

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
AUGUST 17, 2000**

The August 17, 2000, 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, Freeland, Sumpter and Taylor. Mr. Stoppel came in late.

ALSO PRESENT: Ed Leswig, James DeVito, Bruce Levine, Bill Earngey, Kelly Simon, Diane Murphy, Kirby Murray, David White, Mary Jean Sell, Ron & Ruth Morrison, Don Matt, Kim Dickens, Sherry Wilson and Clerk Lee.

PLEDGE OF ALLEGIANCE: Mayor Satori led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Mayor Satori said that items 4 through 6 under new business will be postponed due to workshops. He added Parks Commission, Position 7, Expiration date 11/22/2004, under Commissions, Committee, and Authority Reports and Vacancies.

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

APPROVAL OF THE MINUTES:

The motion was made and seconded to approve the minutes of August 8th, 2000. The amendments were noted. All were in favor, 6/0/0.

COMMISSION, COMMITTEE AND AUTHORITY REPORTS AND VACANCIES:

Mayor Satori reminded the Council that he had recommended Bill Featherstone for the Parks Commission before when Karen Brawley changed her mind about resigning and stayed on the Commission. At that time the Council had time to consider and hear from the citizens about his nomination.

The motion was made and seconded to approve his nomination. Alderman Schrader said the Council should wait two weeks, and give the citizens time to respond. After some discussion, the vote was 5/1/0, with Alderman Schrader voting no.

DEPARTMENT HEAD COMMENTS:

There were no comments.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens reminded anyone in the community who was planning to run for a City Council Position or for the City Attorney Position to get their petitions signed and get their paperwork in by the 8th of September. Mayor Satori said that they would need 30 signatures of registered voters in the City of Eureka Springs.

UNFINISHED BUSINESS:

Discussion regarding Ordinance No. 1841, Animals, Animal Licensing, Fines and Fees, (Third reading):

The motion was made and seconded to place Ordinance No. 1841 on its third and final reading, by title only. The ordinance had been read for the third time and the vote had been postponed. The ordinance was back under discussion. Alderman Schrader said that the memorandum that City Attorney Wilson gave the Council members was very helpful, to help them to better understand the ordinance. After more discussion, the vote on the third reading of Ordinance No. 1841 was 5/1/0,

with Alderman Freeland voting no.

Discussion regarding Ordinance No. 1847, an ordinance amending Section 46-89, Fire Department. (Second reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1847 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.

The motion was made and seconded to further suspend the rules and place Ordinance No. 1847 on its third reading by title only. The vote was 5/1/0, with Alderman Freeland voting not to read.

Ms. Dickens read the ordinance by title only.

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

Discussion regarding detour onto Grand Avenue during winter construction:

Mr. Murray came to the meeting to explain why the City cannot go against the plan to use Grand Avenue while the work is being done on North Main Street. This plan had been in place since March, and then relayed to the State Highway Department, and they developed their plans accordingly.

The sewer trunk line replacement and the Highway replacement will both start at the same time, which is November 1st, 2000. One lane is to be kept open at all times.

Any change now will result in more cost and could interfere with the loan for the treatment plant. Also, a change could result in a one year delay in replacing Highway 23 North. Both projects are important.

There was quite a long discussion, and Mr. And Mrs. Ron Morrison came again to speak to the issue. Mrs. Morrison had suggested that there be signage at the Missouri border to alert the large vehicles to the fact that they would have to travel a difficult detour route to Highway 62. Mr. Murray agreed to discuss such signage with the Missouri State Highway Department and see what could be done. The Morrisons have serious concerns about the detour route, several of which involve the infrastructure of the route. Mr. Murray said the City would do their best to prepare for and repair the problems that might be caused. The motion was made and seconded to allow Grand Avenue to be used during the time the work is being done, but to leave the signage there until the work begins. The vote was 6/0/0.

NEW BUSINESS:

Discussion regarding amendment to Carroll County Solid Waste Contract, regarding rates:

Ms. Dickens said that one of the main reasons the solid waste collection rate is going up is because The Carroll County Solid Waste Authority is entering into a new contract with a solid waste provider. The City has been benefited for a number of years, because they forgot to change the numbers on our contract each time it was renewed. They caught it this time and there will be a rate increase. It was mentioned that this is a 12 ½ % increase, and part of it is inflation.

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

Discussion regarding Ordinance No. 1821, an ordinance to regulate the preservation of trees. (First reading):

The motion was made and seconded to place Ordinance No. 1821 on its first reading.

Alderman Taylor asked that the City Attorney go over this ordinance and make sure it is not infringing on people's constitutional rights.

Mayor Satori said the Planning Commission has been working on this for a year and a half. After some discussion, it was found that Ms. Wilson had not looked over the ordinance. The Planning Commission was finishing the ordinance about the time Ms. Wilson was hired. Ms. Wilson was

asked to go over the ordinance before it was read.

The motion was made and seconded to postpone to the next Council meeting, on September 7th, 2000. Alderman Jeffrey said Mr. Bill Schenk had been unable to attend the meeting but had given the Council a memo stating his concerns. He felt that Ms. Wilson should also look into those ideas. The vote was 6/0/0, to postpone.

Discussion regarding speed hump policy:

The motion was made and seconded to accept the speed hump policy.

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

Discussion regarding Ordinance No. 1845, an ordinance amending sections 106-191, 106-195, 106-221, 106-301, 106-321, 106-342, and 106-361, pertaining to parking, (First reading):

The motion was made and seconded to postpone the reading until after the workshop to be held August 22, 2000 at 1:00 p.m. All were in favor, 6/0/0.

Discussion regarding Ordinance No. 1816, an ordinance amending in its entirety, Ordinance 1075, Zoning Ordinance, (First reading):

The motion was made and seconded to set a workshop on Ordinance No. 1816, zoning, and the date and time were set for August 31th, 2000, at 1 p.m. All were in favor, 6/0/0.

Ms. Dickens reminded the Council that the meeting on the Vision Plan is Wednesday, August 30th, 2000. The video will be shown at 5 p.m. and the meeting will begin at 7 p.m.

Mr. Schrader said that the Planning Commissioners were very comfortable with sending Mr. Leswig to represent them in these workshops.

Discussion regarding Ordinance No. 1830, an ordinance regulating Landscaping and Screening, (First reading):

Ms. Dickens asked that the reading be postponed. The ordinance was written by the Planning Commission. Both Ms. Harrington, the land use attorney, and Ms. Wilson should probably take a look at it before it is read.

No action was taken.

Permission for banner, 127 Spring St., Grand Opening, August 31-September 10th, 2000:

Permission for banner, "Welcome Marklin Train Show", August 31-September 10th, 2000:

Ms. Dickens explained that the Grand Opening banner would be at 127 Spring St.

The Marklin Train Show banner would be across the beginning of Spring St.

Alderman Jeffrey said he didn't see why the Council constantly should have to vote on these banners. He feels a policy should be developed so that banners would not be brought to the Council.

Ms. Dickens said a different council had voted to bring it to the Council to be voted on, but she could certainly draw up a policy for the Council's approval.

The motion was made and seconded to approve the two banners on the agenda. All were in favor, 6/0/0.

CITY COUNCIL COMMENTS:

Alderman Sumpter asked if the Passion Play was still collecting CAPC tax for the City of Eureka Springs.

Ms. Wilson responded that State has been confused about what kind of tax they were being asked about. Ms. Wilson said the first opinion from the Attorney General's office was faulty because they

thought they were giving an opinion about a different tax. The A&P tax is permitted to be collected by the Smith Foundation by State law and they have said that they will continue to collect the tax for the CAPC until someone gives them a firm opinion that they cannot collect it.

The Attorney General's office cannot give an opinion on this tax to a municipality, so they have asked Senator John Fitch to get an opinion, and they are waiting for that now. Legally speaking, the City is not in any jeopardy by accepting the tax, nor would we have to return the money at this time.

Alderman Sumpter asked that restructuring the City's Information Channel be taken off of the ongoing projects section of the agenda, and also the property insurance bid package.

Alderman Schrader said that at the meetings on the subject of the information channel, that he had attended, the cost of the project was prohibitive. It is very complicated project. The item can be removed until someone has a proposal to present to the Council.

Alderman Schrader was still insistent that the bid package should be looked at.

Ms. Dickens said that the Auditor has never mentioned that the City needs to redo the bid package that is being used. If the Council feels that a new bid package needs to be done, they should ask that it be put on the agenda. They are the only ones that can change the bid package. A copy of the bid package has always been available for the asking.

Alderman Sumpter asked if the staff is working on the water rates increase. Ms. Dickens said Ms. Wilson is working on it and it will be on the next agenda.

MAYOR'S COMMENTS:

Mayor Satori said that there was an article in the newspaper about the problem with the hospital. The City hasn't received a formal exit notice from Washington Regional as yet. They have to give six months notice. Ms. Dickens said the Council will have to make a decision as to what to do. Alderman Schrader asked what Washington Regional would take in the way of equipment from our hospital. Mayor Satori said all the city did was lease them the building and the equipment that was already there. He said any equipment that they provided, they would take with them. He said this is a subject the Council needs to keep in mind, because it will be coming up.

ADJOURNMENT:

The motion was made and seconded to adjourn. All were in favor, 6/0/0. The meeting was adjourned at 9:10 p.m.

This is the signature sheet for the Minutes dated August 17th, 2000.

APPROVED:

Beau Satori, Mayor

ATTEST:

Mary Ann Lee, Clerk-Treasurer

