

**CITY OF EUREKA SPRINGS  
COUNCIL MEETING MINUTES  
October 5, 2000**

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**CALL TO ORDER**

The regular meeting of the Eureka Springs City Council was called to order 7:08 pm, October 10, 2000 by Mayor Beau Z. Satori. The roll was called; Alderpersons Bill Freeland, David Jeffrey, Ernst Schrader, David Stoppel, Brian Sumpter and Becky Taylor were present. A quorum was established. Also in attendance were City Administrative Assistant Kim Dickens, City Attorney Sherry Wilson, and Dep. City Clerk Laura Jo Snote.

**PLEDGE OF ALLEGIANCE**

Mayor Satori led all attending in reciting the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

*Ald. Sumpter moved to add the following item under New Business:* A discussion of the Mayor's veto, the airing of debates and other possible debates. After a brief discussion about the appropriateness of adding this item to this agenda Ald. Freeland seconded.

The motion was withdrawn.

*Ald. Sumpter moved to add the following item under New Business:* A discussion of the mayor's veto. Ald. Freeland seconded. The motion passed by voice vote, 6-0-0.

*Ald. Stoppel moved to add the following item under New Business:* A discussion about the broadcasting of future Candidate debates. Ald. Taylor seconded. After a brief discussion, the motion was approved by voice vote, 5-1-0 (Ald. Schrader voted n/c).

*Ald. Schrader moved to approve the agenda.* Ald. Freeland seconded. The motion was approved by voice vote, 6-0-0.

**APPROVAL OF THE MINUTES**

*Ald. Freeland moved to approve the minutes of the September 21, 2000 meeting.* Ald. Sumpter seconded. After discussing the minutes of the discussion to approve the broadcasting of candidate debates, Ald. Stoppel suggested the approval be postponed. After further discussion the motion was withdrawn.

*Ald. Freeland moved to postpone the approval of the minutes of the September 21, 2000 meeting.* Ald. Taylor seconded. After discussion, the motion was approved by voice vote, 6-0-0.

**COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND VACANCIES** Mayor Satori nominated Billy Goodson for Position 7 on the Planning Commission. This term expires January 1, 2003.

**DEPARTMENT HEAD COMMENTS** None.**CITY ADMINISTRATIVE ASSISTANT'S REPORT**

Ms. Dickens informed the Council that the Transit Department item will be on the agenda during November after additional information is obtained. Also, the Council will be considering the possible write-off of \$57,000 for that department during the fiscal year 1998.

The October 12<sup>th</sup> Special Meeting of the Council has been canceled. The Waste Water Bond Ordinance will be on the November 2<sup>nd</sup> agenda. The close timing of the construction schedule will require that the Council read the Ordinance three times at that meeting and include an emergency clause. The Public Hearing on the Bond Issue is scheduled for 6:30 p.m. on November 2<sup>nd</sup>, the Council Meeting will follow the Hearing. The coverage rate on this bond issue is lower than the previous bond due to the accumulation of reserve funds. Upon approval of the Ordinance and the marketing of the Bonds, the Ordinance will be amended to record the interest rate of the Bonds. At this point, the construction schedule will be thirty days behind.

Ald. Jeffrey requested a clarification of the Highway 23 construction schedule. The schedules for both the sewer main project and the Highway paving project were reviewed. The paving of Grand Avenue as a bypass was reviewed. Kirby Murray, Director of Public Works, will prepare a report outlining the above schedules.

The bids for the sewer contract will be opened on November 9<sup>th</sup>.

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Mayor Satori reported that Jimmy Jones was awarded the State contract for the paving project. At that time, Mr. Jones will also smooth the rough areas remaining from his previous paving project.

Ms. Dickens will provide for the notification of citizens affected by the above projects.

**UNFINISHED BUSINESS**

**Consideration of Ordinance No. 1849, purchase of property at 50 Wall St. (Second reading):**

*Ald. Stoppel moved to suspend the rules and read Ordinance 1849 by title only;* Ald. Stimpier seconded. By roll call vote the motion was approved 6-0-0.

Ms. Dickens read the title.

*Ald. Stimpier moved to approve Ordinance 1849;* Ald. Stoppel seconded. Ald. Freehand opened the discussion by reporting a concern from the Parks and Recreation Commission about the setting of a precedent in this matter and asked if there were other avenues of action to take on this matter. There followed a discussion of the perception of the vacation of city property by citizens. The issues of the real and perceived costs of vacation were discussed.

Frank Green was recognized and approached the council table. Mr. Green informed the Council that he had the sewer line under Owl Street and also that years ago a city street was constructed over property later covered by him.

After Ald. Freehand raised the issue that the Parks and Recreation Commission should be able to determine the use of Green Space property, Ms. Wilson interjected that Ordinance 1851 (to be addressed under New Business) addressed that issue.

After further discussion of the vacation of Owl Street the Mayor called for a vote. The motion passed by voice vote 5-1-0 (Ald. Schrader voted no).

*Ald. Taylor moved to suspend the rules and read Ordinance 1849 by title only;* Ald. Freehand seconded. After discussion, the motion was approved by roll call vote, 4-2-0 (Ald. Schrader and Stoppel voted no).

Ms. Dickens read the title.

*Ald. Taylor moved to approve Ordinance 1849;* Ald. Jeffrey seconded.

Ald. Schrader requested that the survey should be reviewed and the Ordinance amended to include the trade of the property row under lower Wall Street for Owl Street. Ald. Stoppel reported that he received citizen complaints when Ordinances are read more than once at a single meeting. Ald. Jeffrey informed the council that the road has been in existence more than long enough for the city to have a prescriptive easement that property that the city could not be forced to move the road. The motion was approved and the Ordinance adopted by a voice vote, 4-2-0 (Ald. Schrader and Stoppel voted no).

**Consideration of Ordinance No. 1848, amending Chapter 86, Signs. (Third reading):**

*Ald. Stoppel moved to suspend the rules and read Ordinance 1848 by title only;* Ald. Stimpier seconded. The motion was approved by roll call vote, 6-0-0.

Ms. Dickens read the title.

*Ald. Stoppel moved to approve Ordinance 1848;* Ald. Taylor seconded. Without discussion, the motion was approved and the Ordinance adopted by a voice vote, 6-0-0.

**Consideration of Ordinance No. 1844, water rate increase. (Third reading):** *Ald. Stoppel moved to suspend the rules and read Ordinance 1844 by title only;* Ald. Taylor seconded. The motion was approved by roll call vote, 6-0-0.

Ms. Dickens read the title.

*Ald. Stoppel moved to approve Ordinance 1844;* Ald. Taylor seconded. Without discussion, the motion was approved and the Ordinance adopted by a voice vote, 6-0-0.

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**Consideration of Ordinance No. 1816, Zoning Ordinance, Third reading:**

Ms. Dickens reported that all comments received through October 4<sup>th</sup> have been sent to the land use attorney. After the comments are returned a workshop should be scheduled to review the comments and possible amendment to the Ordinance prior to the third reading.

*Ald. Stimpier moved to postpone the reading of the Ordinance to October 19<sup>th</sup>;* Ald. Taylor seconded. Mayor Satori reminded the Council that a motion was not required to postpone and the motion was withdrawn.

Ald. Stoppel requested to schedule a workshop for October 18<sup>th</sup> at 2 pm. After discussion it was agreed that copies of the changes will be available to the public in addition to revised ordinance.

Ms. Dickens reported on the comments she received. After discussion the workshop was scheduled for October 17<sup>th</sup> at 2 pm, at the Courthouse.

**Consideration of Ordinance No. 1852, Sunday Liquor Sales. (First reading):**

*Ald. Stimpier moved to read Ordinance 1852;* Ald. Freehand seconded. The motion was approved by voice vote, 5-1-0 (Ald. Stoppel voted no).

Ms. Dickens read the Ordinance in its entirety.  
Aid. Taylor moved to approve Ordinance 1852 Aid. Freeland seconded.

The initial discussion was about the need for the Ordinance. An issue was the loss of alcohol package sales on Sunday to businesses in Missouri. There is a concern that visitors who leave the city to buy alcohol are certifying to tourist areas in Missouri rather than make the return trip to town.

A second concern was that the ballot wording may cause the suspension of alcohol sales on Sunday should be ballot item be defeated at the polls. It was suggested that a revision of item number three in the body of the Ordinance may permit the continued sales of alcohol at restaurants should the ballot item fail.

Aid. Freeland moved for a recess. Aid. Taylor seconded. A recess was called by voice vote, 6-0-0.

The Council meeting was called back to order and discussion of Ordinance 1852 resumed. Ms. Wilson proposed the following change to the ordinance:

- 3 That all ordinances or resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict, except that Section 6-8 shall not be affected by passage of this Ordinance.

Aid. Freeland moved to amend Ordinance 1852 as stated above. Aid. Schrader seconded. After a brief discussion, the amendment was approved by voice vote, 5-1-0 (Aid. Stoppel voted no).

Aid. Sumpter moved that the amendment to Ordinance 1852 be read. Aid. Freeland seconded. The motion was approved by voice vote, 5-1-0 (Aid. Stoppel voted no).

Ms. Dickens read the amendment.

Aid. Taylor's motion to approve Ordinance 1852 was withdrawn.

Aid. Sumpter moved to approve Ordinance 1852 as amended. Aid. Taylor seconded. The motion was approved by a voice vote, 5-1-0 (Aid. Stoppel voted no).

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NEW BUSINESS

Consideration of Ordinance No. 1845, an ordinance amending sections 106-191,

106-195, 106-221, 106-301, 106-342, And 106-361, pertaining to parking. (First read in q):

Aid. Stoppel moved to read Ordinance 1845. Aid. Sumpter seconded. The motion was approved by voice vote, 6-0-0.

Mayor Satriard Ms. Dickens read the Ordinance in its entirety.

Aid. Sumpter moved to approve Ordinance 1845. Aid. Jeffrey seconded.

The memo from Chief Hyatt about the changes to street parking was reviewed. Chief Hyatt informed the Council that he will be submitting an amendment at the second reading to resolve a conflict. The conflict was briefly reviewed.

Aid. Sumpter moved to amend Ordinance 1845 as follows:

That 106-301 (kk)(1) be removed from the Ordinance and that 106-301 (kk)(2) through 106-301 (kk)(5) be renumbered 106-301 (kk)(1) through 106-301 (kk)(4).

Aid. Stoppel seconded. The amendment was approved by voice vote, 6-0-0. Aid. Sumpter's motion to approve Ordinance 1845 was withdrawn.

Aid. Sumpter moved to approve Ordinance 1845 as amended. Aid. Taylor seconded. The motion passed by voice vote, 6-0-0.

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

Aid. Schrader moved to read Ordinance 1851. Aid. Freeland seconded.

Aid. Taylor asked why this Ordinance should be read. Director of Parks and Recreation, Susan Lucme outlined the Commission's project to plan an urban trail system using Green Spaces. The Commission was concerned that many citizens would seek vacation of properties to block the establishment of trails abutting their property. She reminded the Council that trails were highly recommended in a number of studies. The time and costs of vacation requests by the Commission were reviewed. Ms. Lucme further

explained that it is the policy of the Commission to deny all vacation requested except in the case of land disputes. The Commission feels that eighteen months is adequate time to develop the trail plan. Following a comprehensive discussion of the need for the Ordinance, the Mayor called for a vote. The motion was approved by voice vote, 5/1/0 (Ald. Steppel voted no).

Ms. Dickens read the Ordinance in its entirety.

*Ald. Schrader moved to approve Ordinance 1845. Ald. Taylor seconded.*

The Council, Mayor, Ms. Lorne and Chair of the Parks and Recreation Commission, Bill Earngey discussed the development of the urban trail system. The need for a moratorium was debated. Issues were the criteria used by the Commission for approval of vacating/street opening requests and in particular, could the Ordinance be amended to include criteria for exceptions.

In concluding his comments, Chair Earngey addressed the Council's concern about the duration of the moratorium and how the development of the urban trail system will benefit the community as a whole.

The motion was approved by voice vote, 4/2/0 (Ald. Steppel and Jeffrey voted no).

#### **Discussion of the Mayor's veto**

Mayor Satori distributed a detailed explanation of his recent action (attached) which he read aloud for those attending and viewing.

*Following a brief discussion, Ald. Freeland moved to approve the broadcasting of the October 3, 2000 debate. Ald. Taylor seconded.*

The issue of candidate notification/invitation was discussed. Some Alderpersons expressed their pleasure with the actual conduct of the debate.

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~~There was additional discussion of some of the specific items addressed by the Mayor, Ald. Schrader expressed his support of the Mayor's action.~~

*Ald. Taylor called the question. Ald. Freeland seconded. By voice vote the motion was approved 6-0-0.*

The motion to approve the broadcast was approved 5-1-0 (Ald. Schrader voted no). Don Matt requested guidance setting times for the broadcast(s).

*Ald. Sumpter moved to set dates and times for four broadcasts of the debate before election day. Ald. Freeland seconded.*

Ald. Schrader requested that the next forum also be rebroadcast. This initiated a discussion over taping the next debate or broadcasting live.

James DeVito was recognized and addressed the Council. He stated that taping the forum would relieve the council of responsibility for what happens during the debate. He further commented on the Mayor's comments and other related issues.

Ald. Freeland called a point of order. After further discussion, the motion was approved by voice vote, 5/1/0 (Ald. Schrader voted no).

Ms. Dickens informed the Council and attending public that the City assumes responsibility for the contents of the broadcast and must provide the times and dates of broadcasts to Cox Communications.

#### **Discussion of broadcasting debates**

*Ald. Stoppel moved to permit the Lovely County Citizen to sponsor a debate on October 24, 2000 and to rebroadcast the debate four times. Alderman Freeland seconded.*

Ed Leswig was recognized and addressed the Council. He related that he has not received an invitation to attend the debate. Also that candidate Jack Dozier had not received an invitation. He stated that he felt it improper for Council to permit the live televising of a debate when some candidates were not invited.

After a brief discussion, Mayor Satori requested that in future elections, the candidates coordinate debates shortly after filing. He restated the motion to permit the live broadcast of the debate and three rebroadcasts. After a brief discussion the motion passed by voice vote, 6-0-0.

Ald. Stoppel asked if any other groups has requested to host a debate. No one was aware of any such interest.

#### **CITY COUNCIL COMMENTS**

Ald. Taylor stated that the speed bumps on Mountain were horrible and asked who selected them.

Ald. Schrader stated that the speed bumps are more gentle than the bumps installed on East Mountain. They are smaller, lower and there are more of them. He has received requests for Mountain Street residents that they be extended closer to the curbs.

Ald. Sumpter stated that it was hard for motorcycles to navigate the street at low speed going uphill with the bumps.

Ald. Freeland stated that he has looked at comparison figure for the Transit Department year-to-date for 2000 and 1999. He stated that ridership was overforecast and the lack of a one-way pass had a negative impact. He did note that Red Route ridership was up for 2000.

**MAYOR'S COMMENTS**

Mayor Satri stated that he was not comfortable with vetting Council's action, doing so was not an insult to them and that his comments to them are sincere.

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BeauZar Satri; Mayor

















**ADJOURNMENT**

Ald. Steppel moved to adjourn. Ald. Sumpster seconded. Without dissent the meeting was adjourned.

ATTEST: