

**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
February 20, 2001**

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Mayor Beau Z. Satori called the February 20th, 2001, meeting to order at 7 p.m. in the Courtroom of the Carroll County Courthouse.

PRESENT:

Mayor Satori, David Stoppel, Bryan Sumpter, Kelly Simon, Kathy Harrison, James DeVito, and Jack Dozier.

ALSO PRESENT: Guy Czajka, Diane Murphy, John burnette, Sandy Latimer, Ron Pederson, Pat Matsukis, Jack Holly, John Mitchell, Gwen Bennett, Mary Jean Sell, Sherry Wilson, Kim Dickens, Don Matt, Rhonda and Clerk Lee. Others were present who did not sign in.

PLEDGE OF ALLEGIANCE:

Mayor Satori led in the Pledge of Allegiance to the Flag.

APPROVAL OF THE AGENDA:

The SWEPCO tree cuts subject was made number one under New Business. *The motion was made and seconded to approve the agenda as amended. All were in favor, 6/0/0.*

APPROVAL OF THE MINUTES:

The motion was made and seconded to approve the minutes of February 5th, 2001. Corrections were noted and the vote was 6/0/0 to approve.

COMMISSION, COMMITTEE: AND AUTHORITY REPORTS AND VACANCIES:

Mayor Satori had nominated Mike Drennon for Position 2 of the Parks Commission, which expires May 31, 2003. *The motion was made and seconded to approve. The vote was 6/0/0 to approve.*

Mayor Satori nominated Linda Hager, owner of Cottage Inn and Eureka Grill, to serve on the CAPC.

DEPARTMENT HEAD COMMENTS:

Diane Murphy, Finance Director, brought a handout to the Council showing what will be printed on the back of the water bill. There have been negative comments about letting their views be known with a bill with their name on it. The question of whether or not they want fluoride in their water will go on the April 1st bill. This will be a survey, not a ballot. It was hoped that people would respond by the 10th of the month, the due date. After the due date, the opinion will not count.

CITY ADMINISTRATIVE ASSISTANT'S REPORT:

The State Historic Preservation people gave the City of Eureka Springs a grant of \$93,259.00, to be used for windows, doors, and lighting in the Auditorium.

The City has been talking to Senator Fitch about some help building a meeting room on the Police

Facility building when it is finished. He is writing a bill to put forth \$100,000 to help the City with that project.

The Hospital Commission had a meeting also. Ms. Dickens reported that they could not televise their meeting because it was meeting at the same time as the Council. She reported that they had some serious decisions to make. She said that Washington Regional had graciously consented to extend their contract with the City for the Hospital, with the understanding that they will not cover any cash short falls incurred by the Hospital or any loses. The lease will extend to July 31st, 2001 and that will be the last lease extension they will give us.

St. John's has pulled out and will not assist us. Ms. Dickens said she would let the Council know what the Commission decides before the meeting is over.

Transit Director, Lisa Liggett lost her brother to a heart attack, and Ms. Dickens sent the City's condolences.

UNFINISHED BUSINESS:

Discussion of request for funds from the Library:

The motion was made and seconded to discuss the funds for the library. The vote was 5/1/0, with Alderman Sumpter voting no.

Alderman Simon made the motion to discuss at the second meeting in May. There was no second.

There were several comments about where the funds could be found. Everything would mean it would take money away from something else.

Alderman Dozier brought up the cost of the Mayor's cell phone. Mayor Satori said that subject could be discussed at a more appropriate time.

The motion was made and seconded to discuss Library funding at the first Council Meeting in June, (Which is June 4th, 2001). The vote was 4/2/0, with Aldermen Dozier and Harrison voting no.

Discussion regarding Ordinance No. 1861, an ordinance amending one way streets (Armstrong Street. Second reading):

The motion was made and seconded to suspend the rules and place Ordinance No. 1861 on its second reading by title only. By roll call, the vote was 6/0/0.

Ms. Dickens read the ordinance by title only.

The motion was made and seconded to approve.

Alderman Sumpter said he had received several calls against turning the street around.

Alderman Dozier was concerned about people being able to stop at the bottom of the grade.

Alderman DeVito said it is the difference between a fender bender, and a head on collision.

The vote was Aldermen Sumpter, Simon and Dozier no and Aldermen Harrison, DeVito, and Stoppel yes, 3/3/0. Mayor Satori voted yes, which made the final vote 4/3/0.

NEW BUSINESS:

Discussion of the SWEPCO tree cuts:

The motion was made and seconded to discuss the tree cuts by SWEPCO.

All were in favor, 6/0/0.

There had been several complaints about butchered trees or trees that were cut, or trees that were

old that were marked to be cut.

Alderman Dozier spoke in detail about the laws and rules the companies have to follow. He said that they can only trim or cut trees that are in the city's right-of-way. If they do not do the job they are supposed to do, and a tree falls, they can and will be heavily fined. If a tree is slated to be cut, and it is not cut, and it dies the next year, the homeowner is responsible to remove the dead tree. They cannot remove a tree on private property. They can trim it if it interferes with the lines. Trees are destroyed when utility lines are buried, also.

Mayor Satori said we need to focus on burying utility lines, and gaining greater control over what can be cut or trimmed. He cited Maumell, Arkansas as an example of a city where the utility lines are buried.

Alderman DeVito said that Maumell, Arkansas is a fairly new city, and that is why the lines are buried. He said that tree cuts should go before the Building Inspector, and that the City should focus on planting new trees.

Sherry Wilson, City Attorney, said that the utility companies fall under the authority of the Public Service Commission, and they must obey State and Federal laws. The Building Inspector does not have the authority to over-ride these laws. There is not a great deal of room for negotiation.

Alderman Dozier said it is a citizen's responsibility to take care of the trees. If we will work with them, arborists will work with us to keep our trees healthy, and rid ourselves of the ones that are not.

Mayor Satori said the Council needs to re-evaluate the tree cuts, and see

COUNCIL COMMENTS:

MAYOR'S COMMENTS:

This is the signature sheet for the minutes of February 5, 2001.

APPROVED:

Mayor Beau Z. Satori

ATTEST:

Mary Ann Lee, City Clerk-Treasurer