.m.

During the recess, the clerk had found and made copies of the meetings where Mr. Leswig had first introduced the idea and where Mr. White had proposed to take over the shuttle for the amount of money that it would cost the Transit Department to run the trolley shuttle. Mr. White thought that there was about \$1300 per weekend to operate this. He said that he was willing to absorb the cost of the telephones, because he had gambled on the chance that the shuttle would be extended through the holiday season, and beyond.

However the cost of the shuttle would cost \$35 hourly in most places and he felt that it was unrealistic to expect the shuttle to run for under \$25 hourly. He also was running into a deadline for his commercial insurance. He had to let them know the next day how many vehicles he would be running. He had not been paid any money to date and no contract had ever been drawn up.

Alderman Taylor amended her original motion to extend the shuttle to go through January 2, 2000 at whatever cost the City has agreed upon. Alderman Schrader seconded

The vote on the amendment was 6/0/0.

The vote on the original motion, which was to extend the contract, was 6/0/0.

NEW BUSINESS:**Property Insurance bids via competitive bidding. (Ernst Schrader):**

Alderman Schrader felt that the competitive bidding process for property insurance needed to be reviewed. Mr. Schrader's two main concerns were that the City did not, in his opinion, have a comprehensive bid package, and that the insurance companies were not given enough time to bid.

The Clerk pointed out that an attorney for Municipal League had reviewed the City's current bidding process and found it to be in compliance with State Standards.

Alderman Schrader submitted a list of recommendations that could be used in creating a new policy.

The Council decided to look into this in the year 2000 and to consider changes at that time. Property insurance runs from December 16th to December 15th, annually.

Ordinance No. 1821, and ordinance to regulate the preservaton of trees. (First reading, Kim Dickens):

Alderman Jeffrey said there were several things that were extremely stringent about the ordinance and he would not like to see it read until some of it was toned down.

Alderman Taylor said she thought a committee should go over it and then bring it back to the table.

Alderman Jeffrey and Alderman Schrader said they would get together with the Planning Commission and work on it before it was brought back for consideration.

Discussion regarding the CAPC tax ordinance/Annexation:

The Great Passion Play has made the offer to collect CAPC tax on their gifts, and food. Based on the collections for this year, they feel that the amount would run approximately \$25,700 annually.

There was also some talk of annexation of the properties along Statue Road, and the Play itself. Alderman Sumpter made the motion to have Tom Laub draw up an ordinance that would allow the businesses at the Passion Play to collect CAPC tax for the City. All were in favor, 6/0/0.

Ordinance No. 1822, an ordinance amending the outdoor sale ordinance. (Kim Dickens):

It was explained that the way it is written now, the ordinance is very cumbersome and needed to be amended. The police chief does not want to be bothered with approving yard sales, unless a problem could arise with traffic flow. The clerk always calls if she feels there is a question.

The motion was made and seconded to place Ordinance No. 1822 on its first reading in its entirety. All were in favor, 6/0/0.

The Mayor read the ordinance in its entirety.

The motion was made and seconded to approve. All were in favor, 6/0/0.

CITY ADMINISTRATOR'S REPORT:

Ms. Dickens reported that the codification process is close to being finished. There are openings for the areas in which work is in progress on the ordinances, which are: Zoning, Trees, Landscaping, Signs, and the Building Inspector's Department.

COUNCIL COMMENTS:

Alderman Schrader asked when there would be an update on the projects in the works.

He was told that the State-of-the-City Address would cover everything, and that is given during the second Council meeting of January, 2000.

MAYOR'S COMMENTS:

Mayor Satori reported on the work that will begin on Main Street the first week in November. The

State has hired a local contractor this time, Jimmy Jones, and he is sensitive to the City's needs. There will be one-way traffic on Planer Hill for quite a while. There is talk of reversing Armstrong during this period. That will have to be discussed later. Benton street will also be used, however, it is often closed during the winter months. The deadline is April, 2000, but Mr. Jones hopes to be finished well before the deadline. People are volunteering to help pay for signage to guide everyone around the City and help our visitors find their way.

Signature page for the October 21st, 199, Council Meeting.

The motion was made and seconded to adjourn. All were in favor, 6/0/0. The meeting was adjourned at 11:00 p.m.

This is the signature sheet on the minutes for October 21st, 1999.

APPROVED:

Beau Zar Satori, Mayor

ATTEST:

Mary Ann Lee, City Clerk-Treasurer