

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
JULY 20, 2000**

The July 20, 2000 meeting was called to order at 7:10 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. Alderman Stoppel was absent.

ALSO PRESENT: Ed Leswig, Charles Thurman, Annemarie Svendsen, Joe Zickmund, Kelly Simon, Frankie Green, Kirby Murray, Constance Schrader, Lisa Knapp, Jack van Caulil, Monty Thurman, John Thurman, Don Matt, Sherry Wilson, Kim Dickens, and Clerk Lee.
PLEDGE OF ALLEGIANCE: The Mayor led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Alderman Jeffrey mentioned that Chief Hyatt had requested a second workshop on loading zones. He asked if the Council was expected to set a time for the workshop. Ms. Dickens said that the Chief would leave on vacation and would probably miss the next two meetings. It was suggested to place setting a date for the Loading Zones/Parking workshop as no. 5 under Unfinished Business. Items number one and four under new business were moved to just after City Administrative Assistant's Report. The motion was made and seconded to approve the agenda as amended. All were in favor, 5/0/0.

APPROVAL OF THE MINUTES:

The motion was made and seconded to approve the minutes from the July 6th, 2000. The amendments were noted and the vote was 5/0/0 to approve.

COMMISSION, COMMITTEE AND AUTHORITY REPORTS AND VACANCIES:

Planning Commission—Position No. 4—Pat Matsukis. The motion was made and seconded at the last meeting to approve her. It was then postponed until the July 20th meeting. Mayor Satori asked for a vote of the Council. Alderman Jeffrey said he could not support her. Alderwoman Taylor said all the phone calls she had received had been negative, and she could not support her. Mayor Satori, and Alderpersons Freeland and Schrader spoke in support of her. Alderman Schrader said he thought Alderman Stoppel should be there for the vote and made the motion to postpone until the next meeting. Alderman Freeland seconded. Alderman Jeffrey asked if they were going to postpone it again when he was gone, because he would not be at the next meeting. Aldermen Schrader and Freeland rescinded their motion and second. The final vote to approve was 2/3/0. Aldermen Schrader and Freeland vote for. Alderman Sumpter, Jeffrey, and Taylor voted against. The appointment failed. (Section 82-31 (c), Municipal Code).

DEPARTMENT HEAD COMMENTS:

Kirby Murray, Director of Public Works, reported to the Council that he had attended an Urban Forestry Maintenance School. He had been attending for the last two days and was going back to finish on Friday. The workshops had served to impress upon him that the City should develop a Tree Board and an Urban Forest Maintenance Program. The City has a tree keeper program and people came in recently and did a tree inventory of approximately 4300 City trees. They were also rated and identified. He said it would take some time, now, after the storm (that took place that day), to record how many trees were lost or damaged. The City is close to being able to do the

inspections and the pruning needed, with the crew that they have. He said that money will have to be put in the budget for next year to increase the staff and take care of the urban forest. Also, any plantings that are done will be diversified so that if a disease comes through and affects one species of tree, (such as Dutch Elm disease), it doesn't wipe out so much of the urban forest.

Lisa Liggett asked the Council to waive the nepotism rule so she can hire the daughter of one of her employees to be a conductor. Neither job has anything to do with the other.

The motion was made and seconded to waive the nepotism rule so that the person can be hired. All were in favor, 5/0/0.

Ms. Liggett said she would have a new financial statement ready for the August 3rd, 2000, Council Meeting.

Discussion Regarding "The Woods" fence located on City property:

Frank Green said that Kirby Murray just happened to be there when the surveyors were surveying Frank's property. The fence that was built was over onto a portion of Owl Street, rather than on Mr. Green's property as he had thought. In fact, Owl Street was not where anyone thought it was, but was a shallow hill with trees on it. Mr. Green showed pictures, explained that he had complied with all of the requests made by the Council in order that he could have an easement through to his property.

The City Attorney said the ordinance definitely proves that it is no longer considered green space, and the City has the right to sell that piece of property to Mr. Green.

Ms. Wilson said that there is no such thing as adverse possession when the property is owned by a municipality. Mr. Green said he would like to finish the property by putting in an arbor, and a gate with a short stairway leading down to the pedestrian easement. He was willing to do whatever the Council found necessary so that he could finish the project and go on with his life.

The motion was made and seconded to have the City Attorney prepare a resolution to deed the property to Mr. Green for a fair market value remuneration, to be negotiated between Mr. Green and Ms. Wilson, with provision for the pedestrian easement and the sewer easement in the contract.

Mr. Murray reminded the Council that there were cases of people building fences, etc., in the street in other places, and be sure not to set a precedent. Alderman Jeffrey said that these streets were being used as streets, and were in a completely different situation.

The vote on the motion was 5/0/0.

Discussion regarding Block Party, August 19, 2000, 5:00-9:00 p.m.:

Lisa Knapp, owner of Sweet Memories at 53 Spring Street, explained the party to the Council. She had entered a contest at a gift show. She was one of five winners throughout the United States. Her prize is that Coca-Cola will help her to host a party for 1000 people.

There will be hot dogs and chips and cokes for the first 1000 people. There will be door prizes, live music, face painting, and an appearance by the Coca-Cola Polar Bear.

Ms. Knapp asked that she be allowed to block Spring St., from Center Street to Mountain, with one lane of traffic through in case of emergency. She also requested a variance to have outdoor amplified music from 5 p.m. to 9 p.m.

Ms. Knapp contacted the downtown merchants. She contacted the special events coordinator at the CAPC, and the Chamber.

She said that there will be Coca Cola still photographers and video photographers who will take pictures, which will become the property of Coca Cola and have the potential to be seen nationally.

The special events coordinator, and Lisa have gone over the music thing and the commercial caterer who will be doing the food. The Chamber has agreed to man the barricades.

The motion was made and seconded that the City close parking on Spring Street between Mountain Street and Center Street, beginning late Friday night/early Saturday morning. All were in favor, 5/0/0.

UNFINISHED BUSINESS:

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

The first reading of the ordinance was done. There were some amendments.

The motion was made and seconded to suspend the rules and read by title only. The roll call vote was 5/0/0. Ms. Dickens read the title of the ordinance and then she read the amendments to the ordinance.

Alderman Stoppel came in at that time.

The motion was made and seconded to approve the amendments on their first reading.

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

The motion was made and seconded to suspend the rules and put Ordinance No. 1841 on its second reading by title only. The roll call vote was 4/2/0, with Aldermen Stoppel and Freeland 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 Stoppel voting no.

Discussion regarding a review of the cost of defense by the Harrington Law Firm in the Ordinance No. 1818, price sign law suit. (Schrader):

The attorneys involved in the suit recommended that the City not appeal.

The motion was made and seconded that the City not appeal this case.

Several motel owners spoke on the issue, mostly that they were glad the City would not appeal.

The vote on the motion to not appeal was 5/1/0, with Alderman Sumpter voting in favor of an appeal.

Recess:

The motion was made and seconded to recess for ten minutes. All were in favor, 6/0/0.

The meeting was recessed at 8:50 p.m.

The meeting was reconvened at 9:00 p.m.

Discussion regarding Ordinance No. 1843, Artists in the Park. (Third Reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1843 on its third 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.

Discussion regarding the Planer Hill Sidewalk:

Mayor Satori explained that in 1998, the City received a grant of \$158,000 to be used for the building of the Planer Hill Sidewalk. At that time the plan was to use funds from the reserves for the rest. Then the State Highway Department started work on Highway 23 going north from the top of Planer Hill, and the State said the City could hold off building the sidewalk until the highway was done. In 1999 the Mayor applied for a grant for \$500,000 to bury utility lines and build the sidewalk. The City was awarded \$175,000.

The State will allow the City to combine the projects. The money, which is \$333,000, will be used to build the Planer Hill Sidewalk. The cost of the sidewalk was estimated at about \$400,000. The

money coming out of the City's pocket will be approximately \$70,000.

The City will continue to pursue grants for additional enhancements. Mayor Satori said street lights alone will be quite expensive.

Ms. Dickens said drawings have been and are still underway by the engineering company. She and Mr. Murray have met many times with the engineers. It is and has been an ongoing project.

Mayor Satori was asked if this was a commitment that had already been made, and he said yes.

Parking/Loading zones, set workshop date:

The motion was made and seconded to set the date and time to discuss parking/ loading zones on Tuesday, August 22nd, 2000, at 1 p.m. All were in favor, 6/0/0.

NEW BUSINESS:

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

The Council agreed that they needed a workshop with the Planning Commission to discuss the Tree Ordinance. They set the workshop on Tuesday, August 8th, 2000, at 1 p.m. All were agreed.

Discussion regarding City Council representative on each commission:

Alderman Sumpter said the Council had mentioned the subject at one of the meetings and it had never been explored. Mayor Satori said that the meetings are open and anyone can attend or watch the meetings on TV. There was also discussion about having liaisons for each department. No action was taken.

Permission for banners, All Convertible Car Show, August 4-5, 2000:

Ms. Dickens said there would be 3 banners; two at Pine Mountain Village, and one at the Chamber of Commerce.

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

COUNCIL COMMENTS:

Alderman Freeland got in touch with Dan Bug, the Director of Animal Services in Hot Springs. He will be in Eureka Springs for the Animal Control Conference that will be held here. Mr. Bug explained how a lot of incentives work to promote spaying and neutering of animals. The City of Hot Springs budgets \$10,000 toward the spay-neuter program. He said he would like to develop a resolution to present to the County Officials to have a county ordinance drawn up, and work with Berryville to do the same. He said that most of the problems the City has been having are with animals from outside the City.

Alderman Schrader invited those people who are concerned about Ordinance No. 1841, to come to the meeting for the third reading. He said the general public does not believe the ordinance will be enforced.

ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens mentioned a letter she had received from Ned Shark voicing his concerns about Grand Avenue. She said the letter came too late to be on this agenda, and that it would be on the August 3rd, 2000, agenda.

MAYOR'S COMMENTS:

The Mayor said there have been several instances of extreme mean spiritedness, and misbehavior directed toward commissions, and staff people at City Hall. He realizes that people

get passionate about their problems, but under no circumstances will the City tolerate those kinds of behaviors and threats. "Step back and think before you behave badly. Respect your neighbor enough to behave in a civilized manner", he said.

The motion was made and seconded to adjourn. All were in favor, 6/0/0. The meeting was adjourned at 9:35 p.m.

APPROVED:

Beau Zar Satori, Mayor

ATTEST:

Mary Ann Lee, City Clerk-Treasurer