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**CITY OF EUREKA SPRINGS
COUNCIL MEETING MINUTES
August 19th: 2002**

Mayor Beau Satori called the August 19th, 2002, meeting to order at 7 p.m. in the jury room of the Western District Courthouse.

PRESENT: Mayor Satori and Aldermen Simon, Sumpter, Harrison, and DeVito were present. Aldermen Dozier and Money were absent.

ALSO PRESENT: Lucinda Walker, Michael Johnson, Ed Leswig, Bruce Levine, Tim Weaver, Kate Allen, Diane Murphy, Butch Berry, Pat Matsukis, Susan Loume, Bill King, Larry Suchand, Joe Zickmund, Kim Dickens, Jonathon Seaman, and Clerk Lee.

PLEDGE OF ALLEGIANCE:

Mayor Satori led in the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Resolution 490, Outdoor Recreation Grant, was added to be first under New Business.

Pat Matsukis was added at the end of New Business, to address the Council about the safety of the planned Suchand parking lot. Bill King said the Planning Commission voted to have her come to Council. Mr. Butch Berry said they didn't vote but they support her concern.

Mr. Sumpter made the motion to approve the agenda as amended. Mr. DeVito seconded. All were in favor, 4/0/0.

APPROVAL OF THE MINUTES:

Mr. DeVito made the motion to approve the minutes for August 19th 2002.

Mr. Sumpter seconded. The vote was 4/0/0.

COMMISSION, COMMITTEE, AND AUTHORITY REPORTS AND VACANCIES:

None.

ADMINISTRATIVE ASSISTANT'S REPORT:

Ms. Dickens reported that the storage building out at the Police Facility is~ being started. The grading and dirt work is being done right now.

The Lake Leatherwood Dam contract has been executed. The attorneys representing the City have signed off on it. The City should be getting notification of a starting date within the next two weeks.

There have been a large number of by-passes at the waste-water treatment plant. The City has been directed by ADEQ to come up with some kind of way to solve this problem very quickly. The main street interceptor has not solved the problem as the City had hoped it would. Mr. Murray, Ms. Murphy and Ms. Dickens will be meeting to work out what needs to be done, and the cost and will

present it to the Council at the next meeting.

UNFINISHED BUSINESS:

Discussion regarding Ordinance No. 1891-A, an ordinance for the levy of a one-half of one percent sales and use tax to be used for Parks and Recreation. (3rd reading):

Mr. Sumpter made the motion to suspend the rules and place Ordinance No. 1891-A on its third reading by title only. Mr. Simon seconded. Ms. Dickens said she would point out in the reading what had been amended. The vote was 4/0/0. Ms. Dickens then read the ordinance by title only, and pointed out the amendments.

The motion was made and second to approve.

Bruce Levine from the Parks Commission said that after much discussion and straw polls of the citizens, the Parks Commission feels it should have a 5 year sunset clause.

Joe Zickmund spoke against raising the sales tax. He said the downside risk is too great. Ms. Harrison was in favor of the sunset clause because she felt that the money will be needed to finish what has been started and to pay for upkeep.

The vote to approve was 4/0/0.

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The motion was made and seconded to take a break so Susan Lorne could write an emergency clause to go with this ordinance. The vote was 4/0/0. The meeting was reconvened at 7:35 p.m.

Mr. Sumpter made the motion to read the emergency clause. Mr. DeVito seconded. All were in favor, 4/0/0.

Ms. Dickens read the emergency clause.

Mr. Sumpter made the motion to approve. Mr. Simon seconded. All were in favor, 4/0/0.

Discussion regarding Ordinance No. 1892-A, an ordinance calling for a Special election (November 5, 2002) to levy a city wide one half of one percent sales and use tax for the operation, maintenance and capital improvements of parks and recreation. (2nd Reading):

Mr. Sumpter made the motion to suspend the rules and place Ordinance No. 1892-A on its third and final reading by title only. Mr. Simon seconded. All were in favor, 4/0/0. Ms. Dickens read the ordinance by title only.

Mr. Sumpter made the motion to approve. Mr. DeVito seconded. Mr. Zickmund spoke against raising the sales tax again. He said revenue bonds are a better way to raise money for the commission.

The final vote for Ordinance No. 1892-A was 4/0/0.

Mr. Sumpter made the motion to read the emergency clause. Mr. Simon seconded. Ms. Dickens read the emergency clause. Mr. Sumpter made the motion to approve. Mr. Simon seconded. All were in favor, 4/0/0.

Discussion regarding Ordinance No. 1897, an ordinance to establish and Clarify the duties and salary for the City Clerk/Treasurer. (3rd

Reading):

Mr. Sumpter made the motion to suspend the rules and place Ordinance No. 1897 on its third and final reading by title only. Mr. DeVito seconded. All were in favor, 4/0/0. Ms. Dickens read the ordinance by title only. Mr. Sumpter made the motion to approve. Mr. DeVito seconded. All were in favor, 4/0/0.

Discussion regarding Ordinance No. 1898, an ordinance to establish and clarify the duties and remuneration for the City Attorney. (2~ Reading: (and vote from the first reading):

Mr. DeVito had made the motion to amend the ordinance to expand the scope of where the attorney could live (outside the city limits) and still run for the City Attorney position. He said when he did that he was not aware that the legislation allowing this to happen had not been tested. He with drew his motion to amend. The vote to approve the ordinance as read was 4/0/0.

Mr. Sumpter made the motion to suspend the rules and place Ordinance No. 1898 on its third and final reading by title only. The vote was 4/0/0. Ms. Dickens read the ordinance by title only. Mr. Sumpter made the motion to approve. Mr. DeVito seconded. All were in favor, 4/0/0.

NEW BUSINESS:

Discussion regarding Ordinance No. 1899, an ordinance amending the 2002 budgets for the remaining six-month period beginning July 1, 2002, and ending December 31, 2002, and declaring an emergency:

Mr. Sumpter made the motion to place Ordinance No. 1899 on its first reading in its entirety. Mr. Simon seconded. All were in favor, 4/0/0. Ms. Dickens read the ordinance in its entirety.

Mr. Sumpter made the motion to approve. Mr. DeVito seconded. All were in favor, 4/0/0.

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Mr. Sumpter made the motion to suspend the rules and place Ordinance No. 1899 on its second reading by title only. Mr. DeVito seconded. All were in

favor, 4/0/0.

Ms. Dickens read the ordinance by title only.

Mr. Sumpter made the motion to approve. Mr. DeVito seconded. All were in favor, 4/0/0.

Mr. Sumpter made the motion to further suspend the rules and place Ordinance No. 1899 on its third reading by title only. Mr. DeVito seconded, All were in favor, 4/0/0.

Ms. Dickens read the ordinance by title only.

Mr. Sumpter made the motion to approve. Mr. DeVito seconded. All were in favor, 4/0/0.

Mr. Sumpter made the motion to read the emergency clause. Mr. DeVito seconded. All were in favor, 4/0/0.

Ms. Dickens read the emergency clause.

Mr. Sumpter made the motion to approve. Mr. DeVito seconded. The vote was 3/1/0, with Mr. Simon voting no. Mayor Satori voted yes, so the vote was 4/1/0.

Discussion regarding the grant to bury utility lines at Hwy 62 and Hwy 23. (Harrison/Simon):

Ms. Harrison said she hadn't realized that the Council had already voted to accept the grant to bury the utility lines at Hwy 62 and 23, when she brought the subject up.

Mr. Simon thought the City had spent and would be spending a lot more money than they actually would.

Mr. Murray explained where the money went. He said along with the sidewalk, we have received three grants. We received one to help with burying the overhead power lines at the top of Planer Hill. The only thing the grant won't pay for is to put the light in the center island at the top of Planer Hill to take the place of the two streetlights that will be removed. He said he couldn't imagine any more over-runs. We are on schedule with the grants. We have a good name at State level. If we were to not accept a grant of \$150,000, our name would be mud. He said the sidewalk is a done deal. The next step is to utilize the grant to bury the power lines. After that comes the water feature. Mr. Murray said the reason prices are higher, is because through the different administrations, the City has stopped and started, and dragged their feet at costs.

Discussion regarding the creation of a Construction Board of Adjustment and Appeals. (Planning Commission):

Butch Berry explained that recently the Planning Commission had an appeal of the Building Inspector's requirements on a building in the Historic District

The meeting was adjourned at 9:10 p.m.

This is the signature page for the August 1st, 2002 City Council Minutes.

