

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
APRIL 6, 2000**

The April 6, 2000 meeting was called to order at 7:10 p.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, Taylor, and Sumpter.

ALSO PRESENT: Ed Leswig, Steve Stitt, Cindy Baker, Bruce Levine, Lisa Liggett, Jack Tuttle, Debbie Frisbie, Richard Harper, Kent Crow, Kate Allen, Sherry Wilson, Bob McVey, John Burnette, Earl Hyatt, Don Matt, Kim Dickens, and Clerk Lee.

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

APPROVAL OF THE AGENDA: Item No. 1 from new business, Discussion regarding appointment of a City Attorney, was moved to Item #2 under Old Business. Item #7 under new business was the proclamation for National Crime Victim's Rights, April 9-15, 2000 and it was taken off of the agenda by the Mayor.

Item #4 Review Animal Licencing procedures was postponed until April 20th, 2000. The motion was made and seconded to approve the agenda as amended. All were in favor, 6/0/0.

APPROVAL OF THE MINUTES:

The motion was made and seconded to approve the minutes of the March 2nd, 2000 City Council Meeting. The amendments were noted. All were in favor, 6/0/0.

The motion was made and seconded to postpone the March 17th, 2000. All were in favor, 6/0/0.

COMMISSION, COMMITTEE AND AUTHORITY REPORTS AND VACANCIES:

DEPARTMENT HEAD COMMENTS:

Mayor Satori had nominated Richard Harper for the Planning Commission, Position 1, which expires July 1, 2002. The motion was made and seconded to approve. The fact that Mr. Harper was a resident of the Historic District was brought up. The general feeling was that the Council was reluctant to turn down a person who was so experienced in City Planning. All were in favor, 6/0/0.

Mayor Satori had nominated Debbie Frisbee for the Planning Commission, Position 7, which expires January 1, 2003. The motion was made and seconded to approve. The Council asked for someone who did not live in the Historic District. The motion and second were withdrawn. Mayor Satori asked then if Ms. Frisbie would consider being on the Historic District Commission, Position 6, which expires March 7, 2002. Ms. Frisbie accepted. The motion was made and seconded to approve. All were in favor, 6/0/0.

For Position 3, on the Cemetery commission, the Mayor nominated Ken Fugate. This position expires February 15, 2001.

DEPARTMENT HEAD COMMENTS:

Parks Commissioner, Bruce Levine, came and gave a report for the Parks and Recreation

Commission. He announced that the Commission had hired a Director, Susan Loune. Ms. Loune had been working for the Times-Echo. She is an attorney specializing in land and water use, and worked on the Columbia River Gorge project. Her skills are transferable to Parks and Recreation and the commission is glad to have her.

The first engineering report on the sports fields is due next week. It will be two to three weeks before there will be enough information to form a budget.

Mr. Levine asked people to not listen to the gossip that is going around. People are commenting on things that the Parks Commission hasn't finished finding out about yet.

Bob McVey, the Fire Chief, reported that they have started fire inspections for the year 2000. He said they are finding a 50% compliance from last year. When the deficiencies are found a Notice of Corrections will be issued. The business owner will have two weeks to come into compliance. If they haven't complied, then another Notice of Corrections will be issued and it will say Final Notice. If the corrections haven't been made within a week, then that notice will be forwarded to the City Attorney.

The Fire Chief said that the idea is not to put anyone out of business, but to keep everyone safe. The department will work with anyone who has extensive work to be done and the time allowed isn't enough, as long as they follow through. The Building Inspector follows the code for "how to build". The Fire Chief follows the code for "how to maintain". The Chief said the problem they see all over town is extension cord use. Such cords are made for temporary use.

Mayor Satori said to all business owners that if they don't remember what the corrections were from last year, they can call the Fire Department and ask.

Chief McVey said that there will be emergency notification numbers registered this year so that if there is a problem in a business, a person can be notified to come down and open the door, instead of the Fire Department breaking it in.

Transit Director, Lisa Liggett, reported that the trolleys are up and running seven days a week from 9 a.m. to 5 p.m. When asked if the trolleys made money on the week ends in March, she replied that March and April are slow months and they generally don't make money.

She said the financials are not ready yet. As soon as the financial reports are finished she will put them in the council members boxes.

The new transit maps will be ready in about 10 days.

She talked about the Department getting a charter license. She and Kim are looking into whether the Transit Department can get one. She said it is possible if there is nobody in the private sector willing to do the service and able to do the service. Also, if there is a capacity issue. Obviously, a taxi cannot accommodate twenty people in a wedding party. If there is an accessibility issue, it is possible. The new trolleys have lifts for people who are disabled. Ms. Liggett's office has had calls for charter for weddings. The biggest trouble for special events is finding drivers. Her drivers work five days a week. Fees for charter are something that would have to be worked out later. Mayor Satori said the City's Main Charter is based on our ADA accessibility. Everything is being checked with the people in Little Rock. Ms. Liggett said there are two bookings that David White from Eureka Taxi has. They have already been promised, and Transit will be going ahead with them. She assured the Council that it is okay to do them, and that we are not incurring liability of any kind by doing that.

Mayor Satori said the clerk had sent letters asking for copies of the inspections and insurance for all of the privately owned vehicles of tour companies carrying people in the City.

Ms. Liggett asked the council to waive the nepotism clause in the City Handbook so she can hire a brother and sister to clean vehicles. She said the sister had worked for them before and was very good. The brother would like to work with her and ride with her. They live in Missouri.

Alderman Jeffrey made the motion to approve and Alderman Stoppel seconded it. All were in favor, 6/0/0

Alderman Sumpter asked about the space on the trolley map. Mayor Satori said that since the City only has one taxi service, David White paid \$100 and they put his name in the last space. Ms. Liggett said the maps will be back ten days from next Monday.

Alderman Freeland had asked at an earlier time to have a meeting with all entities who own vehicles that carry people, along with the taxi owner and the transit. He felt that it would be beneficial. Ms. Dickens said as soon as they have more information, she will either set it up as an agenda item or a workshop meeting.

UNFINISHED BUSINESS:

Discussion regarding Ordinance No. 1835, adopting new code for the City of the Eureka Springs. (Second Reading):

The motion was made and seconded to place Ordinance No. 1835 on its second reading by title only. The roll call vote was 5/1/0, with Alderman Schrader voting no.

Ms. Dickens read the ordinance by title only.

The motion was made and seconded to approve. The vote was 5/1/0, with Alderman Schrader voting no.

The motion was made and seconded to further suspend the rules and place Ordinance No. 1835 on its third and final reading by title only.

Alderman Schrader made the motion to amend codification by dropping the section regarding the Planning Commission. The was no second.

Alderman Stoppel made the motion to postpone the final reading until the April 20th meeting.

Alderman Schrader seconded.

Alderman Schrader said he had received a letter from an attorney offering to settle a suit against the Planning Commission. He said it specifically had to do with the verbage in the three and one half pages that had been "dropped" from the codification. He said he had an hour interview with the man who brought the suit.

Ms. Dickens asked Steve Stitt, the City Attorney of Siloam Springs to speak on the codification. Mr. Stitt gave his qualifications. He has had thirty years of government law, and fifteen of those years were in municipal law. The rest has been teaching law in the legislative drafting sector. He has taught legal writing and code drafting. He said Siloam Springs is in the process of codification. A codification takes care of internal inconsistencies in the code. It is written in a constructive direction by a codification council.

He thought some of their code was pretty bad, but ours is appalling. The language that Mr. Schrader is concerned about is full of errors. It is a good example of why the City needs a new code. It has attempted to follow laws enacted in 1978 which have been amended a lot of times. It is full of dangerous errors about things as fundamental as the territorial jurisdiction of that planning commission.

Mr. Stitt said the codification company that we are using is one he considers the best in the country. That company is made up of attorneys, unlike almost any other codification company. They work with and are in constant contact with the staff of the City they are working for.

Alderman Schrader wanted a list of whatever changes have been made. He felt the City should not blindly adopt 500 pages of changes without knowing exactly what had been changed.

Mr. Stitt said that if the City has enough money he was sure that the company could do a line by line itemization of what had been changed. He advised Councilman Schrader to call and find out the cost of such a project. He said that the attorneys have brought the code into compliance with state statutes. He said that if there are law suits against the City because of the code as it is written now, it is unlikely to change if the same verbage is kept in the new codification.

Mayor Satori said the codifiers don't change our laws, they are changing the laws illegally written,

or laws on our books that are in direct conflict with state law. Just because an individual likes the way something is written does not mean it is right. He sighted his case of removing commissioners. Our code book said he could. When he got to court, he found out that our code book was in conflict with state statutes, and he couldn't legally remove commissioners.

The vote for the postponement was 5/1/0, with Alderman Jeffrey voting no.

Mr. Stitt said that in his opinion, the new code is head and shoulders above anything he read in the old one. If there are any typos, they can be made by any one, and are easily corrected. The Clerk said that she had not heard anyone speak of the necessity of using the State Handbook along with the new code book. It would not do much good to try to read the codification without it.

The Mayor, Council, and Ms. Dickens voiced their thanks to Mr. Stitt for donating his time to come and speak with them.

The motion was made and seconded to take a recess. No vote was taken but there was a general consensus to break. The meeting recessed at 8:25 p.m. and reconvened at 8:45 p.m.

Discussion regarding the appointment of a City Attorney:

There were three candidates. Cindy M. Baker is presently working with Vowel and Atchley in Berryville. Sherry M. Wilson is presently working in the Carroll County Prosecutor's office as his deputy. John M. Burnett has his own firm in Eureka Springs on Passion Play Road.

The candidates introduced themselves and told the Council about their qualifications and their lives.

The motion was made and seconded to go into executive session. All were in favor, 6/0/0.

Executive session began at 9:05 p.m. The meeting reconvened at 9:25 p.m.

The motion was made and seconded to accept Sherry Wilson as the City's interim City Attorney. The approval was unanimous, 6/0/0.

Mayor Satori thanked all of the candidates for their interest. The new City Attorney, Sherry Wilson, joined the Council at the table.

Resolution No. 471. Utilizing Federal Aid Enhancement Monies. Mayor:

Mayor said this is the statement of willingness to fulfill the Transportation Enhancement Grant for \$175,000 to be used to bury utilities on Planer Hill. It will require the City to put in \$35,000 to match their 80%. The motion was made and seconded to read Resolution No. 471.

The vote to read was 6/0/0.

Mayor Satori read the resolution.

The motion was made and seconded to approve.

Mayor Satori said the original grant application was for a half a million dollars and included burying utility lines from the top of Planer Hill all the way to Spring Street and rebuilding the sidewalks from Spring Street to the Historical Museum. He said hopefully the money will pay to bury the utility lines from the top of Planer Hill to the museum.

The Mayor has not received any more communication from the State about this. He said he intends to see that this is done in this calendar year.

The grant stipulates what will be done and where. It was not necessary that it all be in the resolution.

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

Discussion regarding special election issues:

Alderman Schrader again brought up the subject of voting for council members by ward.

Alderman Jeffrey spoke against it, and felt that it would be very divisive, in a town which already

has problems in that area. Alderman Schrader said people feel unconnected to someone who is elected out of their ward. Alderman Sumpter said that citizens perceive that Council members only serve the ward which they were elected from now. He feels that isn't true but it is the perception people have.

Alderman Jeffrey made the motion to postpone the subject until April 20th, 2000, with Alderman Sumpter seconding. The vote was 2/4/0. Alderpersons Sumpter and Jeffrey voted yes, and Alderpersons Freeland, Taylor, Stoppel, and Schrader voted no. The motion failed.

The motion was made to direct the City Attorney to draw up an ordinance for the ballot to allow people to run for council in their wards only. The vote was 3/3/0. Alderpersons Schrader, Taylor, and Freeland voted yes. Alderpersons Stoppel, Sumpter, and Jeffrey voted no. The Mayor broke the tie by voting yes. The final vote was 4/3/0.

The motion was made and seconded to have the City Attorney draw up an ordinance to put the Lake Leatherwood Dam Bond Issue on the ballot. All were in favor, 6/0/0.

The motion was made and seconded to have the City Attorney draw up an ordinance to place Sunday package liquor sales on the ballot. During the discussion, the council asked Ms. Wilson to research whether off Sunday packaged liquor sales are allowed in Arkansas. The idea is that people wouldn't have to drive to Missouri to buy their liquor or beer. They could buy it here. If Sunday packaged liquor sales can be sold legally in the state, then the City Attorney go ahead and prepare the ordinance for the vote of the Council.

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

The motion was made and seconded to place the referendum on the ballot. They were withdrawn because the petition automatically places the bond issue for the police station on the ballot.

Mayor Satori said that engineers were disappointed that when the work on the wastewater treatment plant was cut back, the City didn't vote to increase the capacity of the treatment plant. The problem is that everyone wants to have sewer, and the treatment plant is at capacity now. It cannot handle anymore hook ups. This not for future City growth. This is for people who are here now.

Alderman Jeffrey said a different reactor would have to be used. It is called a SBR reactor or a single basin reactor. It would allow that location to expand at a later date.

What we are doing now cuts it off and it will not be able to be expanded. The sensible thing to do would be to do the SBR filter now, while everything is being done. The cost was not talked about because they were not expecting to discuss this project and nobody had the figures.

The motion was made and seconded to direct the City Attorney to write an ordinance to include the SBR reactor to be placed on the ballot to be added to the wastewater treatment plant up-date. The vote was 6/0/0.

Alderman Schrader made the motion that the instruct our City Attorney to draw up an ordinance to approve or disapprove in response to multiple choice alternatives: to build sports fields at various locations, including Lake Leatherwood Park and more level sites in the vicinity of Eureka Springs; (In the middle of this motion, Alderman Schrader took off on a long explanation). Somewhere in there Alderman Freeland seconded the partial motion. Alderman Schrader went on to say that the people have been saying that the costs are higher and a lot of things weren't planned for and maybe it would be better to just find some level places and build playing fields. Alderman Freeland withdrew his second. He said the subject was too big to deal with at this meeting. The motion was never finished.

Mayor Satori said he would like to see the City annex the Leatherwood Creek valley. That includes

Black Bass Lake and about 40 acres that the City owns adjoining the City. He showed the property on the map.

Alderman Freeland said the City needs to research some of this as to how much it is going to cost the City. He said we annexed Leatherwood, and now we have a dam that is very costly and nobody wants to help us with it. He advised caution.

Alderman Jeffrey said he would rather see the City annex subdivisions that are adjacent to the City that are receiving City water, than to annex wilderness.

NEW BUSINESS:

Discussion regarding Ordinance No. 1836, Basin Spring parking. (second reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1836 on its second 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. All were in favor, 6/0/0.

Resolution No. 472, Support of the Auditorium from the City Council:

The motion was made and seconded to read Resolution No. 472. The vote was 6/0/0.

Mayor Satori read the resolution.

The motion was made and seconded to approve.

There was discussion about the intent of the resolution. In section II, it was amended to read: The City Council of the city of Eureka Springs, pledges to continue to support the City Auditorium with payment of property insurance and financial assistance with maintenance and operations.

In Section III the word Mayor's is inserted before designee.

The motion was made and seconded to approve the resolution as amended. The vote was 5/1/0, with Alderman Stoppel voting no.

Resolution No. 473, Utilizing Dederal Aid Monies. (Parks Commission):

This is for the grant the Parks Commission received to build the Basin Park high trail.

The motion was made and seconded to read Resolution No. 473. All were in favor, 6/0/0.

Ms. Dickens read the resolution.

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

Setting date for the Town Hall Meeting. (Mayor):

A date was set for a town hall meeting to be held on May 9th at 7 p.m. The motion was made and seconded to do so, and the vote was 6/0/0.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens reported that the court case for motel signs will be held on May 3rd in the Berryville Court.

COUNCIL COMMENTS:

Alderman Schrader said that David White of Eureka Taxi has some genuine concerns and wants to know that the Council is going to have a meeting with the Tour operators and the Transit Department and the Council. He was assured that the City will be doing that.

Alderman Freeland said he was concerned by the issues raised by Jack Dozier. Ms. Dickens said he had requested a list of questions be answered. She said that Mr. Dozier is out of town, Kirby Murray is out of town, and that the questions would be answered at a later time and that everything would be copied and put in the Council's box.

MAYOR'S COMMENTS:

Mayor Satori said take seriously beautification month. If you see something on the ground that

shouldn't be there, pick it up! Use peer pressure to pick up and clean up the City. A lot of business owners are refurbishing their store fronts.

Ms. Dickens said that there were people here from all over the state for a meeting. They raved about our Historic District Commission and the way everything was handled. None of them has a historic district like ours. They were so impressed with the beauty of this area, and how it is being taken care of.

The motion was made and seconded to adjourn. All were in favor. The meeting was adjourned at 11:15 p.m.

This is the signature sheet for the April 6th, 2000 Council Meeting minutes.

APPROVED:

Beau Zar Satori, Mayor

ATTEST:

Mary Ann Lee, City Clerk-Treasurer