

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

The July 6, 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, Stoppel, Freeland, Taylor and Sumpter.

ALSO PRESENT: Diane Murphy, Kirby Murray, Ed Leswig, Bill Goff, Bruce Crabtree, David White, Don Matt, Kim Dickens, Sherry Wilson, and Clerk Lee.

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

APPROVAL OF THE AGENDA:

Number one under Unfinished Business : Vista View Estates, Bill Goff.

Number six under Unfinished Business: Courtesy Shuttle, Sherry Wilson.

APPROVAL OF THE MINUTES:

The motion was made and seconded to approve the Minutes of June 15th, 2000. The amendments were noted. The minutes were approved as amended, 6/0/0.

COMMISSION, COMMITTEE AND AUTHORITY REPORTS AND VACANCIES:

Mayor Satori nominated Pat Matsukis for a second term on the Planning Commission, Position 4, which expired July 1st, 2000.

Alderman Schrader made the motion to approve her. Alderman Freeland seconded.

Alderman Jeffrey made the motion to postpone until the July 20th, 2000, meeting. All were in favor, 6/0/0.

DEPARTMENT HEAD COMMENTS:

There were no Department Head comments.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens asked the Council members to bring in their Municipal Code Books. The first supplement is in, and she will put it in the books, for them..

She reminded people to vote in the July 11th, 2000, election. This is a special election about the proposed new county jail.

Ms. Dickens reminded the Council about the Budget Workshop on Tuesday, July 11, 2000, at 2 p.m.

UNFINISHED BUSINESS:

Vista View Estates, Bill Goff, water bill:

Mr. Goff explained that lightning hit a tree, traveled through the roots to a telephone cable, through the cable to a water line, and burst the water line. This resulted in a water bill of \$1250. 58. There are two homes currently on the line.

The City Council is not allowed, by ordinance, to adjust the water bill. Adjustments only apply to lines on the City's side of the meter. It was suggested at the Council table that the Council might want to re-think the way the ordinance is written. It was suggested, also, that the homeowners check with their insurance companies to see if there are any provisions for relief.

Discussion regarding Ordinance No. 1841. Animals. Animal Licensing. Fines and Fees. First reading. Alderman Sumpter:

The motion was made and seconded to place Ordinance No. 1841 on its first reading.

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

Ms. Dickens read the ordinance in its entirety.

The motion was made and seconded to approve.

City Attorney, Sherry Wilson, explained that this ordinance added a section on vicious animals which is an urgent problem. Alderman Freeland had passed out information to the Council that he felt should be included. Ms. Wilson said that information could be decided on at a later date on another ordinance, but the vicious dog problem needed to be addressed as soon as possible.

There was a long discussion on various aspects of the ordinance. The vote on the first reading was 5/1/0, with Alderman Stoppel voting no.

Discussion regarding a review of the cost of the defense by the Harrington Law Firm in the Price Sign Lawsuit (Schrader):

Alderman Schrader spoke against an appeal. The Judge issued a written order on June 26th, 2000. The City has a short time to decide whether or not to appeal. The decision must be made by the next Council Meeting.

Discussion regarding Ordinance No. 1842. to waive bidding on Financial Software. (Second Reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1842 on its second reading by title only. The Mayor took the voice vote, which was 6/0/0.

The clerk then called the roll because of the suspension of rules and the vote was 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. 1842 on its third and final reading by title only, for the purpose of buying the software as soon as possible. The roll call vote was 4/2/0, with Alderpersons Schrader and Taylor voting no.

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 Ordinance No. 1843. Artists in the Park. (Second reading):

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

Alderman Schrader brought up a supreme court ruling that is mentioned by artists anytime they are talking about working in the park.

Sherry Wilson, the City Attorney, explained that the court case in question was about New York City, who was selling licenses to artists, and limiting the amount of licenses they would sell. This City never limited the amount of licenses sold. The City does not regulate content. We are allowed by law to regulate time, place and manner, and that is what the City is doing. We restrict the selling of art to what the artist can create on the premises. This, then, does not interfere with the peddling law in the City Municipal Code.

The vote on Ordinance No. 1843 was 5/1/0, with Alderman Schrader voting no.

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 9:05 p.m.

Discussion regarding workshop date to meet with the Historic District Commission:

Alderman Sumpter has received several phone calls voicing concerns now that the Historic District seems to have "grown". Ms. Dickens explained that the maps as they are now are as they originally were. Somewhere along the line, the district was "made smaller", but the real district is as the maps show now. The purpose in having a joint meeting of the HDC and the City Council is strictly for the educational value, not just to the commission and the council but to the City at large. The decisions made by the commission affect whether or not the City remains on the National Register of Historic Buildings, and also, our Certified Local Government status.

Alderman Jeffrey said that the contemporary residential and commercial zones should not fall under the auspices of the HDC.

After more discussion the Workshop meeting was set at 5 p.m. on July 19th before the regular HDC meeting.

Courtesy Shuttle, Sherry Wilson:

City Attorney, Sherry Wilson, said she had serious reservations about this City not going out for bids on the Courtesy Shuttle. There have been inquiries about a bid package, which means that other people are interested.

Ms. Wilson's suggestion was that there are only 34 more days for the shuttle to run. The downtown merchants have pledged \$5,000. Mr. White could make his contract with them and the City would not have to be involved at all.

After more discussion, there was no action taken.

NEW BUSINESS:

Ordinance No. 1821, an ordinance regulating the Preservation of Trees (First Reading):

The council decided to set a workshop date to meet with the Planning Commission after their next meeting. They would like to go over the ordinance with the commission before they read it.

The motion was made and seconded to postpone the first reading of Ordinance No. 1821 until the July 20th council meeting. All were in favor, 6/0/0.

Discussion regarding setting a date for a special meeting with all commissions to review master and vision plans:

Ed Leswig, Chairman of the Planning Commission, suggested that the City Commissions get together and review our master plan, which is the Harbin Plan. The Commission is suggesting that the City replace the Harbin Plan with the Vision Plan.

The Council decided that the Vision Plan video be run several times on Channel 5 before trying to have a meeting on it. That way everyone will have a chance to review it. The meeting will be on Wednesday, August 30th, 2000, at 7 p.m.

Mayor Satori said the meeting should be like a town hall meeting so people can speak to the issues. He asked Mr. Leswig to organize the meeting.

Permission for banners (12) Truck and Motorcycle Show, July 14-16, 2000:

Ms. Dickens said the banners would be put on twelve businesses. They will read, "Truck and Motorcycle Show, July 14-16", with McBride Distributing on the bottom.

The motion was made and seconded to approve. The vote was 4/2/0, with Alderpersons Taylor and Schrader voting no.

Permission for a banner for the 50th Anniversary of the Opera in the Ozarks:

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

COUNCIL COMMENTS:

Alderman Sumpter said he would like to see a discussion on putting Council members on commissions as liaisons. He would like it to be put it on the agenda for discussion.

Alderman Stoppel had information on the fire hydrant replacement which was touched on briefly earlier in the year. He asked that it be put on the agenda for the next meeting.

Alderman Freeland wondered if there was anything to be done about really low water pressure when the town is full. The Council decided to ask Kirby Murray to address it at the July 20th, 2000 meeting while they are discussing replacement of fire hydrants.

MAYOR'S COMMENTS:

The Mayor congratulated Jackie and David Stoppel and their new baby daughter, Delanie Michelle Stoppel.

The motion was made and seconded to adjourn. All were in favor, 6/0/0. The meeting was adjourned at 10:20 p.m.

APPROVED:

Beau Zar Satori, Mayor

ATTEST:

Mary Ann Lee, City Clerk-Treasurer