

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
MARCH 16, 2000**

Mayor Beau Satori called the March 16, 2000 meeting to order at 7:05 p.m. It was held in the courtroom of the Western District Courthouse.

PRESENT: Mayor Satori, and Alderpersons Taylor, Schrader, Stoppel, Freeland and Sumpter. Alderman Jeffrey was absent.

ALSO PRESENT: Susan Lourne, Ed Leswig, Diane Murphy, Earl Hyatt, Jack Dozier, Lisa Liggett, LaVonna and Will Scheel, David White, Jeff Pratt, Don Matt, Kim Dickens, and Clerk Lee.

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

The Mayor called for a moment of silence in respect for our late City Attorney, Tom Laub.

APPROVAL OF THE AGENDA:

Ms. Dickens suggested that the Beautification Proclamation be moved up because of the people who have come from the Master Gardeners of Carroll County organization.

Alderman Freeland mentioned the resolution the CAPC would like the Council to draw up, and it was added to the agenda as item no. 5 under New Business.

Mayor Satori added a discussion about Ordinance No. 1827 at number five, under "Old Business". Also, he added a discussion of Trolley Maps at the end of New Business as number six.

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 of February 17, 2000. The amendments were noted. The minutes were approved as amended, 5/0/0.

The minutes of March 2nd, 2000 were not finished and will be presented at the April 6th, 2000 meeting.

April 2000 is City Beautification Month. The Master Gardeners of Carroll County organization gave the City a proclamation to be read at the March 16th, 2000, City Council meeting. The Mayor read and signed the Proclamation for City Beautification Month and presented it to LaVonna Scheel, President, and Donna Perkins. Donna Perkins said that every month from May to October someone can enter their gardens and win Garden of the Month. She realizes that the Garden Club of Eureka Springs already has a contest every three months.

COMMISSION, COMMITTEE AND AUTHORITY REPORTS AND VACANCIES:

Mayor Satori nominated Richard Harper, a person with a lot of city planning experience from Texarkana, to position 1, which expires July 1, 2002. Mr. Harper brings a lot of expertise to the table and is a recommendation of Mr. Ed Leswig, the Planning Commission Chairman.

He nominated Debbie Frisbee to Position 7 of the Planning Commission, which expires January 1, 2003.

The Mayor had nominated Calvin Cotton for Position 1 on the CAPC, which expires June 30th, 2001. The motion was made and seconded to approve. The vote was in favor, 5/0/0.

Ed Leswig, Chairman of the Planning Commission gave a brief report. The Tree Preservation Ordinance has been drafted, and a public hearing has been held. The commission is making the final changes based upon citizen input, and is expected to approve a revised copy at the next meeting which is March 23rd. It will then be given to the Council. The Landscaping Ordinance has had a public hearing and recently the commission had a very productive workshop. Input helped to revise the ordinance and it should be coming to the City Council within the next two weeks. A new Zoning Ordinance has been drafted and a public hearing has been set for April 27th, 2000. The commission is working on a new sign ordinance, and a sub-committee has begun review of the City master plan. He said that since there are only five commissioners at this time, he feels that all of the commissioners have shown dedication in getting these projects ready for the Council. Mayor Satori thanked the commission for their dedication and hard work.

DEPARTMENT HEAD COMMENTS:

There were none.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens reported that she has received a schedule from McClelland about the wastewater treatment plant. There will be a Public Meeting on April 20, 2000 at 6 p.m. before the City Council Meeting. Later in the summer, there will be a Public Hearing.

Ms. Dickens also gave the Council information for the City Attorney Position. An attorney will have to be appointed to fill in until the November election and then someone will have to be elected for a two year term. Once that term of office is over it will go back to being a four year term. A temporary appointee doesn't have to live in the City but a person who runs for election for City Attorney does. The position will be on the November election ballot.

Ms. Dickens said she would be on vacation and then would be out of town for a Planning Commission Workshop on Friday, March 24th.

UNFINISHED BUSINESS:

Discussion regarding burying the power lines under Planer Hill:

Diane Murphy brought the Council up to date on the money used for burying the conduit for power lines. She said that Marc Marley, the State Auditor said it cannot come out of Street Funds. She said the money for the \$35,000 matching funds would have to come out of General Fund Capital, and it is not in the present budget.

The Mayor said he continues to look for property that could be sold that the City has no use for. He suggested the 15 acres behind the Public Works building. He suggested that the property be appraised.

The Clerk reminded him of the liability that goes with the property if it is sold. Part of it is the old City dump. The liability for that property will always be the City's. Also that is a buffer zone for the composting unit. If there is even one complaint about that unit, it can be shut down, and that would cost the City many thousands of dollars.

Mayor Satori said that it would cost around \$7,000 to get all of the City's properties on a map, so that it is clear where it is and how it can be used.

Alderman Schrader said he believes that a City dump would fall under different laws than other pieces that the City might own.

Jack Dozier introduced himself as a charter member of the Eureka Springs Improvement

Committee. This is a group of businessmen who are concerned about the unplanned direction of our City. He said Mr. Homaday of SWEPCO said the conduit that is laid may not be useable to bury utilities. Has anyone asked the cable company or the telephone company if they will use the conduit? Mr. France said that nobody from SWEPCO has inspected any of the lines. Mr. Dozier asked if the businesses and residences knew that they may be asked to pay large sums of money to have this done.

Mayor Satori said some engineers from SWEPCO had been here last October, and had given an idea of what needed to be done. The idea was to get this done before the highway department finished laying the road. The conduit has been inspected by a licensed electrician. There is no wiring there.

Alderman Schrader suggested that the Mayor follow up on Mr. Dozier's comments. Alderman Sumpter said perhaps a letter of commitment from the utility companies might be a good idea.

Discussion regarding special election issues:

Alderman Schrader said he had Mr. Laub draw up an ordinance but it was unfinished. The ordinance would call for Councilpersons to file and run only in their own wards.

The second thing Alderman Schrader mentioned was to sell packaged liquor on Sundays. Apparently many people drive to Seligman, Missouri to buy packaged goods and vendors in Eureka Springs would prefer to be able to sell to those customers.

Ms. Dickens said the City certainly has attorneys that we can call on to write whatever Ordinances the council wants to.

There was a long discussion about how this all should be done.

Alderman Freeland made the motion that the Council proceed with whatever legal council the City needs at this point to bring us to a point that we know what we are discussing and how to get it on the ballot.

The motion was seconded.

The discussion included bonds for Lake Leatherwood, and Ms. Dickens mentioned parking meters on Spring St. She said there are strong feelings for and against.

Alderman Schrader said there was a lot of discussion about adding the building of the Sportsplex to the ballot but it was difficult to find wording to truly represent what the question is. Ms. Dickens asked if it is legal to reconsider whether to build the Sportsplex, after it has gone through all of the steps, and the perception is the tax is for the building of the Sportsplex. The Mayor said the City has made the commitment and we should go forward.

Alderman Freeland said it would benefit the City to be able to poll the community through Cable TV

The vote on Alderman Freeland's motion was 5/0/0.

Mayor Satori said he is interested in including the Black Bass Lake property for annexation. He would like to look into annexing City owned property to connect Black Bass Lake with Lake Leatherwood. He said the Planning Commission and the Parks and Recreation Commission have mentioned building a thirty four mile trail around the City. It would be beneficial to do that.

Alderman Freeland said he would like to see a list of what had been given to Mr. Laub to prepare so that the Council has some idea of what needs to be done.

Discussion regarding Ordinance No. 1835, adopting a new code for the City of Eureka Springs, (first reading):

The motion was made and seconded to place Ordinance No. 1835 on its first reading.

All were in favor, 5/0/0.

Ms. Dickens read the ordinance in its entirety.

The motion was made and seconded to approved.

Ms. Dickens explained that the codification had five areas that had been left open, which were Zoning, Landscaping, Trees, Subdivision Regulations, including signs. The sign ordinance that was in the old code has been sent to the codifiers because there is no telling how long it will take to get the sign ordinance approved.

After much discussion, the vote on the first reading was 4/1/0, with Alderman Schrader voting no.

Discussion regarding stop signs at Flint, Echols, and Cross Streets. (Alderman Stoppel:

Alderman Stoppel encouraged the Council to put stop signs at these three places.

He said it would be safer.

Police Chief Hyatt said he had not had a chance to put the officer on traffic patrol, because the officer has been in school. He suggested that the Council let him put this officer on patrol starting March 30th, and see if it made a difference before spending the money for stop signs.

Alderman Freeland asked that a report be given to the Council by June 1st. The Mayor Council discussed it further and decided to go with Chief Hyatt, and have the subject on the June 1st agenda.

Discussion regarding Ordinance No. 1827:

The Mayor said that he had received a copy of a petition for referendum. It had not been filed.

Alderman Schrader said a petition is taken to the County Clerk to be filed. He gave the council the history on how many carried it, etc. He said the Council should repeal the ordinance because the banks said they would back out if a petition was raised.

Joe Zickmund spoke in favor of supporting the City employees, and all of the work they had done. He told the Council that they had voted for the Police Department and done everything, and now they should "stick to their guns".

Ms. Dickens said everything is ready to go in the event that the ordinance does not go down. The general consensus was to leave things as they were and let the petition take its natural course.

The motion was made and seconded to take a ten minute break. The vote was 5/0/0. The meeting was recessed at 9:25, and reconvened at 9:35 p.m.

NEW BUSINESS:

Discussion regarding Ordinance No. 1836, Basin Spring and Center Street Parking, (Earl Hyatt):

Mayor Satori said this subject only pertained to the loading zone in front of the Basin Park and had nothing to do with Center Street.

The motion was made and seconded to place Ordinance No. 1836 on its first reading.

All were in favor, 5/0/0.

Mayor Satori read the ordinance in its entirety.

The motion was made and seconded to approve.

Chief Hyatt explained that the way the area in front of the Basin Park is now, it is basically not being used to unload passengers, as much as it is a place to park and talk. It creates a bottleneck, and reduces traffic flow. It was never intended to be used for parking.

Ed Leswig suggested the City could create an exclusive use loading zone and an annual fee could be paid to the City. It is done in many cities.

The vote on the first reading was 5/0/0.

Discussion of commissions. (Ernst Schrader):

Alderman Schrader mentioned a memo to the mayor, the clerk-treasurer and the administrator to request a report from Diane McClelland, chairman of the Hospital Commission to give a report on the status of the Hospital Commission's CD's. He wants to be sure that the Hospital Commission is putting a million dollars worth of CDs out for bid. He wants to be sure that the Chairman of the Hospital Commission is not making decisions about the commission's money without the discussion of the commission.

Alderman Freeland said that our commissions fall under the joint legislative audit and what stands between them and the legislature is the Council. There is fiscal responsibility and accountability. If it is proven that there is not, it is the Council's responsibility, and the Mayors, to take care of the problem.

Trolley Maps:

The Mayor was concerned about the contract that was entered into with CJRW to do the trolley maps. He felt the maps could be done a lot less expensively. After discussion of costs, etc., the consensus was that the city had entered into a contract and that we should honor the contract. The City can investigate other options for next year. Alderman Sumpter said breaking contracts makes it very hard for anyone to continue to make contracts in the future.

Mayor Satori was going to check into the legality of putting the Eureka Taxi in the one empty space on the trolley map. He said he would check into it and call Lisa Liggett so that the maps would be ready for when the trolleys start to run on April 1st, 2000.

Resolution No. 471. Utilizing Federal Aid Enhancement Monies:

The motion was made and seconded to postpone the reading. All were in favor, 5/0/0.

Proclamation for Arbor Day:

Mayor Satori read the Proclamation naming March 20, 2000 as Arbor Day. He announced that there would be a celebration in Basin Park at 9 a.m. on Monday, March 20th, 2000, Arbor Day.

CAPC/Auditorium:

Alderman Freeland said that the Council had turned the Auditorium over to the CAPC, but it had given no official mission to the CAPC. He made the motion that a resolution be created stating the obligation required by the CAPC in taking control of the Auditorium. Alderman Schrader seconded. The Mayor said that it was a matter of intent. The vote was 5/0/0.

COUNCIL COMMENTS:

Alderman Sumpter made the motion that the procedures for animal licensing be put on the agenda for April 6th. Alderwoman Taylor seconded. The vote was 5/0/0.

Alderman Freeland said he would contact people such as people from the humane society and a veterinarian, and Alderman Sumpter said he would help.

MAYOR'S COMMENTS:

The State Highway Department has agreed to postpone the resurfacing work on North Main St. and reschedule. Next November they will replace the street from Spring and Main down to Flint and Main. Then the City will do the sewer main replacement from Mill Hollow to Flint St. The sewer main replacement won't start until after Halloween.

The motion was made and seconded to adjourn. All were in favor, 5/0/0. The meeting was adjourned at 11:00 p.m.

APPROVED:

Beau Zar Satori, Mayor

ATTEST:

Mary Ann Lee, City Clerk-Treasurer