

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
September 7, 2000**

The September 7, 2000 meeting was called to order at 7:10 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, Taylor and Sumpter. Alderman Freeland was absent.

ALSO PRESENT: Diane O'Connor Weems, James DeVito, Kent Crow, Ed Leswig, Kay Green, Frankie Green, Madge Terrell, Mary Jean Sell, Kelly Simon, Carl Hyatt, Kim Dickens, Sherry Wilson, Don Matt, and Clerk Lee.

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

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

The motion was made and seconded to approve the minutes of the August 17th, 2000, City Council Meeting. All were in favor, 5/0/0.

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND VACANCIES:

The Hospital Commission is faced with some difficult decisions. They have asked that two more members be added to the commission, so that the total will be seven. They have asked that specific people be added. Flo Fitzsimmons has served on the commission and so has William Nystrom.

Sherry Wilson, the City Attorney, said that the Council can approve this action according to State statute and the Municipal Code. An ordinance is not required for this commission to add members.

The motion was made and seconded to approve the new members immediately to help the commission. The vote was 4/1/0, with Alderman Schrader voting no. He felt that the Council should have waited for the two week time period.

DEPARTMENT HEAD COMMENTS:

Alderman Taylor said a sign needed to be posted at the beginning of Grand Avenue. She said there are a lot of cars going up the hill and then having to turn around and come back.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens reported that the Advertisement for Bids has gone out on the Wastewater Project. It was put in the Arkansas Democrat Gazette, with an October 9th deadline.

She said that the Mayor and all Departments had met with the State Auditor, Mark Marley, and the State has written no comments against us for the year 1999. That is the first time ever. She thanked Diane Murphy, the Finance Director for the City, for her hard work to make this happen.

UNFINISHED BUSINESS:

There was none.

NEW BUSINESS:

Consideration of property purchase proposal of 50 Wall St., (Frank Green):

Attorney Kent Crow presented a proposal to the City Council from Mr. Green. Mr. Green would agree to whatever easements the City asked, if the City would vacate the property to Mr. Green. He owns the property on both sides of Owl Street in the area in question.

The city attorney has spoken to Attorney William Douglass, who represents Ms. Quinn and to Attorney Kent Crow. It appears that Ms. Quinn does not own property that can be affected by this proposal. Her property is not adjacent to the area in question. The property was taken out of green space before so that the Parks Commission is not involved.

Ms. Quinn said she didn't want the fence to have the gate Mr. Green had planned because it could invite people to go through to her property. That raised the question as to whether the City should require a pedestrian easement.

The motion was made and seconded to request that an ordinance be written vacating the property to Mr. Green with all of the necessary easements included.

Alderman Jeffrey said that historically, the City has charged \$200 per property to do a vacation.

Alderman Sumpter amended his motion to say "appropriate easements", and it was seconded.

Alderman Stoppel left the table. The vote on the amendment was 4/0/0.

Alderman Stoppel returned to the table. The vote on the motion was 5/0/0.

Consideration of Ordinance No. 1848, amending Chapter 86, signs/banner policy:

The motion was made and seconded to place Ordinance No. 1848 on its first reading in its entirety. All were in favor, 5/0/0.

Ms. Dickens read the entire ordinance.

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

Consideration of Ordinance No. 1844, water rate increase:

The motion was made and seconded to place Ordinance No. 1844 on its first reading in its entirety. All were in favor, 5/0/0.

Ms. Dickens read the ordinance in its entirety.

The motion was made and seconded to approve.

Ms. Dickens said it has been eleven years since a water rate increase. Alderman Jeffrey asked if the City was going to do anything to make up for the eleven years that the rates had been raised.

Ms. Dickens said that it wasn't really necessary. She said that the rate increase would be annual, and that it would take care of the raises in operating and maintenance costs.

Alderman Jeffrey pointed out a problem with the way the third paragraph in the ordinance was written. He made a motion to change the paragraph to the suggestions that had been noted by the City Attorney, and the motion was seconded. The vote on the amendment was 5/0/0.

The vote on the first reading of Ordinance No. 1844 was 5/0/0.

Consideration of Ordinance No. 1845, an ordinance amending sections 106-191, 106-195, 106-221, 106-301, 106-321, 106-342, 106-361, pertaining to parking, (First reading):

The motion was made and seconded to postpone until the October 5th, 2000, meeting.

The general consensus was to have another workshop with maps showing the changes.

The Council set a workshop date on September 26, 2000, at 2 p.m.

The vote to postpone was 5/0/0.

Consideration of options for the Eureka Springs Hospital

Ms. Dickens suggested that this subject be moved ahead of the reading of the zoning ordinance, since several people were present to address the issue.

Mayor Satori said the options seem to be boiling down to two, even though three were mentioned in the newspaper. They were options that Washington Regional recommended. One option is to close the hospital. One is to create an emergency center. The third is to build a 12 bed facility.

The estimated cost to build was 3.5 million dollars.

Alderman Jeffrey said the City should have a professional study done independent of anyone else.

Ms. Dickens asked if it would be too far out to think of putting a yes/no question on the November ballot about whether the county would support the hospital. Alderman Jeffrey said he thinks the Western District would have to form a Hospital District which would take legislation by the state. It would be like the Western Ambulance District.

Alderman Schrader said the reason the hospital administrator quit was because Washington Regional took over the old clinic building. The administrator had kept the hospital books in the black, but he said with that old building on the hospital's books, he would be in the red constantly. James DeVito supported an independent study and said this is a much larger picture than just here in Eureka Springs.

Diane O'Connor Weems has worked at the hospital, but is not currently working there. She has lived here all of her life and she stressed the importance of doing everything possible to keep our hospital.

Alderman Schrader asked to have the hospital commission look into setting up a hospital district.

Sherry Wilson stated that the State Statutes make it unlawful for a City Attorney to work with/for the Hospital Commission.

The motion was made and seconded to take a 10 minute recess. All were in favor, 5/0/0. The meeting recessed at 8:35 p.m. The meeting reconvened at 8:50 p.m.

Consideration of Ordinance No. 1816, an ordinance amending in its entirety Ordinance No. 1075, Zoning. (First reading):

The motion was made and seconded to place Ordinance No. 1816 on it first reading in its entirety. All were in favor, 5/0/0. The ordinance was very long, so each person at the table took turns reading a few pages. Typos, deletions, and punctuation was changed as the pages were read. The motion was made to approve. There was no second.

The motion was made and seconded to postpone to the September 21st, 2000 Council meeting. The vote was 5/0/0.

Consideration of Council approval to blast at Grand Avenue:

It was explained that the person doing the blasting is a professional, who has done blasting for the City other times when needed. The easements are in place. Blasting is much less intrusive than jack hammers.

The motion was made and seconded to approve. The vote was 3/0/2, with Alderpersons Taylor and Schrader abstaining. Mayor Satori voted yes, so the vote was then 4/0/2.

Consideration of permitting alcohol in the Auditorium, October 26, 2000:

The attraction on October 26, 2000 is the Willy Nelson Concert. The motion was made and seconded to approve the sale of alcohol in the Auditorium for the concert. All were in favor, 5/0/0.

Consideration of permitting use of parking lot between City Hall and the Auditorium, on October 26, 2000:

The request was made because Mr. Nelson needs room to park the vehicles in his entourage. All were in favor, 5/0/0.

COUNCIL COMMENTS:

Alderman Schrader said that Alderman Freeland wanted to put the discussion of unsightly conditions around town on the next agenda.

Ms. Dickens said that when a person becomes aware of an unsightly place, they should call her office at City Hall.

Sherry Wilson said that if there were any questions on the zoning ordinance, the Council should get them to her in writing so that she can go over them with Mickey Harrington, the land use attorney who helped write the ordinance.

MAYOR'S COMMENTS:

Mayor Satori reminded all prospective candidates to file their paperwork in Shirley Doss' office by noon on September 8, 2000, which is a Friday.

The motion was made and seconded to adjourn. All were in favor, 5/0/0. The meeting was adjourned at 11:50 p.m.

APPROVED:

Beau Zar Satori, Mayor

ATTEST:

Mary Ann Lee, City Clerk-Treasurer