

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
October 19, 2000**

The October 19, 2000 meeting was called to order at 7:00 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 and Sumpter. Alderman Taylor was absent.

ALSO PRESENT: Ed Leswig, Bill Goodson, Kirby Murray, Bob McVey, Brent Updegraph, Susan Loume, Mr. & Mrs. Ron Morrison, Jon Loudemilk, Mary Jean Sell, Kelly Simon, Kim Dickens, Sherry Wilson, Don Matt, and Clerk Lee.

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

APPROVAL OF THE AGENDA:

Items 1 and 2 under New Business were really items 3 and 4 under old business. Under New Business, the remaining items were 1, 2, and 3.

The motion was made and seconded to approve the agenda as amended. All were in favor, 5/0/0.

APPROVAL OF THE MINUTES:

Ms. Dickens said there were no minutes to approve but they would be ready for the next meeting.

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND VACANCIES:

Mayor Satori said that Bill Goodson stopped him on the street and asked if he could help by being on one of the commissions. Mayor Satori asked him if he would serve on the planning commission and he said he would.

Mr. Goodson introduced himself to the Council, gave a short synopsis of his history with Eureka Springs and said he wanted to give something back to the community.

The motion was made to approve Mr. Goodson for Position #7 which will expire January 1, 2003. All were in favor, 5/0/0.

DEPARTMENT HEAD COMMENTS:

Fire Chief Bob McVey reminded the public to set their clocks back next Saturday, October 28th, 2000. He also gave his annual message of put new batteries in smoke alarms in the spring and in the fall when the time changes. He briefly touched on statistics on the importance of having working smoke alarms and having enough of them in the home.

He asked that the Fire Department be allowed to put up a banner from October 27th to October 31st to remind people to change the batteries in their smoke alarms.

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

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

No comments.

UNFINISHED BUSINESS:

Consideration of Ordinance No. 1816, Zoning Ordinance. (Third Reading):

This will be considered at the November 2nd, 2000 meeting. The Council decided to have a

workshop meeting on Monday, October 30, 2000, at 2 p.m., to go over the changes made to Ordinance No. 1816.

Consideration of Ordinance No. 1852, Sunday Liquor Sales. (Second Reading):

Sherry Wilson, City Attorney, explained to the Council that Sunday Liquor Sales is not legally on the ballot. The City did not consider in their timing when the absentee ballots go out. She was on the phone to State Election Board a week and she said there is no legal way to get it on this ballot, even though it is printed on the ballots. It will be disqualified for this ballot, and if there is a run off election, we could put it on there. She explained that the vote counting machines will be set so they don't count the votes on this subject.

If the City votes it in tonight, it can be included in the run-off election, should there be one. It would have to be put on a special election within 90 days and the council will have to pass a Resolution to designate the date of the election.

The motion was made and seconded to suspend the rules and place Ordinance No. 1852 on its second reading by title only. The vote was 4/1/0, with Alderman Stoppel voting no.

Ms. Dickens read the ordinance by title only.

The motion was made and seconded to approve. The vote was 4/1/0, with Alderman Stoppel voting no.

The motion was made and seconded to further suspend the rules and place Ordinance No. 1852 on its third and final reading by title only. The vote was 4/1/0, with Alderman Stoppel voting no.

Ms. Dickens read the ordinance by title only.

The motion was made and seconded to approve. The vote was 4/1/0, with Alderman Stoppel voting no.

The motion was made and seconded to read the emergency clause. The vote was 4/1/0, with Alderman Stoppel voting no.

Ms. Dickens read the emergency clause.

The motion was made and seconded to approve. The vote was 4/1/0, with Alderman Stoppel voting no.

Consideration of 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.

(Second reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1845 on its second reading by title only. The vote was 5/0/0.

Ms. Dickens read the ordinance by title only.

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

The motion was made and seconded to suspend the rules and place Ordinance No. 1845 on its third and final reading by title only. The vote was 5/0/0.

Ms. Dickens read the ordinance by title only.

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

Consideration of Ordinance No. 1851, a moratorium on vacating unopened streets and alleys. (Second reading):

The motion was made seconded to suspend the rules and place Ordinance No. 1851 on its second reading by title only. The vote was 4/1/0, with Alderman Stoppel voting no.

Ms. Dickens read the ordinance by title only.

The motion was made and seconded to approve.

Alderman Jeffrey he had understood that there were six requests, to the Parks and Recreation

Commission, to vacate green space.
Parks Director Susan Loume said nothing has been formally filed.

Alderman Schrader said that Parks had asked for this moratorium so that they can do their long range planning to set up their trails, and decide what greenspace can't be used for trails, and just do a long range plan overall.

Alderman Jeffrey said he was against moratoriums on principle. Alderman Sumpter said that this will force the Parks and Recreation Commission to do the planning they have been talking about for a long time and they will have just 18 months in which to do it.

Ms. Loume said that they will be working on a Master Plan for trails, and also they will be working on infrastructure needs.

Public Works Director, Kirby Murray, spoke in support of this ordinance.

The vote on the second reading was 3/2/0, with Aldermen Jeffrey and Stoppel voting no. Mayor Satori added his yes vote and the final vote was 4/2/0.

The motion was made and seconded to further suspend the rules and place Ordinance No. 1841 on its third and final reading by title only. The vote was 3/2/0, with Aldermen Stoppel and Freeland voting no. Mayor Satori voted yes, which brought the vote to 4/2/0. Alderman Jeffrey said he would vote to get the ordinance finished, but not change his mind on the final vote.

Ms. Dickens read the ordinance by title only.

The motion was made and seconded to approve. The vote was 3/2/0, with Aldermen Stoppel and Jeffrey voting no. Mayor Satori added his yes vote and the final vote was 4/2/0.

NEW BUSINESS:

Consideration of the bids for the Wastewater Treatment Improvements:

Ms. Dickens reminded the Council that the bids were in their packets. There were six bids.

Kraus Construction Co, from Ft. Smith bid	\$1,959,249.00.
Building & Utility Contractors, Inc. from Redfield, Ar. Bid	1,643,297.00.
Krug Construct6ion from Harrison, Ar. Bid	1,196,428.50.
Henley Construction, Inc. from Harrison, Ar. Bid	1,063,742.00
Jimmy Jones Excavating, Inc. from Berryville, Ar. Bid	959,467.00
LaRue Contractor, Inc. from Harrison, Ar. Bid	769,581.55

Ms. Dickens said that this is for the North Main Street water and sewer replacement, and includes inflow and infiltration.

Our engineering firm has gone over the bid from LaRue Contractor, Inc., and they say that it is in order, and the job can be done for \$769,581.55. This is great for the City because it came in lower than that was projected.

The motion was made and seconded to approve the bid of \$769,581.55 from LaRue Contractor, Inc. from Harrison, Ar. The vote was 5/0/0.

Ms. Dickens reminded the Council that the bond ordinance will be read three times at the November 2nd, 2000, council meeting.

Consideration of the CAPC lease agreement:

Ms. Dickens explained that this was the lease for the new offices for the CAPC which are located on North Main Street. City Attorney Sherry Wilson has looked over the lease and her suggested changes have been made. Resolution No.477 has been drawn up to allow the Mayor and Clerk to sign the lease.

The motion was made and seconded to read Resolution No. 477. All were in favor, 5/0/0.

Ms. Dickens read Resolution No, 477.

The motion was made and seconded to approve.

Jon Loudemilk, Chairman of the CAPC, said that the CAPC Director feels that this is necessary to do the job that needs to be done. He will be hiring a Marketing Director. One of his main goals is to produce a full blown marketing plan for next year and for the next five and ten years.

The vote on Resolution No. 477 was 5/0/0.

Consideration of policy regarding audio control during meetings:

Don Matt made the Council aware that there needs to be a standard policy for when a person exhibits inappropriate verbiage or behavior on camera.

Mayor Satori said there are three areas of audio control: House sound, broadcasted sound, and archives. The Mayor said the chairperson would have control over the house sound, and the audio-visual technician would control what was broadcast.

Alderman Schrader had drafted a mock-up to be used as an idea of what could be used as a resolution..

Sherry Wilson said legally, you have three things going on: Free speech/first amendment rights, open meeting laws, (the cable cast being a courtesy to the community), and the responsibility of cable casting to the viewing audience without bad behavior. The only legal thing is to cut the cable cast feed and get the meeting back to order as soon as possible.

Alderman Jeffrey recommended that the mock-up of a resolution be given to the City Attorney to be structured properly to be brought to the November 2nd meeting and it was agreed.

COUNCIL COMMENTS:

Alderman Schrader said he missed the zoning workshop. He said he looked on the web and didn't find the information he needed.

Alderman Jeffrey asked if it was appropriate to have a election poster on a porch of City property, and the consensus was no.

Alderman Stoppel said the hospital surveys were coming in and there seemed to be a good response. They should have an idea of the people's wishes for hospital services for Eureka Springs soon.

The City Council scolded the Mayor for allowing a banner saying "performance today" to be hung on the side of the Auditorium, without any vote from the Council. There was a short discussion on the subject in which a Council Member accused the City Attorney of being coerced into agreeing. Ms. Wilson said that she told the Mayor that his position was defensible. She said a number of things have come up recently in which she is expected to give an instant answer without proper time to do research. She is not going to do that anymore. She said that if she had had the proper amount of time, she would have not supported the Mayor's position.

MAYOR'S COMMENTS:

Mayor Satori read a Proclamation for the National Federation of Business and Professional Women. It proclaimed that National Business Women's Week is the week of October 16th through October 20th, 2000.

The Mayor also welcomed Country Entertainer, Willie Nelson, to the City, and said there was a Willie Nelson shrine set up in the band shell in Basin Park. Anyone who wanted to could add something to the shrine, and it will be given to Willie to take with him.

The motion was made and seconded to adjourn. All were in favor, 5/0/0. The meeting was adjourned at 9:05 p.m.

APPROVED:

Beau Zar Satori, Mayor

ATTEST:

Mary Ann Lee, City Clerk-Treasurer