

ORDINANCE NO. 1350

AN ORDINANCE AUTHORIZING THE ISSUANCE OF CAPITAL IMPROVEMENT REVENUE BONDS; PLEDGING PARKING REVENUES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Eureka Springs, Arkansas (the "City") owns and operates a transit system (the "System"); and

WHEREAS, the City Council has determined that a new trolley car should be acquired for the System (the "Improvement"); and

WHEREAS, the estimated cost of the Improvement and authorizing and issuing bonds is \$137,230; and

WHEREAS, the City does not have available funds to acquire the Improvement but can obtain the necessary funds for paying the costs of authorizing and issuing the bonds and costs of the Improvement by the issuance of capital improvement revenue bonds in the principal amount of \$28,000 and by obtaining a grant from an agency of the United States of America; and

WHEREAS, the City has received an offer for the purchase of a \$28,000 bond from Bank of Eureka Springs, Eureka Springs, Arkansas (the "Purchaser"), at a price of par plus accrued interest pursuant to a Letter of Offer and Representation which has been presented to and is before this meeting;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS:

Section 1. That the Letter of Offer and Representation is hereby accepted and the \$28,000 bond is hereby sold to the Purchaser at the purchase price specified above.

Section 2. That the Improvement shall be acquired.

Section 3. That under the authority of the Constitution and laws of the State of Arkansas, including particularly Amendment No. 62 to the Constitution of the State of Arkansas, and the Local Government Capital Improvement Revenue Bond Act of 1985 (Arkansas Code of 1987 Annotated §§14-164-401, et. seq.), City of Eureka Springs, Arkansas Capital Improvement Revenue Bond (the "bond") is hereby

authorized and ordered issued in the total principal amount of \$28,000. The proceeds of the bond shall be used to finance the cost of the Improvement and to pay costs of issuing the bond.

The bond shall be dated June 1, 1989 and the interest thereon shall be payable semiannually on June 1 and December 1 of each year, commencing December 1, 1989.

The bond will be issued in the form of a typewritten bond, registered as to both principal and interest, payable to the Purchaser or registered assigns, shall be numbered R-1 and shall be in the denomination of \$28,000.

Payment of interest shall be by check or draft mailed to the registered owner or registered assigns (the "Registered Owner") as reflected on the bond registration books of the City maintained by the City Treasurer, at its address on such registration books, without presentation or surrender of the bond. Principal of the bond shall be paid at the principal office of the City upon surrender thereof to the City Treasurer for notation on the Payment Record attached thereto that principal has been paid. Such payments shall discharge the obligation of the City to the extent thereof.

Payment of principal and interest shall be in any coin or currency of the United States of America which, as at the time of payment shall be legal tender for the payment of debts due the United States of America. When the principal of and interest on the bond have been fully paid, the City Treasurer shall cancel the bond.

The bond shall bear interest at the rate of 7.0834% per annum. Interest shall be calculated on the basis of a 360-day year and twelve 30-day months. Principal of the bond shall mature in installments on December 1 in the amounts and in the years as follows:

<u>Year</u> <u>(December 1)</u>	<u>Principal</u> <u>Amount</u>	<u>Year</u> <u>(December 1)</u>	<u>Principal</u> <u>Amount</u>
1990	\$5,000	1993	\$6,000
1991	5,000	1994	6,500
1992	5,500		

Section 4. That the bond shall be executed on behalf of the City by the Mayor and City Clerk by their manual signatures and the corporate seal of the City shall be affixed to each bond. The bond shall be in substantially the following form:

(Form of Bond)

REGISTERED

REGISTERED

No. R-1

\$28,000

UNITED STATES OF AMERICA
STATE OF ARKANSAS
COUNTY OF CARROLL
CITY OF EUREKA SPRINGS
7.0834% CAPITAL IMPROVEMENT REVENUE BOND

Principal Amount: Twenty Eight Thousand Dollars
Registered Owner: Bank of Eureka Springs

KNOW ALL MEN BY THESE PRESENTS:

That the City of Eureka Springs, Arkansas (the "City"), for value received, hereby acknowledges itself to owe and promises to pay to the registered owner shown above, or assigns, the principal amount shown above with interest on the unpaid balance of the principal amount from the date hereof at the rate of 7.0834% per annum. The principal and interest shall be payable in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of debts due the United States of America.

Principal of this bond shall be payable in installments on December 1 of each year in the amounts as follows:

<u>YEAR</u> <u>(December 1)</u>	<u>Amount</u>
1990	\$5,000
1991	5,000
1992	5,500
1993	6,000
1994	6,500

Interest shall be payable on December 1, 1989 and on June 1 and December 1 of each year thereafter until the principal of this bond is paid in full. Interest shall be calculated on the basis of a 360-day year and twelve thirty day months.

Payments of the interest installments due hereon shall be made without presentation and surrender of this bond, to the registered owner at his address shown on the bond registration book of the City maintained by the City Treasurer. Principal shall be payable at the principal office of the City upon surrender of this bond to the City Treasurer for notation on the Payment Record attached to this bond. All such payments shall fully discharge the obligation of the City to the extent of the payments so made.

This bond is issued under the authority of the Constitution and laws of the State of Arkansas, including particularly Amendment 62 to the Arkansas Constitution and the Local Government Capital Improvement Revenue Bond Act of 1985 (Arkansas Code of 1987 Annotated §§14-164-401, et. seq.) and pursuant to Ordinance No. _____ of the City, duly adopted and approved on the _____ day of _____, 1989 (the "Authorizing Ordinance"), and does not constitute an indebtedness of the City within any constitutional or statutory limitation. This bond is not a general obligation of the City, but is a special obligation payable solely from the revenues derived from the operation of parking lots owned by the City ("Pledged Revenues"). An amount of Pledged Revenues sufficient to pay the principal of and interest on this bond has been duly pledged and set aside into the 1989 Capital Improvement Revenue Bond Fund created by the Authorizing Ordinance. The City has fixed and has covenanted and agreed to maintain rates for the parking lots owned by the City which shall be sufficient at all times to provide for the payment of the principal of and interest on this bond as the same become due and payable. Reference is hereby made to the Authorizing Ordinance for the details of the nature and extent of the security and of the rights and obligations of the City and the registered owner of this bond.

This bond is not secured by any lien on or security interest in any physical properties.

Prepayments of principal installments, or any portion thereof, shall be made from proceeds of this bond not needed for the purposes intended, on any interest payment date, in inverse chronological order of maturity at a prepayment price equal to the principal amount being prepaid plus accrued interest to the prepayment date.

Prepayments of principal installments, or any portion thereof, may be made from funds from any other source at any time at the option of the City in inverse chronological order of maturity at a prepayment price equal to the principal amount being prepaid plus accrued interest to the prepayment date.

Such prepayments shall not affect the obligation of the City to pay the remaining principal installments as scheduled herein.

Notice of prepayment shall be given by first class mail to the registered owner of this bond, mailed to the registered owner at his address reflected on the bond registration books maintained by the City Treasurer at least fifteen (15) days prior to the prepayment date. After the date fixed for prepayment the principal amount of this bond so called shall cease to bear interest, provided funds for its payment are on deposit with the City Treasurer at that time.

This bond may be assigned (except to bearer), and, in order to effect the assignment, the assignee shall surrender this bond to the City Treasurer for transfer on the bond registration books. Every assignee shall take this bond subject to all payments and prepayments of principal and interest (as reflected by the Payment Record attached to this bond), prior to such surrender for transfer.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all acts conditions and things required to exist, happen and be performed precedent to and in the issuance of this bond have existed, have happened and have been performed in due time, form and manner as required by law; that the indebtedness represented by this bond and the issue of which it forms a part, does not exceed any constitutional or statutory limitation; and that the Pledged Revenues will be sufficient to pay the principal of and interest on this bond when due until the same shall have been fully paid and discharged.

THE CITY HAS DESIGNATED THIS BOND AS A "QUALIFIED TAX-EXEMPT OBLIGATION" WITHIN THE MEANING OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

IN WITNESS WHEREOF, the City of Eureka Springs, Arkansas has caused this bond to be executed in its name by its Mayor and City Clerk, thereunto duly authorized, and its corporate seal to be affixed, all as of the 1st day of June, 1989.

CITY OF EUREKA SPRINGS,
ARKANSAS

ATTEST:

By _____
Mayor

City Clerk

(SEAL)

ASSIGNMENT

For value received, the registered owner last listed below sells, conveys, transfers, assigns and delivers this bond to the assignee last listed below and constitutes and appoints such assignee as the assignor's attorney to transfer this bond on the bond registration books of the City maintained by its City Treasurer as bond registrar, with full power of substitution in the premises.

<u>Registered Owner</u>	<u>Assignee</u>	<u>City Treasurer</u>	<u>Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

PAYMENT RECORD

<u>Due Date</u>	<u>Principal Payment</u>	<u>Interest Payment</u>	<u>Date Paid</u>	<u>Signature of City Treasurer</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Section 5. That the City hereby pledges and mortgages all revenues derived by the City from the operation of its parking lots ("Parking Facilities") for the payment of the principal of and interest on the bond when due. The City covenants and agrees that it will at all times while the bond is outstanding fix and collect rates and charges for the use of the Parking Facilities, including the increasing of the same from time to time if necessary, which shall be sufficient, together with other available funds, to make the required deposits into the 1989 Capital Improvement Revenue Bond Fund hereafter created.

Section 6. There shall be deposited from revenues received from the Parking Facilities (the "Pledged Revenues") into a special fund which is hereby created and designated "1989 Capital Improvement Revenue Bond Fund" (the "Bond Fund") the sums in the amounts and at the times necessary to pay the principal of and interest on the bond when due.

Section 7. That the City shall not issue any bonds or incur any obligation secured by a lien or pledge on the Pledged Revenues.

Section 8. That the bond shall be callable for payment prior to maturity in accordance with the terms set out in the bond form in Section 4 hereof.

Section 9. That the City Treasurer is hereby ordered and directed to pay on the due date for principal and interest on the bond from moneys in the Bond Fund necessary to pay the principal of and interest on the bond due on that date. Such payments shall be made in accordance with Section 3 of this Ordinance. This instruction to the City Treasurer is irrevocable and may be enforced by mandamus.

Section 10. That if there be any default in the payment of the principal of or interest on the bond, or if the City defaults in the performance of any of the other covenants contained in this Ordinance, the Registered Owner may, by proper suit, compel the performance of the duties of the officials of the City under the laws of Arkansas.

No remedy conferred upon or reserved to the Registered Owner is intended to be exclusive of any other remedy or remedies, and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Ordinance or by law.

The Registered Owner may waive any default which shall have been remedied before the entry of final judgment or decree

in any suit, action or proceeding instituted under the provisions of this Ordinance or before the completion of the enforcement of any other remedy, but no such waiver shall extend to or affect any other existing or any subsequent default or defaults or impair any rights or remedies consequent thereon.

In any proceeding to enforce the provisions of this Ordinance, the Registered Owner shall be entitled to recover from the City all costs of such proceeding, including reasonable attorneys' fees.

Section 11. That the bond shall be delivered to the Purchaser upon payment of the purchase price set forth above.

(1) From the proceeds of the sale of the bond, there shall be deposited in the Bond Fund the accrued interest.

(2) The balance of the proceeds shall be deposited in an account designated "1989 Capital Improvement Fund" (the "Improvement Fund") and shall be used solely to pay the costs of the Improvements, for necessary expenses incidental thereto, and for the expenses of the issuance of the bond.

Section 12. (a) That moneys held for the credit of the Bond Fund shall, as nearly as may be practicable, be continuously invested and re-invested by the City in direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States government ("Government Securities"), which shall mature or which shall be subject to redemption by the holder thereof at the option of the holder not later than the time the funds will be needed as determined by the City. Moneys held for the credit of the Improvement Fund may be invested and reinvested by the City in Government Securities, having maturity dates or subject to redemption by the holder on or prior to the date the funds will be needed as determined by the City.

(b) Moneys held for the credit of the Improvement Fund or Bond Fund and not invested shall be deposited in Bank of Eureka Springs. All such bank deposits, including those in the form of certificates of deposit, and any interest to be paid on accounts or certificates shall at all times be either insured by the Federal Deposit Insurance Corporation, or secured by a valid and perfected pledge of collateral consisting of Government Securities.

Section 13. That the terms of the bond and of this Ordinance shall constitute a contract between the City and the Registered Owner. Except with the prior written consent of the

Registered Owner, no variation or change in the undertakings herein set forth shall be made while the bond is outstanding.

Section 14. Tax Covenants. (a) That the City covenants that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the bond under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"). The City will not directly or indirectly use or permit the use of any proceeds of the bond or the Pledged Revenues or any other funds of the City, or take or omit to take any action that would cause the bond to be an "arbitrage bond" within the meaning of Section 148(a) of the Code. To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the bonds.

(b) Private Business Use Limitation. The City shall assure that (i) not in excess of ten percent (10%) of the Net Proceeds of the bond is used for Private Business Use if, in addition, the payment of more than ten percent (10%) of the principal or ten percent (10%) of the interest due on the bond during the term thereof is, under the terms of the bond or any underlying arrangement, directly or indirectly secured by any interest in property used or to be used for a Private Business Use or in payments in respect of property used or to be used for a Private Business Use or is to be derived from payments, whether or not to the City, in respect of property or borrowed moneys used or to be used for a Private Business Use; and (ii) that, in the event that both (A) in excess of five percent (5%) of the Net Proceeds of the bond are used for a Private Business Use, and (B) an amount in excess of five percent (5%) of the principal or five percent (5%) of the interest due on the bond during the term thereof is, under the terms of the bond or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for said Private Business Use or in payments in respect of property used or to be used for said Private Business Use or is to be derived from payments, whether or not to the City, in respect of property or borrowed money used or to be used for said Private Business Use, then said excess over said five percent (5%) of Net Proceeds of the bond used for a Private Business Use shall be used for a Private Business Use related to the governmental use of the Improvements.

The City shall assure that not in excess of five percent (5%) of the Net Proceeds of the bond are used, directly or indirectly, to make or finance a loan to persons other than state or local governmental units.

As used in this subsection (b), the following terms shall have the following meanings:

"Net Proceeds" means the face amount of the bond, plus accrued interest.

"Private Business Use" means use directly or indirectly in a trade or business carried on by a natural person or in any activity carried on by a person other than a natural person, excluding, however, use by a state or local governmental unit and use as a member of the general public.

(c) Federal Guarantee Prohibition. The City shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause the bond to be "federally guaranteed" within the meaning of Section 149(b) of the Code and regulations promulgated thereunder.

(d) Information Reporting. The Mayor shall, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the bond is issued, submit to the Secretary of the Treasury a statement concerning the bond which will satisfy the requirements of paragraph (2) of Section 149(e) of the Code and applicable regulations promulgated thereunder.

(e) Designation of Bond as "Qualified Tax-Exempt Obligation". The bond is hereby designated as a "qualified tax-exempt obligation" within the meaning of the Code. The City represents that it does not reasonably expect that the aggregate principal amount of its qualified tax-exempt obligations (excluding "private activity bonds" within the meaning of Section 141 of the Code which are not "qualified 501(c)(3) bonds" within the meaning of Section 145 of the Code), including those of its subordinate entities, issued in calendar year 1989 will exceed \$10,000,000.

The City further represents that (i) it does not reasonably expect that the aggregate principal amount of its tax-exempt obligations (not including "private activity bonds" within the meaning of Section 141 of the Code), including those of its subordinate entities, issued in calendar year 1989 will exceed \$5,000,000, and (ii) at least 95% of the proceeds of the bond will be expended for the governmental activities of the City.

Section 15. That the City will keep or cause to be kept proper books of accounts and records (separate from all other accounts and records) in which complete correct entries shall be made of all transactions relating to the Pledged

Revenues, Parking Facilities and the operation thereof, and such books shall be available for inspection by the Registered Owner at the reasonable times and under reasonable circumstances.

Section 16. That the City covenants and agrees that the Parking Facilities will be maintained in good condition and that the Parking Facilities will be operated in an efficient manner and at reasonable cost.

Section 17. That the City covenants and agrees that so long as the bond is outstanding, it will not mortgage, pledge or otherwise encumber the Parking Facilities, or any part thereof or any revenues derived therefrom and will not sell, lease or otherwise dispose of any substantial portion of the same.

Section 18. That in the event the office of Mayor, City Clerk, City Treasurer, or City Council shall be abolished, or any two or more of such offices shall be merged or consolidated, or in the event the duties of a particular office shall be transferred to another office or officer, or in the event of a vacancy in any such office by reason of death, resignation, removal from office or otherwise, or in the event any such officer shall become incapable of performing the duties of his office by reason of sickness, absence from the City or otherwise, all powers conferred and all obligations and duties imposed upon such office or officer shall be performed by the office or officer succeeding to the principal functions thereof, or by the office or officer upon whom such powers, obligations and duties shall be imposed by law.

Section 19. That the provisions of this Ordinance are separable and in the event that any section or part hereof shall be held to be invalid, such invalidity shall not affect the remainder of this Ordinance.

Section 20. That all ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 21. That this Ordinance shall not create any right of any character and no right of any character shall arise under or pursuant to it until the bond authorized by this Ordinance shall be issued and delivered.

Section 22. That it is hereby ascertained and declared that there is an immediate and urgent need for the acquisition of the Improvement to be financed by the issuance of the bond in order to protect the health, lives and property of the inhabitants of the City. It is, therefore, declared that an

emergency exists and this Ordinance, being necessary for the preservation of public peace, health and safety, shall take effect and be in force immediately upon and after its adoption.

ADOPTED: May 2, 1989.

ATTEST:

Joanita S. Barner
City Clerk

(SEAL)

APPROVED:

By

[Signature]
Mayor

CERTIFICATE

The undersigned, City Clerk of the City of Eureka Springs, Arkansas, hereby certifies that the foregoing pages are a true and correct copy of Ordinance No. 1350, passed at a regular session of the City Council of the City, held at the regular meeting place of the City at 9:00 o'clock a.m. on the 2nd day of May, 1989, and that the Ordinance is of record in Ordinance Record Book No. 5 at Page _____, now in my possession.

GIVEN under my hand and seal this 2nd day of May, 1989.

Junita S. Barner
City Clerk

(SEAL)

Hill, Crawford & Lanford, Inc.

Amount of Issue	28,000.00	Average Payment:	
Name of Issue	EUREAKA SPRINGS		6,404.57
Date of Issue	6/ 1/1989	Avg Interest Rate	7.0834
Principal Due	12/ 1	Interest Due	12/ 1 and 6/ 1

DATE	PRINCIPAL	COUPON	INTEREST	PAYMENT	BALANCE
12/ 1/1989			982.37	982.37	28,000.00
6/ 1/1990			982.37		
12/ 1/1990	5,000.00	6.7500	982.37	6,964.75	23,000.00
6/ 1/1991			813.62		
12/ 1/1991	5,000.00	6.9000	813.62	6,627.25	18,000.00
6/ 1/1992			641.12		
12/ 1/1992	5,500.00	7.0000	641.12	6,782.25	12,500.00
6/ 1/1993			448.62		
12/ 1/1993	6,000.00	7.1000	448.62	6,897.25	6,500.00
6/ 1/1994			235.62		
12/ 1/1994	6,500.00	7.2500	235.62	6,971.25	0.00
	28,000.00		7,225.12	35,225.12	

Hill, Crawford & Lanford, Inc.

Amount of Issue 28,000.00 Average Payment: 6,404.57
 Name of Issue EUREAKA SPRINGS
 Date of Issue 6/ 1/1989 Avg Interest Rate 7.0834
 Principal Due 12/ 1 Interest Due 12/ 1 and 6/ 1

DATE	PRINCIPAL	BOND YEAR PER MATURITY	ACCUMULATIVE BOND YEAR	AVERAGE MATURITY
12/ 1/1990	5,000.00	7.5000	7.5000	
6.7500	5,000.00	7.5000		1.5000
12/ 1/1991	5,000.00	12.5000	20.0000	
6.9000	5,000.00	12.5000		2.5000
12/ 1/1992	5,500.00	19.2500	39.2500	
7.0000	5,500.00	19.2500		3.5000
12/ 1/1993	6,000.00	27.0000	66.2500	
7.1000	6,000.00	27.0000		4.5000
12/ 1/1994	6,500.00	35.7500	102.0000	
7.2500	6,500.00	35.7500		5.5000
	28,000.00	102.0000	102.0000	3.6429

EXCERPTS FROM MINUTES OF MEETING OF
THE EUREKA SPRINGS, ARKANSAS CITY
COUNCIL HELD 4/25/89 & MAY 2, 1989

The City Council of the City of Eureka Springs, Arkansas, met in informal session at its regular meeting place in Eureka Springs, Arkansas, at 7:00 p.m. on April 25, 1989. The following were present: Mayor Richard Schoeninger; City Clerk: Juanita Barner and Alderpersons Suzie Bell, Bill Featherstone and Kenneth Smith. Absent: Alderpersons David Anderson and Janis Murray.

The Mayor announced that this was the time set for a public hearing concerning the proposed issuance of Capital Improvement Revenue Bonds. The Mayor also stated that a notice of the proposed adoption of the Ordinance and of the meeting on this date for a hearing on the proposed issuance of the bonds had been duly published as required by law. He then called upon any present who desired to do so to present protests, objections or suggestions. There being no one desiring to object, the Mayor declared the hearing closed.

Due to lack of a quorum to conduct City Council business, the Mayor announced that the Ordinance covering this bond issue would be rescheduled to the meeting date of May 2, 1989.

* * * * *

The City Council of the City of Eureka Springs, Arkansas, met in rescheduled regular session at its regular meeting place in Eureka Springs, Arkansas, at 9 a. m. on May 2, 1989. The following were present: Mayor Richard Schoeninger; City Clerk: Juanita Barner and Alderpersons David Anderson, Suzie Bell, Bill Featherstone, Janis Murray and Kenneth Smith. No one was absent, there being one council vacancy.

Thereupon Alderperson Featherstone introduced and moved the adoption of an Ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF CAPITAL
IMPROVEMENT REVENUE BONDS: PLEDGING PARKING
REVENUES SUFFICIENT TO PAY THE PRINCIPAL OF AND
INTEREST ON THE BONDS: PRESCRIBING OTHER MATTERS
RELATING THERETO: AND DECLARING AN EMERGENCY,

and the Mayor read the Ordinance in full.

Alderperson Bell, seconded by Alderman Anderson, moved that the rule requiring the reading of an ordinance or resolution in full on three different days be suspended and that the Ordinance be placed on its second reading by title only. The Mayor put the question on the adoption of the motion and the roll being called, the following voted aye:

Alderperson Bell
Alderman Anderson
Alderman Featherstone
Alderperson Murray
Alderman Smith

and the following voted nay:

None

Thereupon the Mayor declared that at least two-thirds of all members of the Council having voted in favor of the motion to suspend the rule, the motion was carried and the rule suspended. The Ordinance was then read by title only by the Mayor.

Alderman Murray, seconded by Alderman Anderson, then moved that the rule requiring the reading of an ordinance or resolution in full on three different days be further suspended and that the Ordinance be placed on its third reading by title only. The Mayor put the question on the adoption of the motion and the roll being called, the following voted aye:

Alderman: Anderson
Alderman: Bell
Alderman: Featherstone
Alderman: Murray
Alderman: Smith
Alderman: _____
Alderman: _____
Alderman: _____

and the following voted nay:

None

Thereupon the Mayor declared that at least two-thirds of all members of the Council having voted in favor of the motion to suspend the rule, the motion was carried and the rule suspended. The Ordinance was then read by title only by the Mayor.

Alderman Anderson, seconded by Alderman Bell, moved that the Ordinance be adopted. The question was put by the Mayor on the adoption of the motion and the roll being called, the following voted aye:

Alderman: Anderson
Alderman: Bell
Alderman: Featherstone
Alderman: Murray
Alderman: Smith
Alderman: _____
Alderman: _____
Alderman: _____

and the following voted nay:

None

Alderman Bell, seconded by Alderman Anderson, moved that Section 22, the emergency clause, be adopted and on roll call, the following voted aye:

- Alderman: Anderson
- Alderman: Bell
- Alderman: Featherstone
- Alderman: Murray
- Alderman: Smith
- Alderman: _____
- Alderman: _____
- Alderman: _____

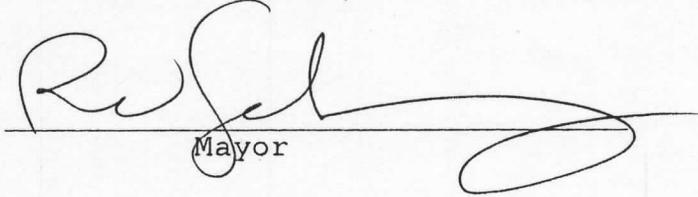
and the following voted nay:

None

The Mayor thereupon declared the Ordinance and the emergency clause adopted and signed the Ordinance, which was attested by the City Clerk and sealed with the seal of the City. The Ordinance was given No. 1350.

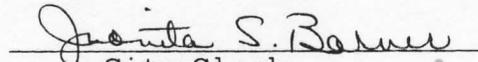
(Matters not relating to the Ordinance are omitted.)

There being no further business, the Council adjourned.



 Mayor

ATTEST:



 City Clerk

(SEAL)

CERTIFICATE

The undersigned, City Clerk of Eureka Springs, Arkansas, hereby certifies that the foregoing pages are a true and correct copy of excerpts of the minutes of a meeting of the City Council of Eureka Springs, Arkansas at a regular session held at the regular meeting place of the Council in said City at 9:00 o'clock a.m., on the 2nd day of May, 1989, and the time and place of the meeting was furnished to each person who made a request therefor in accordance with the provisions of Title 25, Chapter 19 of the Arkansas Code of 1987 Annotated.

Justa S. Bauer
City Clerk

(SEAL)