

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING MINUTES  
NOVEMBER 2, 2000**

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Mayor Beau Satori called the November 2, 2000 meeting to order at 7 p.m. It was held in the courtroom of the Western District Courthouse.

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

ALSO PRESENT: Ed Leswig, Diane Murphy, Kirby Murray, Kate Allen, Don Alberson, Neil Plumb, Shep Russell, Dennis Hunt, Ryan Bowman, Lisa Liggett, John Mitchell, Gwen Bennett, Don Matt, Kim Dickens, Sherry Wilson and Clerk Lee and several others who did not sign in.

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

**APPROVAL OF THE AGENDA:**

Ms. Dickens asked that the reading of Ordinance No. 1854 be placed right after Department Head Comments.

She asked that Resolution No. 478 be item 3 under Unfinished Business, and that the consideration of selling beer and wine in the Auditorium on Friday, December 1, 2000 be number 6 under New Business.

The executive session will be last under New Business.

*The motion was made and seconded to approve the agenda as amended. The voice vote was 6/0/0.*

**APPROVAL OF THE MINUTES:**

*The motion was made and seconded to approve the minutes of September 21<sup>st</sup>, 2000. The changes were noted. The voice vote to approve as amended was 6/0/0.*

*The motion was made and seconded to approve the minutes of October 5, 2000. Alderman Schrader asked that the explanation of the ordinances be added back in. Alderman Freeland like the idea of using italics for motions and seconds. Other changes were noted. The voice vote to approve as amended was 6/0/0.*

*The motion was made and seconded to approve the minutes of October 19, 2000. The changes were noted. The voice vote to approve as amended was 6/0/0.*

**COMMISSION, COMMITTEE AND AUTHORITY REPORTS AND VACANCIES:**

There were no recommendations.

**DEPARTMENT HEAD COMMENTS:**

Kirby Murray, Director of Public Works, announced that Grand Avenue is finished. Grand Avenue is the alternate route everyone will use while work is being done on North Main Street. The work on North Main St. is due to be started November 6<sup>th</sup>, 2000. The State of Missouri has posted signs detouring large trucks through Grandview.

Lisa Liggett, Director of Transit, passed out copies of the Transit Budget to the Council. The Public Hearing is set for November 16<sup>th</sup>, 2000, before the meeting.

Diane Murphy, Director of Finance, passed out the budget folders for the 2001 budget. The Budget Workshop was set for Wednesday, November 15<sup>th</sup>, at 2 p.m.

**CITY ADMINISTRATIVE ASSISTANT'S REPORT:**

Ms. Dickens asked that those who were not going to be on Council next year to please turn in their Municipal Code Books. She encouraged the new Council people to attend the budget workshop, and packets will be handed out to them when they come.

**Consideration of Ordinance No. 1854. Revenue Bonds for the wastewater improvements. (All three readings):**

*Alderman Stoppel made the motion and Alderman Stoppel seconded to place Ordinance No. 1854 on its first reading in its entirety. The voice vote was 6/0/0.*

Attorney Shep Russell, and his assistant, Ryan Bowman, read the ordinance in its entirety.

*Alderman Jeffrey made the motion to approve, and Alderman Stoppel seconded.*

Mr. Russell answered any questions that came up.

*Alderman Jeffrey made the motion and Alderman Taylor seconded to suspend the rules and place Ordinance No. 1854 on its second reading by title only. The roll call vote was 6/0/0.*

Mr. Russell read the ordinance by title only.

*Alderman Jeffrey made the motion and Alderman Taylor seconded to approve. The voice vote was 6/0/0.*

*Alderman Stoppel made the motion and Alderman Taylor seconded to further suspend the rules and place Ordinance No. 1854 on its third and final reading by title only. The roll call vote was 6/0/0.*

Mr. Russell read the ordinance by title only.

*Alderman Stoppel made the motion and Alderman Taylor seconded to approve the final reading. All were in favor by roll call, 6/0/0.*

*Alderman Stoppel made the motion and Alderman Taylor seconded to approve the emergency clause. All were in favor, by voice vote, 6/0/0.*

**UNFINISHED BUSINESS:**

**Consideration of Ordinance No. 1816. Zoning Ordinance. (Third reading):**

Ms. Dickens read the amendments to the ordinance, that were the result of all of the suggestions from the citizens of Eureka Springs,

*The motion was made and seconded to suspend the rules and place the amended Ordinance No. 1816 on its third and final reading by title only. The roll call vote was 6/0/0.*

Ms. Dickens read the ordinance by title only.

*The motion was made and seconded to approve.*

Alderman Schrader had a list of questions about the ordinance. They were thoroughly discussed by the Council and the City Attorney.

*Alderman Schrader made the motion to strike the words per structure from the end of the definition of Bed & Breakfast. The vote was 4/1/1, with Alderman Freeland voting no, and Alderman Taylor abstaining.*

The Mayor called for comments from the audience.

Ron Latimer called the Council's attention to page 34, 114-10-2 Condition Use Permits.

He said that there are places that have added to their establishments, but their grand-fathering only covers that which was under their conditional use permit.

Ms. Dickens said it will take time but the people who have businesses now, that have added units

that are not under their conditional use permits are going to have to come in and take care of the problem. Mr. Latimer said this ordinance, if enforced, will make sure at some point that everyone will be treated equally.

Jack Tuttle said he has lived in Eureka Springs for 35 years. He said "Look what you have done to our neighborhoods". He said the commission, and the council should visit the neighborhoods and see what they have done to the lovely Victorian neighborhoods with conditional use.

John Mitchell has lived in Eureka Springs for 30 years. He urged the City to protect its neighborhoods. The people who have off street parking for their businesses should be instructed to use it. He thinks the City has enough B &Bs, and there shouldn't be any more. He would like the ordinance to say, "No new conditional use permits, and no new B & Bs".

Ludean Cross said she had a problem with people never using their off street parking. She said it is a constant problem and she sees it every morning when she walks her dog. She said it shows a disrespect for the neighbors around these B & B's. She said if they were made to use their empty parking lots, everyone would get along a lot better. Kim Dickens said, "The people have been contacted, they have been cited, and she has talked to their attorney".

Don Alberson said he has a Bed & Breakfast that is grandfathered. Can a business lose its grandfathered status if they have added units without permission? Ms. Dickens said it could happen. She said it would help if people would come in on their own and take care of the problem if it applies.

Ludean Cross asked if commissioners ever visit the sites that come before them for a decision of one kind or another. Ms. Dickens said that generally they do go and look over the property and talk to people. She said they all know that it is part of the position.

Gwen Bennett said that she wants to draw attention to the Conditional Use Public Hearing Notice, which is fifteen days. She said you can go away for a two week trip, and come back and find that a Conditional Use has been granted in your neighborhood. She said she would like to see it be thirty days. That is on page thirty five under 114-10-2.2, Item a.

The Council agreed.

*Alderman Freeland made the motion to postpone for another workshcp, until the next meeting. There was no second.*

The vote on the motion to approve Ordinance No. 1816, as amended, on its third reading was 6/0/0.

Mayor Satori made the statement that it only takes another ordinance to amend any part or portion of this ordinance if problems should occur.

The motion was made and seconded to take a short recess. All were in favor, 6/0/0. The meeting recessed at 9:45, and reconvened at 9:55 p.m.

### **Consideration of policy regarding audio control during meetings:**

The Council had asked Attorney Sherry Wilson to research the situation. Ms. Wilson said that the Supreme Court gives the speakers a lot of protection in their language. The City is unlikely to incur liability for its live br

Her suggestion was to give Don Matt the authority to delete any words or phrases that are obscene upon approval of the City Attorney or the City Administrative Assistant.

Ed Leswig, Chairman of the Planning Commission suggested that there should be a workshop for all commissioners with Ms. Wilson, City Attorney. It would be a benefit for everyone.

**Resolution No. 478, designating a special election for Ordinance No. 1852, Sunday Liquor Sales:**

*The motion was made and seconded to read Resolution No. 478. The vote was 5/1/0, with Alderman Stoppel voting no.*

Ms. Dickens read the resolution.

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

**NEW BUSINESS:**

**Consideration of Ordinance No. 1853, amending Chapter 106, Traffic and Vehicles, (First reading):**

*The motion was made and seconded to place Ordinance No. 1853 on its first reading in its entirety. The voice vote was 6/0/0.*

Ms. Dickens read the ordinance in its entirety.

*The motion was made and seconded to approve. The voice vote was 6/0/0.*

**Transit Fares, Routes, and Hours of Operation, Set Public Hearing on November 16, 2000:**

*The motion was made and seconded to set the Public Hearing for Wednesday, November 16, 2000 at 6:30 p.m., before the Council Meeting. All were in favor, 6/0/0.*

**Discussion of Amendments 1, 2, and 3 on the election ballot:**

Ms. Dickens had included explanations of the three amendments in the packets to the Council, Clerk, and Mayor.

Alderman Jeffrey explained what the Municipal League recommended the vote should be and why. Amendment 1, would be a benefit to the City if they had to buy a large and costly piece of equipment. The City would have five years to pay it off. This would allow the City to run its business like a business.

Amendment 2, would lower property taxes, at the expense of increasing state sales tax. This would inhibit the City's use of their own sales tax revenue to the extent that it is utilized now. The turn back to the county would only be according to the amount of property tax that was lost. The state could and would use some of our sales tax revenue to make up the difference for a larger county.

Amendment 3, is a mixed bag. It eliminates the municipal court.

Attorney Bill Douglas recommended that people vote yes. It eliminates the term "municipal court", and it combines the courts of law and equity in this state. Here, that makes a real difference. Cases can be filed in the wrong court, and other mistakes can be made, which always causes delays. This system dates back to the 13<sup>th</sup> Century and even England, whose system it was, doesn't use this system any more. It would help bring the 13<sup>th</sup> Century into the 21<sup>st</sup> Century.

**Consideration of Sale of Beer and Wine in the Auditorium, Friday, December 1<sup>st</sup>, 2000:**

*The motion was made and seconded to approve the sale of beer and wine in the Auditorium on December 1, 2000. All were in favor, 6/0/0.*

**The Mayor called an executive session on a personnel matter:**

*Alderman Taylor made the motion and Alderman Stoppel seconded to call an executive session on a personnel matter. All were in favor, 6/0/0.*

The executive session began at 10:30p.m. and lasted until 10:50 p.m.

*Alderman Jeffrey made the motion to ratify the Mayor's decision to terminate the Building Inspector. Alderman Taylor seconded. The vote was 6/0/0.*

Neil Plumb, a plumber, spoke in defense of the job the Building Inspector had been doing.

COUNCIL COMMENTS: None.

MAYOR'S COMMENTS: None.

APPROVED:

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Beau Zar Satori, Mayor

ATTEST:

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Mary Ann Lee, City Clerk-Treasurer