



# BELLA VISTA

*A place to call home*

## MEETING: REGULAR CITY COUNCIL MEETING

DATE AND TIME: **Monday, November 16, 2015 – 6:30 P.M.**

Bella Vista American Legion Post 341  
1889 Bella Vista Way (Hwy 71 & Kingsland Rd)  
Bella Vista, Arkansas

- I. **CALL TO ORDER:** This meeting has been given public notice in accordance with the Section 25-19-106 of the Freedom of Information Act, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.
- II. **INVOCATION** – Reverend Dennis Ritchie, Presbyterian Church of Bella Vista.  
\*\*\* (See disclaimer below)
- III. **PLEDGE OF ALLEGIANCE:**
- IV. **ROLL CALL:** Mayor Peter Christie, Aldermen Frank Anderson, John Flynn, Allen King, Becky Morgan, James Wozniak and Larry Wilson
- V. **CITIZEN INPUT/PUBLIC APPEARANCES:** *Please be advised that it is the policy of the municipality that there will be a three minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, but no response or action will be made under public comment.*
- VI. **APPROVAL OF MINUTES:** October 26, 2015 and Nov. 9, 2015
- VII. **REPORTS:**
  - A. Mayor's Report –
  - B. Monthly Financial Report – October, 2015
- VIII. **MOTION TO SUSPEND RULES:** and read all proposed ordinances and resolutions on the agenda by title only.
- IX. **NEW BUSINESS:**

- A. ORDINANCE NO 2015-ACCEPTING AND CONFIRMING EASEMENTS DEDICATED TO THE PUBLIC, AND FOR OTHER PURPOSES.**
- B. ORDINANCE NO 2015-AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PROVIDE FOR REGULATION OF THE BURNING OF CERTAIN STRUCTURES TO PREVENT OR ELIMINATE FIRE HAZARDS, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.**
- C. 2015- RESOLUTION- AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR GRANT FUNDING TO THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM.**
- D. R2015- RESOLUTION- AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH THE BELLA VISTA HISTORICAL MUSEUM FOR THE PROVISION OF MUSEUM SERVICES TO CITIZENS OF THE CITY.**
- E. R2015- RESOLUTION- AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AMENDMENT NO. 2 TO THE CONTRACT FOR ANIMAL SERVICES WITH THE BELLA VISTA ANIMAL SHELTER TO PROVIDE EXTENSION OF THE CONTRACT THROUGH CALENDAR YEAR 2016.**
- F. R2015- RESOLUTION- APPROVING A LAW ENFORCEMENT MUTUAL AID AGREEMENT BETWEEN THE CITY OF BELLA VISTA POLICE DEPARTMENT AND THE CITY OF GRAVETTE POLICE DEPARTMENT.**
- G. R2015-RESOLUTION- APPOINTING MEMBERS TO THE CITY OF BELLA VISTA PUBLIC LIBRARY ADVISORY BOARD.**
- H. R2015-RESOLUTION- AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A TRAIL LICENSE AGREEMENT AND TRAIL MAINTENANCE AGREEMENT WITH BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, INC., FOR PURPOSES OF FACILITATING A PUBLIC RECREATIONAL TRAIL SYSTEM THROUGHOUT THE CITY.**
- I. R2015-RESOLUTION- SETTING THE MEETING SCHEDULE FOR THE BELLA VISTA CITY COUNCIL FOR CALENDAR YEAR 2016.**
- J. R2015-RESOLUTION- Establishing Residential and Commercial Rates for Solid Waste (trash) Collection in the City.**

## **DISCUSSION – Budget for 2016**

### **Marketing Plan for City**

#### **MEETINGS AND ANNOUNCEMENTS:**

- **The next City Council Work Session will be Monday Dec. 14 2015 @ 5:30PM in the City Hall Conference Room.**
- **The next Regular meeting of the City Council, Monday Dec. 21, 2015 at 6:30 PM at the Bella Vista American Legion Hall.**
- **Planning Commission Work Session will be Wednesday Dec. 2, 2015 at 4:00PM in the City Hall conference room.**
- **Planning Commission Regular Meeting will be Dec 14, 2015 at 6:30PM in the City Hall Conference room.**
- **Public Safety Committee Meeting will be Dec. 9, 2015 at 9:00AM in the City Hall Conference room.**

#### **ADJOURNMENT**

\*\*\* Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the City Clerk at 479-876-1255.

\*\*\* Any invocation that may be offered at the start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a person deliver an invocation are available upon request submitted to the Bella Vista City Clerk.

**Bella Vista City Council Regular Meeting Minutes – October 26, 2015 6:30PM**

**Call to Order:** Mayor Christie called the meeting to order at 6:30PM

**Invocation** was given by Reverend Bryan Fink

**Pledge of Allegiance** was let by Mayor Christie

**City Clerk Jertson** called the roll of Council: Alderman Morgan, Flynn, Anderson, King, & Wozniak were present. Alderman Wilson was absent.

**Citizen Input:** The following individuals spoke to the Council;

Doug Farner, 6 Hartford Lane, Bella Vista spoke in favor of the Millage increase for additional funds dedicated to the streets.

Bryan Banks, 38 Kensington Dr, Bella Vista spoke in favor of the Millage increase and showed some photos of the roads in his neighborhood as example of the need for improvement. He urged passage.

Linda Lloyd, 102 Fairway in Bella Vista also spoke in favor of the increased Millage as providing much needed street improvement. As a Realtor she said the condition of the roads can be a drawback for potential buyers looking at property in Bella Vista. Additional work is needed right now.

Anna Tallant, 9 Musselburgh Ln, Bella Vista spoke to the Council about the Sign Ordinance as it pertains to Garage Sale signs. She felt it was unfair to residents to limit garage sale signs to five. She feels that with the layout of Bella Vista it is very difficult to direct people to a property with only 5 signs. She also questioned the info needed on the signs. She asked that the Council look at this issue.

Bob Schmidt, 4 Jedburgh Lane, Bella Vista spoke about the need for guard rails or cable barriers on many of the streets and roads in Bella Vista. He felt that this causes unsafe conditions on many roadways. He said that having brought this issue up before the Council in the past he had hoped that something would have been done to improve this situation. The Mayor did explain to him that 340 & 279 are State roads and that he had talked with them about the issue but had heard no response.

**Approval of the Minutes** from the Council's September 28, 2015 meeting was next on the agenda. A motion to approve was made by Alderman Anderson, seconded by Alderman King. Motion carried by a vote of 5 ayes, 0 nays.

**Mayors Report:** Mayor Christie then gave the financial report for September. He showed charts and explained them to the public.

**Notes to September Financial Charts**

**Revenue**

1. General Operating Account \$29 F
2. Street Department \$210K U
  - a. Planned transfer of \$200K from Operating Account was not required.

**Expenses**

1. General Operating Account \$64K F

- a. Police - \$143K U (New Tahoes - Timing);
  - b. Administration -\$241< U – Purchase of new electronic filing system called Mfiles – Timing)
  - c. Capital Projects - \$23K F
  - d. Transfer to Streets - \$2001< F
1. Streets Department \$67K U
    - a. Equipment greater than \$1000 - \$SOK U – Purchase of a new emulsion tank to store liquids used for street patching (rented in previous years)

**Reserve \$8.6M (Was \$8.7 in August)**

**Net Income YTD \$2.4M (Was \$2.6 in August)**

**Legend**

F = Favorable actuals to budget

U = Unfavorable actuals to budget

**A Motion to Suspend the Rules** and read all Ordinances and Resolutions by Title only was made by Alderman King, seconded by Alderman Flynn. Roll Call Vote taken, Ayes: 5, Nays: 0 passed.

The first Ordinance was read by Mayor Christie.

**ORDINANCE NO 2015-24-** AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO MODIFY THE HOURS OF PERMISSIBLE DOOR-TO-DOOR SOLICITATION TO BRING PROVISIONS WITHIN CONSTITUTIONAL LIMITS. Third Reading. *Motion by Alderman Anderson to approve, seconded by Alderman Wozniak. Roll Call vote, Ayes: 5, Nays: 0 Adopted.*

**ORDINANCE NO 2015-25-** AMENDING SECTION 6-2 OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO MODIFY THE REFERENDUM PERIOD FOR ORDINANCES TO SIXTY (60) DAYS FOR ALL NON-BOND ISSUE ORDINANCES AND THIRTY (30) DAYS FOR ALL BOND ISSUE ORDINANCES, DECLARING AND EMERGENCY, AND FOR OTHER PURPOSES. Third Reading. Motion to approve was made by Alderman Anderson, seconded by Alderman Wozniak. Roll Call vote, Ayes: 5, Nays: 0. Ordinance adopted. At this point a motion was made by Alderman Anderson, seconded by Alderman Wozniak to adopt Emergency Clause to make the Ordinance effective immediately. Roll call vote passed by Ayes: 5, Nays: 0. Ordinance is in effect.

**ORDINANCE NO 2015-26-** AUTHORIZING BORROWING OF AN AMOUNT NOT TO EXCEED \$2,400,000.00 PURSUANT TO ARKANSAS CONSTITUTIONAL AMENDMENT 78 FOR THE FINANCING OF THE NEW STREET DEPARTMENT FACILITY ALONG WITH VARIOUS CAPITAL ASSETS INCLUDED THEREIN BY ISSUANCE OF A PROMISSORY NOTE; PROVIDING FOR SECURITY FOR THE REPAYMENT OF THE PROMISSORY NOTE; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES. The Mayor explained why this borrowing will help the city to complete all phases of this project and protect some of the city's available capital. The favorable cost of this financing makes this a very positive situation for the city. Alderman Wozniak said he wanted to see all things put in now and not done piecemeal. Alderman Flynn also talked about the favorable interest rate of 1.825% so this is a very good time to do this. A motion to suspend the rules and waive three readings and read by title only was made by Alderman King, seconded by Alderman Flynn. This was

carried by a 5- 0 vote. The Mayor then read the Ordinance title for a final time. Then a motion to adopt the Ordinance was made by Alderman Wozniak, seconded by Alderman Morgan. Vote of 5 ayes, 0 nays. Ordinance is adopted. Alderman Anderson then made a motion to adopt Emergency Clause, seconded by Alderman Wozniak. Roll call vote of 5 ayes, 0 nays. Ordinance is in effect.

**RESOLUTION R2015-64-** AUTHORIZING AND LEVYING THE MILLAGE RATE OF AD VALOREM REAL AND PERSONAL PROPERTY TAX FOR THE CITY OF BELLA VISTA, ARKANSAS FOR THE YEAR 2015 TO BE COLLECTED IN 2016. The Mayor began by explaining that this Millage must pass at this meeting in order to certify to the County this week. Mayor Christie explained how the mill increase asked for would affect the homeowners in Bella Vista. At this point Alderman Anderson spoke as to why he does not favor raising the mill rate at this time. His feeling is that the millage increase may well be needed in the near future to stay competitive with the cities compensation for its employees. We need to be more comparable with area towns to keep and draw good employees. Alderman Anderson then made a motion to amend the proposed Resolution to 2.5 mills for General Fund- Operations. Leaving the 1 mill for Fireman's Pensions and 0.5 mills for Policeman's Pensions. Mayor Christie then talked about how he and department heads are working toward improving salaries for 2016. Seconded by Alderman Wozniak. Comments were then made about the fact that this mill rate is something that the Council sets each and every year and can be raised or lowered as needed each year based on the needs of the city. A discussion was held on the time it will take to fix all the roads that have been identified as in need. At this point the vote was taken. Those in favor of amending the Resolution, Alderman Morgan- No, Alderman Flynn- No, Alderman Wozniak- Yes, Alderman Anderson- Yes, Alderman King- Yes. Motion was defeated as it needed 4 affirmative votes to pass. At this point Alderman Flynn made a motion to adopt the Resolution as presented seconded by Alderman Morgan. Roll call vote was taken and the motion carried 5 ayes, 0 nays. Resolution Adopted.

**RESOLUTION R2015-65-** APPROVING A CONTRACT WITH CEI ENGINEERING FOR ENGINEERING SERVICES RELATED TO IMPROVING THE LOWER RIORDAN ROAD CORRIDOR, AND FOR OTHER PURPOSES. Community Development Director Suneson spoke about this contract and what it will entail. Growth in the lower Riordan Road area has caused a need for this corridor improvement. A motion was made by Alderman Anderson, seconded by Alderman Wozniak. Roll Call vote resulted in approval 5 aye, 0 nay.

**RESOLUTION R2015-66-** APPROVING A CONTRACT WITH PLYMOUTH ENGINEERING, PLLC, FOR ENGINEERING SERVICES RELATED TO THE RECONSTRUCTION OF LOWER SUITS US DRIVE, AND FOR OTHER PURPOSES. Again Director Suneson spoke of the need for this study being done. The Mayor talked about the area encompassed in this contract. Discussion was held on the additional feeder for traffic that this will provide in the future. The future of this corridor will be very beneficial to the City. A motion was made by Alderman Anderson, Seconded by Alderman Flynn. Ayes: 5, Nays: 0 Resolution adopted.

**RESOLUTION R2015-67-** A RESOLUTION APPROVING AMOUNTS OF LIENS TO BE CERTIFIED TO THE BENTON COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTIES AS A RESULT OF GRASS CUTTING EXPENSES AND ABATEMENT OF OTHER NUISANCES BY THE CITY OF BELLA VISTA; AND FOR OTHER PURPOSES.

A Public Hearing was opened to deal with the Liens to be certified. There being no comments the Public hearing was then closed.

An Amendment was made to remove one of the amounts from the list which concerned a property at 2 Basore Ln in the amount of \$59.41. The motion to amend was made by Alderman Anderson, seconded by Alderman Wozniak. That motion passed by a vote of 5 ayes, 0 nays. At this point a motion to approve the Resolution certifying the Tax Liens to be given to the Benton County Tax Collector was made by Alderman Anderson and seconded by Alderman Wozniak. Vote of 5 ayes and 0 nays, Resolution is adopted.

**RESOLUTION R2015-68-** ESTABLISHING FEES FOR CERTAIN PLANNING APPLICATIONS, AND FOR OTHER PURPOSES. Director Suneson talked about the need to establish some planning fees that are needed. This resolution was moved to approve by Alderman Anderson, seconded by Alderman Wozniak. Vote of 5 ayes, 0 nays.

**RESOLUTION R2015-69-** AMENDING THE 2015 CITY BUDGET TO APPROPRIATE AN ADDITIONAL AMOUNT NOT TO EXCEED \$20,000.00 FROM GENERAL FUND RESERVES TO FUND THE PURCHASE OF A REPLACEMENT DUMP TRUCK FOR THE STREET DEPARTMENT. The Mayor talked about an accident involving one of the cities dump trucks. Superintendent Button commented about the fact that he is confident that he can replace this truck for \$20,000.00. The insurance settlement was \$7900.00. Motion to approve was made by Alderman King and seconded by Alderman Wozniak. Vote was 5 ayes, 0 nays.

**RESOLUTION R2015-70-** AMENDING THE MEETING SCHEDULE OF THE BELLA VISTA CITY COUNCIL WORK SESSION AND REGULAR SESSION FOR NOVEMBER 2015. The Mayor explained that the dates of the meetings of the City Council are being moved to avoid conflict with the Thanksgiving Holiday. Motion to approve the schedule change by Alderman Anderson, second by Alderman Morgan. Vote of 5 ayes, 0 nays. Resolution adopted.

**MEETINGS AND ANNOUNCEMENTS:**

- e. **The next City Council Work Session will be Thursday November 12, 2015 @ 5:30PM in the City Hall Conference Room.**
- f. **The next Regular meeting of the City Council, Monday Nov. 16, 2015 at 6:30 PM at the Bella Vista American Legion Hall.**
- g. **Planning Commission Work Session will be Wednesday Oct. 28, 2015 at 4:00PM in the City Hall conference room.**
- h. **Planning Commission Regular Meeting will be Nov. 9, 2015 at 6:30PM in the City Hall Conference room.**
- i. **Public Safety Committee Meeting will be Dec. 9, 2015 at 9:00AM in the City Hall Conference room.**

**ADJOURNMENT – 7:29PM**

City Clerk Wayne Jertson

Mayor Peter Christie

## Bella Vista Special City Council Meeting Minutes – November 9<sup>th</sup>, 2015

**Called to Order** by Mayor Christie at 5:00PM

**Roll Call** called by Clerk Jertson- Present; Alderman Morgan, Flynn, Wozniak, King, Absent; Anderson, Wilson. Quorum declared.

**Business:** One item of business. Discussion of the new Health Benefits package for 2016. The Mayor gave an overview of the process used in arriving at the package being presented for approval. He talked about some of the issues that the city is having and how they affect the insurance package. The attempt to get a wellness plan for employees from the POA was explained by the Mayor. This plan was dropped because it was not convenient to monitor.

At this point Sue Dindinger of Bearance Management Group was introduced. She went through a Power Point presentation to show the various points of the plan. Bearance has assisted the City with insurance since the city was incorporated. She reviewed the history of the benefit plans that the city has had over the years.

Sue went through the plan and answered several questions from Alderman. After the presentation it was time to adopt the plan for 2016.

**RESOLUTION R2015- Approving a Health Insurance Benefits package for 2016. See attached Exhibit A.**

A motion was made to adopt this Resolution by Alderman Wozniak, seconded by Alderman Morgan. Roll call vote; Ayes: Alderman Morgan, Flynn, King, Wozniak. Nays: 0, Resolution Adopted.

Meeting was adjourned at 5:55PM.

Wayne Jertson, City Clerk

Mayor, Peter Christie

**BUSINESS OF THE CITY COUNCIL  
BELLA VISTA, AR**

MEETING DATE: November 16, 2016 – Regular Meeting

AGENDA ITEM:

ITEM TITLE: An Ordinance Accepting and Confirming Easements Dedicated to the Public, and for Other Purposes

SUBMITTED BY: Christopher Suneson, PLA

SUMMARY EXPLANATION: Municipal Code §107-128 requires Planning Commission and City Council review of incidental subdivisions that dedicates either rights-of-way or easements to the public.

PLA-2015-23132 was reviewed by the Planning Commission on November 09, 2015. This item is a lot split for Danny and Carlene Looney on Benton County Parcel #18-07966-000, in total comprising approximately 40.64 acres of land. The instrument creates two parcels of 3.51 and 37.13 acres, with the smaller parcel intended to be conveyed to a family member as a wedding present. It provides for right-of-way dedications for both Looney Road and Henson Road to conform to Master Street Plan requirements. The survey instrument would convey utility and drainage easements in conformance with the Subdivision regulations of the municipal code.

ATTACHMENT: ORDINANCE  RESOLUTION  OTHER

RECOMMENDATION: Staff recommends approval of the ordinance since it conforms to the Master Street Plan and Subdivision provisions of the Municipal Code. Planning Commission recommended approval of the item on August 10, 2015, at its regular meeting.

Staff is requesting waiver of the normal three readings of the ordinance to expedite recordation of the document.

ACTION REQUESTED:  
Motion to adopt

# INFORMAL PLAT SUBDIVISION



18-07987-000  
RAWLINS, PAUL E &  
COOPER, GINDY R  
9306 HENSON RD  
BENTONVILLE AR  
72712-8517

NW Corner  
SW 1/4, SW 1/4  
Section 27  
T-21-N, R-30-W  
P.O.B. Tract 1

18-07965-000  
LOONEY, DANNY C &  
CARLENE M TRUSTEES  
15253 LOONEY RD  
BENTONVILLE AR  
72712-8516

18-07963-000  
HENSON, EUGENE & SUE  
TRUSTEES  
1993 HAYDEN RD  
PEA RIDGE AR 72751-2428

18-07964-000  
LOONEY, DANNY C & CARLENE M TRUSTEES  
15253 LOONEY RD  
BENTONVILLE AR 72712-8516

18-07953-000  
HENSON, RICHARD A &  
KATHRYN A  
15433 MARIANO RD  
BENTONVILLE AR 72712-8506

18-07992-000  
FLATTE MORA G  
9597 HENSON RD  
BENTONVILLE, AR 72712

18-07991-000  
COOPER, JAMES A & LAURA R  
1704 NW 3RD ST  
BENTONVILLE, AR 72712-2400

SW Corner  
SW 1/4, SW 1/4  
Section 27  
T-21-N, R-30-W  
P.O.B. Parent Tract  
& Tract 2  
Found Aluminum  
Monument  
Northing: 780275.66  
Easting: 674832.99

18-08018-000  
LERETA  
ATTN: TAX ESCROW TEAM  
1123 PARK VIEW DR  
COVINA, CA 91724-3748

NW Corner  
SW 1/4, SW 1/4  
Section 27  
T-21-N, R-30-W  
P.O.B. Parent Tract  
& Tract 2  
Found Aluminum  
Monument

18-08018-000  
LERETA  
ATTN: TAX ESCROW TEAM  
1123 PARK VIEW DR  
COVINA, CA 91724-3748

16-08044-000  
SEGENTHALER, LYLE G  
9728 E MCNELLY RD  
BENTONVILLE, AR 72712

SE Corner  
SW 1/4, SW 1/4  
Section 27  
T-21-N, R-30-W  
Found Cotton Picker Epithelium  
Northing: 780216.84  
Easting: 676261.65

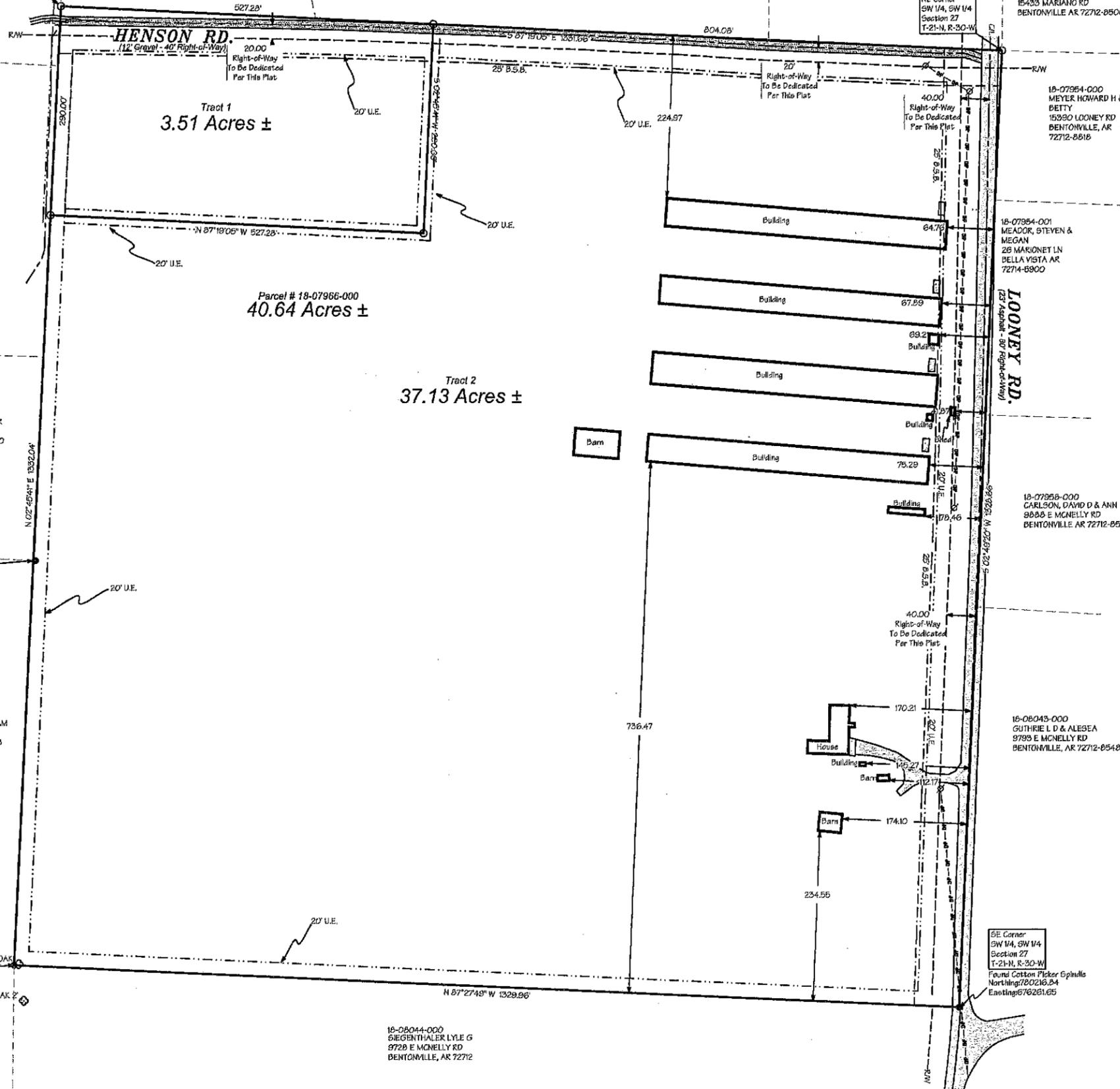
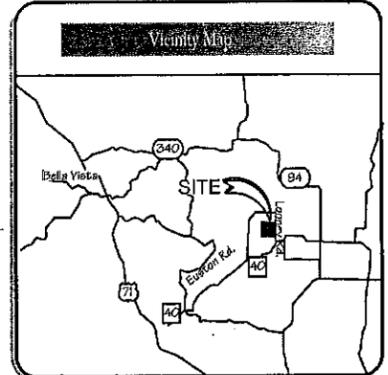


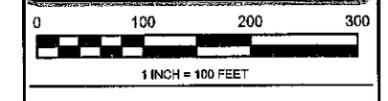
EXHIBIT 'A'



**Utility Notes**

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USFS.

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES



I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 18TH DAY OF AUGUST, 2015.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

**BLEW & ASSOCIATES, PA**  
CIVIL ENGINEERS & LAND SURVEYORS

524 W. SYCAMORE ST, SUITE 4  
FAYETTEVILLE, ARKANSAS 72703  
OFFICE: 479.443.4506  
FAX: 479.582.1883  
www.BLEYINC.com

Certificate of Authorization No 1534

DRAWN BY & DATE	REVIEWED BY	SURVEYED BY
M.B. 9-21-2015	H.M. W.G.	J.B.
COUNTY & STATE	JOB NUMBER	
BENTON COUNTY, ARKANSAS	15-828	

LEGAL: SECTION 27, TOWNSHIP 21 NORTH, RANGE 30 WEST

FOR THE USE AND BENEFIT OF:

**DAN LOONEY**

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# INFORMAL PLAT SUBDIVISION

EXHIBIT 'A'

### Survey Description

**PARENT TRACT**  
THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A FOUND ALUMINUM MONUMENT WHICH IS THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N02°45'41"E 1322.04' TO A SET IRON PIN, THENCE THENCE S87°19'05"E 1331.36' TO A SET IRON PIN, THENCE S02°49'20"W 1328.66' TO A FOUND COTTON PICKER SPINDLE, THENCE N87°27'49"W 1329.96' TO THE POINT OF BEGINNING, CONTAINING 40.61 ACRES MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

**TRACT 1**  
A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET IRON PIN WHICH IS THE NORTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S87°19'05"E 527.28' TO A SET IRON PIN, THENCE S02°45'41"W 290.00' TO A SET IRON PIN, THENCE N87°19'05"W 527.28' TO A SET IRON PIN, THENCE N02°45'41"E 290.00' TO THE POINT OF BEGINNING, CONTAINING 3.51 ACRES MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

**TRACT 2**  
A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A FOUND ALUMINUM MONUMENT WHICH IS THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N02°45'41"E 1042.04' TO A SET IRON PIN, THENCE S87°19'05"E 527.28' TO A SET IRON PIN, THENCE N02°45'41"E 290.00' TO A SET IRON PIN, THENCE S87°19'05"E 804.08' TO A SET IRON PIN, THENCE S02°49'20"W 1328.66' TO A FOUND COTTON PICKER SPINDLE, THENCE N87°27'49"W 1329.96' TO THE POINT OF BEGINNING, CONTAINING 37.13 ACRES MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

### CERTIFICATE OF SURVEYING ACCURACY

I, \_\_\_\_\_, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND ARKANSAS-MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

SIGNED: \_\_\_\_\_  
REGISTERED LAND SURVEYOR

DATE OF EXECUTION: \_\_\_\_\_

STATE OF ARKANSAS REGISTRATION NO. \_\_\_\_\_

### CERTIFICATE OF APPROVAL

PURSUANT TO THE CITY OF BELLA VISTA SUBDIVISION REGULATIONS AND ALL OTHER CONDITIONS AND APPROVALS HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS CERTIFICATE IS HEREBY EXECUTED UNDER AUTHORITY OF THE SAID RULES AND REGULATIONS.

(FOR PLANNING COMMISSION APPROVED ITEMS)  
SIGNED: \_\_\_\_\_  
CHAIRMAN, BELLA VISTA PLANNING COMMISSION

### UTILITIES

SIGNED: \_\_\_\_\_  
PEA RIDGE WATER AND SEWER

SIGNED: \_\_\_\_\_  
AT&T

SIGNED: \_\_\_\_\_  
COX CABLE

### CERTIFICATE OF OWNERSHIP

WE THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED AND SUBDIVIDED AND DO HEREBY LAY OFF, PLAT, SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC STREETS, ALLEYS, DRIVES, AND EASEMENTS AS SHOWN ON SAID PLAT.

SIGNED: \_\_\_\_\_  
NAME & ADDRESS: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
NAME & ADDRESS: \_\_\_\_\_

DATE OF EXECUTION: \_\_\_\_\_

SOURCE OF TITLE: DEED RECORD \_\_\_\_\_ PAGE \_\_\_\_\_

### ACKNOWLEDGMENT

STATE OF ARKANSAS )  
COUNTY OF )

ON THIS DAY BEFORE THE UNDERSIGNED, A NOTARY PUBLIC DULY QUALIFIED AND ACTING IN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED

SATISFACTORILY PROVEN TO BE THE PERSON(S) WHOSE NAME(S) APPEAR(S) AS THE OWNER(S) IN THE FOREGOING INSTRUMENT, AND STATED THAT HE/SHE/HEY HAS/HAVE EXECUTED THE SAME FOR THE CONSIDERATION, USES AND PURPOSES, THEREIN STATED,

IN WITNESS WHEREOF, I HEREBY SET MY HAND ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

EXPIRES: \_\_\_\_\_ MY COMMISSION

NOTARY PUBLIC \_\_\_\_\_

### Miscellaneous Notes

STATE RECORDING NUMBER:  
500-21N-30W-0-27-330-04-1532

COMPLETED FIELD WORK:  
AUGUST 18, 2015

BASIS OF BEARING:  
ARKANSAS STATE PLANE, NORTH ZONE, NAD 83

REFERENCE DOCUMENTS:  
1. QUIT CLAIM DEED FILED IN DEED BOOK 99 AT PAGE 82734.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05007C10085J, WHICH BEARS AN EFFECTIVE DATE OF 09/28/2007 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

### Owner/Developer

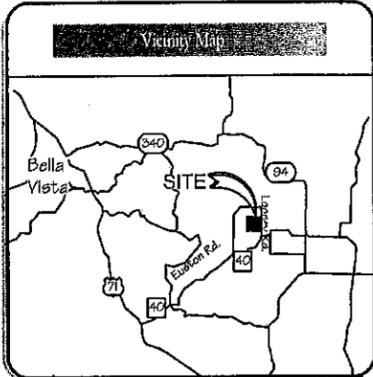
18-07346-000  
LOONEY DANNY C & CARLENE M TRUSTEES  
15253 LOONEY RD  
BENTONVILLE, AR 72712-8518

### Legend of Symbols & Abbreviations

- BOUNDARY LINE
- FORTY LINE
- CENTERLINE OF ROAD (CLR)
- RIGHT-OF-WAY (ROW)
- BUILDING SET BACK (B.S.B.)
- UTILITY EASEMENT (UES)
- FOUND MONUMENT (AS NOTED)
- SET 1/2" REBAR & CAP
- ⊕ POWER POLE
- P.O.B. POINT OF BEGINNING
- N.T.S. NOT TO SCALE

APPROXIMATE LOCATION OF SEPTIC LEACH FIELD IS UNKNOWN, BUT IS NOT IN THE VICINITY OF THE TRACT SPLIT.

PEA RIDGE WATER AND SEWER HAS NO LINES IN THE AREA TO SERVICE THE NEW PARCEL.



**Utility Notes**

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES



I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 18TH DAY OF AUGUST, 2016.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

**BLEW & ASSOCIATES, PA**  
CIVIL ENGINEERS & LAND SURVEYORS

524 W. SYCAMORE ST, SUITE 4  
FAYETTEVILLE, ARKANSAS 72703  
OFFICE: 479.443.4506  
FAX: 479.582.1883  
www.BLEWINC.com

Certificate of Authorization No. 1534

DRAWN BY & DATE:	REVIEWED BY:	SURVEYED BY:
M.B. 9-21-2015	H.M. W.G.	J.B.
COUNTY & STATE:	JOB NUMBER:	
BENTON COUNTY, ARKANSAS	15-828	
LOCATION:		
SECTION 27, TOWNSHIP 21 NORTH, RANGE 30 WEST		
FOR THESE AND RESPECTIVE:		
DAN LOONEY		

ORDINANCE NO. 2015-\_\_\_\_\_

**ACCEPTING AND CONFIRMING EASEMENTS DEDICATED TO THE PUBLIC, AND  
FOR OTHER PURPOSES.**

---

**WHEREAS**, A.C.A. 14-301-102 requires that publicly dedicated easements and rights-of-way within the City be accepted and confirmed by an ordinance specifically passed for that purpose; and

**WHEREAS**, Municipal Code §107-128 requires Planning Commission and City Council review of incidental subdivisions that require the dedication of easements and rights-of-way; and

**WHEREAS**, on November 09, 2015, the Bella Vista Planning Commission reviewed and recommended approval of PLA-2015-23132, requiring the easement dedication on the subject parcel.

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Bella Vista, Arkansas:

**Section 1.** The public rights-of-way and easements shown in the attached Exhibit 'A', which is made a part hereof, are hereby accepted and confirmed for public use.

---

PASSED THIS \_\_\_ DAY OF \_\_\_\_\_, 2015.

Motion to adopt made by:

Ayes:

Nays:

Motion:

APPROVED:

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Mayor Peter Christie

ATTEST:

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Wayne Jertson  
City Clerk

APPROVED AS TO FORM:

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Jason B. Kelley, Staff Attorney

*Prepared by: Christopher Suneson, PLA, Director of Community Development Services*

**ORDINANCE NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PROVIDE FOR REGULATION OF THE BURNING OF CERTAIN STRUCTURES TO PREVENT OR ELIMINATE FIRE HAZARDS, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Bella Vista contains structures which, because of age and lack of maintenance, are in a dilapidated condition; and

**WHEREAS**, such structures represent a current or future fire hazard and as such, a hazard to the health and safety of the residents of the City of Bella Vista;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:**

SECTION 1: The Code of Ordinances of the City of Bella Vista, Arkansas is hereby amended by adding a new Article III to Chapter 10—Fire Prevention and Protection, which shall read as follows:

**“Article III. Controlled Burning**

**Sec. 10-31. Purpose.**

The purpose of this Article is to provide a process for citizens to obtain authorization to carry out burning of dilapidated structures on their own property, which are or will become fire hazards.

**Sec. 10-32. Permit Required.**

Any person desiring to burn a structure on their property for the reason that it is or will become a fire hazard shall apply for a permit from the Fire Chief to destroy such structure by burning it. The permit application shall include the name of the owner of the property and any person having an interest in the structure proposed to be burned. The permit application shall also include a description of and the address of the structure proposed to be burned.

**Sec. 10-33. Standards for Permit Issuance/Inspection Required.**

(a) Upon application being made, the Fire Chief shall have the property inspected, including having it inspected by someone certified under Regulation 21 of the

regulations of the Arkansas Pollution Control & Ecology Commission related to asbestos. The purpose of the inspection shall be to determine:

1. whether the structure proposed to be burned and the surrounding property is a current fire hazard or likely to become one;
2. the presence of hazardous materials, including, but not limited to, asbestos; and
3. if other circumstances exist regarding the structure which otherwise makes it unsuitable for burning due health or safety concerns.

(b) In the event the City does not have an employee qualified to make the inspection required by subsection (a) of this section, any cost of such inspection shall be paid by the Applicant. In the event one or more conditions exist which prevent a permit being issued, and such condition or conditions may be corrected, the Fire Chief or the Fire Chief's designee shall notify the Applicant to allow the Applicant an opportunity, not to exceed sixty (60) days in length, to cure the condition or conditions. Thereafter, the Fire Chief or the Fire Chief's designee shall re-inspect the structure and surrounding area and issue a permit if the condition or conditions have been cured and all other requirements for issuance have been met. In no circumstance shall a permit be issued if the structure contains asbestos.

#### **Sec. 10-34. Application Fee/Notice to State**

Upon approval by the Fire Chief or the Fire Chief's designee, and the payment of an application fee in the amount of \$25.00 made at the time of initial application filing, the Applicant shall be issued a permit to allow the structure to be burned in compliance with the requirements of this Article. A copy of the approved permit shall be sent by the Fire Chief by regular U.S. Mail to the Arkansas Department of Environmental Quality-Air Division.

#### **Sec. 10-35. Burning Procedure/Time Limits/Notice to Fire Department**

(a) After issuance of the permit, the Applicant may set fire to the structure approved for burning beginning no earlier than ten (10) days after and no later than sixty (60) days after the date of permit issuance. Prior to setting fire to the structure approved for burning, Applicant shall contact the Bella Vista Fire Department, notify them of the plan for burning the structure and obtain its approval. The Bella Vista Fire Department shall give approval unless weather conditions in the City dictate that burning would pose a risk to the health, safety or welfare of the citizens of the City. In no event shall burning occur when a burn ban is in effect for Benton County, Arkansas.

(b) Applicant shall follow all instructions given by the Fire Department regarding the fire control measures to be undertaken during the burning process. In the event the Fire Department does not grant permission to burn, the reason for such denial shall be communicated to Applicant. A permit may be extended by the Fire Chief for a period of up to sixty (60) days upon request of an Applicant.

**Sec. 10-36. Inspection After Burning or at End of Permit Period**

After receiving notice that the structure is burned, or after the expiration of the sixty (60) day permit period (and any extensions thereof) in the event that no notice is received, the Fire Chief or the Fire Chief’s designee shall return to the site of the structure to inspect the area.

**Sec. 10-37. Burning For Other Reasons/Notice to State**

Any person desiring to burn a structure for any reason other than that the structure is a current or future fire hazard shall first obtain necessary approvals from the Arkansas Department of Environmental Quality (or its successor agency) and thereafter shall otherwise follow the requirements of this Article.”

SECTION 2: EMERGENCY CLAUSE. The need to provide regulations for the controlled burning of structures in the City is immediate and necessary for the preservation of public peace, health, and safety. Therefore, an emergency is hereby declared to exist, and this Ordinance shall take full force and effect from and after passage, as provided by law.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
PETER CHRISTIE  
MAYOR

ATTEST:

\_\_\_\_\_  
WAYNE JERTSON  
CITY CLERK

Requested by: Mayor  
Prepared by: Jason Kelley, Staff Attorney

**BUSINESS OF THE CITY COUNCIL  
BELLA VISTA, AR**

MEETING DATE: November 16, 2015

AGENDA ITEM: Resolution-2015-

ITEM TITLE: A Resolution authorizing the Mayor to submit an application for grant funding to the Arkansas Department of Parks and Tourism

SUBMITTED BY: Jennifer Bonner, Senior Planner, Community Development Services

SUMMARY: Building on other grant applications submitted for expansion of trails in the community, the Department has been preparing documents for extension of a trail near Cooper Elementary along Dartmoor Road. The Department has termed this trail extension the Dartmoor Trail and would extend from the location of the proposed Dartmoor HAWK Crossing and lead northward to the intersection of Dartmoor and Blowing Springs Road. Arkansas Parks and Tourism provides grant funding through its 'Trails for Life' grant program.

In order for the city to receive grant funding from the Arkansas Department of Parks and Tourism, the city Council needs to pass a resolution agreeing to:

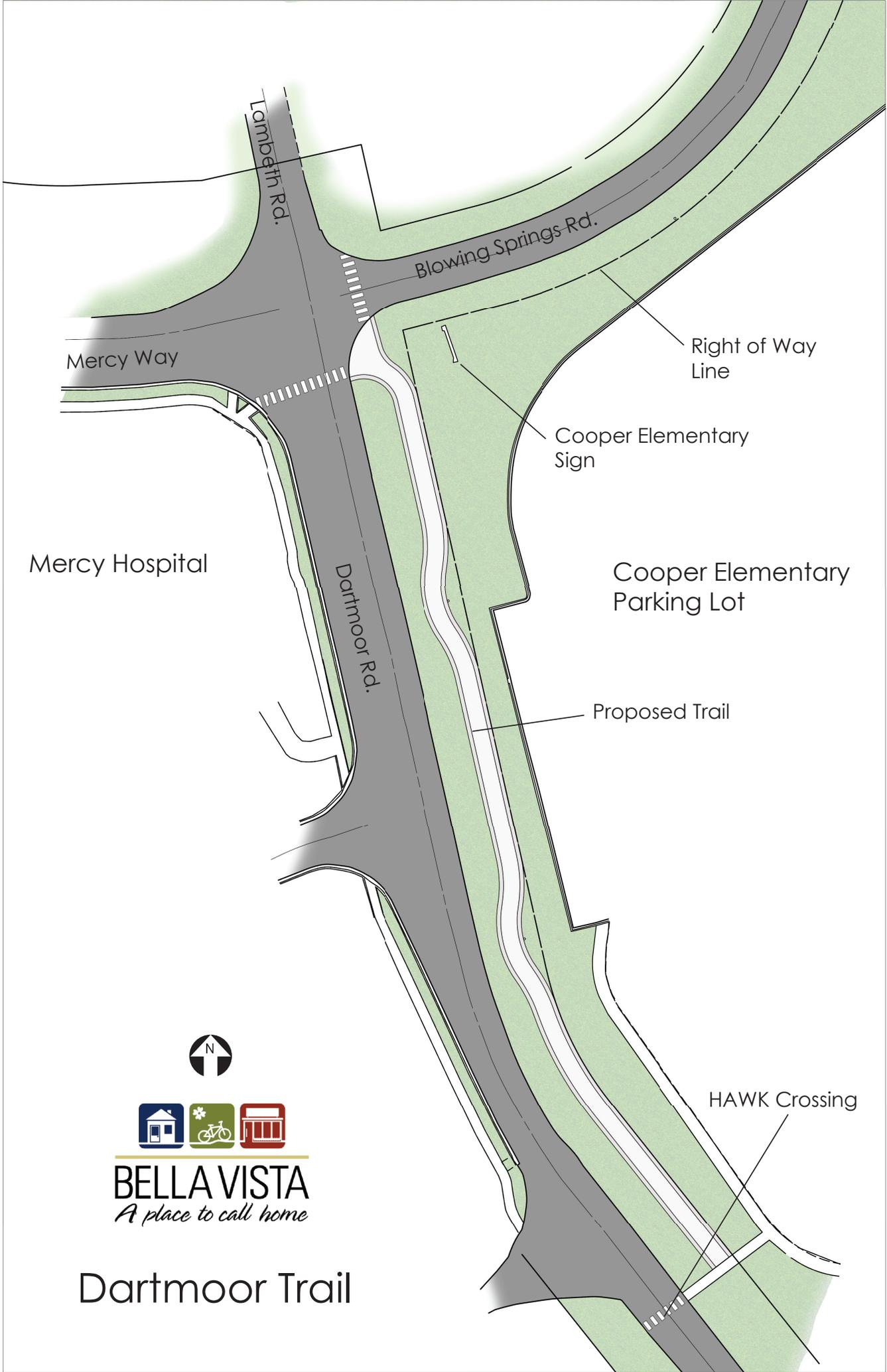
1. Recognize the need for public recreation; AND
2. Provide proof of ownership, long-term lease, donated easement, of letter of intent to purchase the site of the facility; AND
3. Agree to maintain the facilities for at least 15 years or repay the full amount of the grant; AND
4. Have no affiliation with any organization related to smoking or tobacco; AND
5. Post signage stating the facility (trail) is a smoke-free facility; AND
6. Keep the facilities open to the public at all reasonable times; AND
7. Build and maintain the facilities to meet all requirements that define barrier-free access.

The grant funding is for construction purposes, and further refinement of the design would be completed by Departmental staff.

ATTACHMENT: Ordinance  Resolution  Other

RECOMMENDATION: Staff recommends approval of this resolution.

ACTION REQUESTED: Motion to adopt



Lambeth Rd.

Blowing Springs Rd.

Mercy Way

Right of Way Line

Cooper Elementary Sign

Mercy Hospital

Cooper Elementary Parking Lot

Dartmoor Rd.

Proposed Trail

HAWK Crossing



**BELLA VISTA**  
*A place to call home*

**Dartmoor Trail**

**RESOLUTION NO. R2015-\_\_\_\_\_**

**AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION  
FOR GRANT FUNDING TO THE ARKANSAS DEPARTMENT OF  
PARKS AND TOURISM**

---

**WHEREAS**, the City of Bella Vista, Arkansas recognizes the need to provide public recreation facilities for its' local citizens and visitors; and

**WHEREAS**, the City wishes to apply for Trails for Life grant funds through the Arkansas Department of Parks and Tourism to develop a Health and Fitness project along Dartmoor Road from the existing sidewalk at the street's edge across from NW Lightning Lane to the intersection of Dartmoor Road with Lambeth Road, Mercy Way, and Blowing Springs Road;

**WHEREAS**, the Mayor and the City Council understands that in order to be granted funds for park development, they must provide proof of ownership, long-term lease, donated easement, or letter-of-intent-to-purchase the property on which the development and/or facilities would be located on;

**WHEREAS**, the property in question is part of the road right-of-way that was dedicated to the public prior 1999 and the incorporation of the City of Bella Vista in 2007;

**WHEREAS**, the City of Bella Vista, Arkansas will sign a contract agreeing to provide the necessary resources to maintain these facilities for a period of not less than fifteen (15) years;

**WHEREAS**, the City of Bella Vista, Arkansas agrees to certify that they do not receive support from or have an affiliation with any organization that has an interest in the production, manufacture, marketing, distribution, sale, or continued use of tobacco, including subsidiaries, foundations or other related parties of such organizations;

**WHEREAS**, the City of Bella Vista, Arkansas agrees to post signage identifying the trail as a smoke-free facility and that such signage will be prominently displayed;

**WHEREAS**, the City of Bella Vista, Arkansas agrees to keep the facilities open to the general public at all reasonable times;

**WHEREAS**, the City of Bella Vista, Arkansas agrees to build and maintain the planned facilities in a manner that will provide barrier-free access as defined by the Americans with Disabilities Act of 1990 as well as all other local, state, and federal regulations;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS**, to hereby authorize the Mayor to submit an application for grant funding to the Arkansas Department of Parks and Tourism.

---

Motion to adopt made by:  
Ayes:  
Nays:

APPROVED:

---

Mayor Peter Christie

ATTEST:

---

Wayne Jertson  
City Clerk

APPROVED AS TO FORM:

---

Jason Kelley, Staff Attorney

*Prepared by: Jennifer Bonner, Senior Planner*

**AGREEMENT  
FOR THE PROVISION OF MUSEUM SERVICES**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the City of Bella Vista, Arkansas (hereinafter the City) and the Bella Vista Historical Museum (hereinafter called the Museum) hereby enter into this Agreement for the Provision of Museum Services for the consideration stated herein:

1. The City and Museum hereby agree that the Museum will provide access to their collection of historical data relating to the history of Bella Vista and the surrounding area to the citizens of Bella Vista and to any tourists visiting the City free of charge.
2. The Museum agrees to maintain and publicize consistent hours and will be open a minimum of twenty (20) hours per week.
3. The Museum also agrees to obtain a valid count of visitors to the Museum recorded by date and will provide such information to the City upon request.
4. The City and Museum agree that the City will pay Museum the amount of \$10,000 per year, on or before \_\_\_\_\_(date) for the provision of services stated herein, subject to the incentive bonus detailed in paragraph 5.
5. Should Museum, through its own efforts, obtain donation revenue in the amount of at least \$2,500 between January 1 and November 30 of any calendar year in which this Agreement shall remain in effect, the City shall pay Museum an additional \$2,500 for the provision of services stated herein within thirty (30) days or by December 31 of the year, whichever is sooner. In no event shall payment by City to Museum exceed a total of \$12,500 per calendar year. Proof of donation revenue shall be provided by Museum to the City in such form as the City may deem necessary to establish Museum's entitlement to additional compensation pursuant to this paragraph.
6. The City and Museum affirmatively state that the signatories to this Agreement have legal authority to bind the entities they purport to represent.
7. This Agreement shall be governed by the laws of the State of Arkansas.
8. Should any portion of this Agreement be deemed unenforceable by a court of competent jurisdiction, said determination shall have no effect on the enforceability of other provision of this Agreement.
9. This Agreement shall be for calendar year 2016. This Agreement shall automatically renew annually upon the same terms and conditions, unless within thirty (30) days of expiration of either the initial or any subsequent term, written notice is provided by the terminating party to the non-terminating party of its decision to terminate this Agreement. In the event the City Council of City shall not provide budget authority or appropriation for the continuation of this Agreement, this Agreement shall be deemed to terminate at the end of the calendar year prior to the non-appropriating City budget taking effect.
10. The Museum agrees to indemnify and hold harmless the City from any and all claims, whether legal or equitable, which may arise against the City related to the provision of services pursuant to this Agreement.
11. This Agreement supersedes all previous or contemporaneous agreements between the City and the Museum with regard to its subject matter.

CITY OF BELLA VISTA, ARKANSAS

BELLA VISTA HISTORICAL MUSEUM

BY: \_\_\_\_\_  
Mayor

BY: \_\_\_\_\_  
Authorized Agent

and  
BY: \_\_\_\_\_  
City Clerk

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT  
WITH THE BELLA VISTA HISTORICAL MUSEUM FOR THE PROVISION OF  
MUSEUM SERVICES TO CITIZENS OF THE CITY**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA,  
ARKANSAS:**

**SECTION 1:** The Mayor and City Clerk are hereby authorized to enter into a contract with the Bella Vista Historical Museum in an amount of \$10,000.00 annually, plus a possible \$2,500 incentive bonus, for the purpose of providing museum services to the citizens of the City of Bella Vista.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
PETER CHRISTIE  
MAYOR

ATTEST:

\_\_\_\_\_  
WAYNE JERTSON  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
JASON KELLEY  
STAFF ATTORNEY

Requested by: Mayor  
Prepared by: Jason Kelley, Staff Attorney

**AMENDMENT No. 2**  
**ANIMAL SERVICES CONTRACT**

The Animal Services Contract entered into December 22, 2014, for a period beginning January 1, 2015, by and between the Bella Vista Animal Shelter, Inc. (“Shelter”) and the City of Bella Vista, Arkansas (“City”), as amended by Amendment No. 1 on April 27, 2015, for consideration herein stated and to foster continued cooperation between the parties concerning issues of mutual concern, is hereby amended, so that after amendment certain provision of the Contract shall provide as stated herein.

1. In Paragraph 7 of the Contract, reference to “January 1, 2015” is hereby amended to “January 1, 2016”, with all other terms and conditions of the Contract, as previously amended, remaining in full force and effect.

This Amendment No. 2 to the Animal Services Contract is entered into by the undersigned on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

BELLA VISTA ANIMAL SHELTER, INC.

\_\_\_\_\_  
President

\_\_\_\_\_  
Executive Director

and

CITY OF BELLA VISTA, ARKANSAS

\_\_\_\_\_  
Mayor Peter Christie

\_\_\_\_\_  
Wayne Jertson, City Clerk

RESOLUTION NO. \_\_\_\_\_

CITY OF BELLA VISTA, ARKANSAS

**AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AMENDMENT NO. 2 TO THE CONTRACT FOR ANIMAL SERVICES WITH THE BELLA VISTA ANIMAL SHELTER TO PROVIDE EXTENSION OF THE CONTRACT THROUGH CALENDAR YEAR 2016**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:**

**Section 1:** The Mayor and City Clerk are hereby authorized to enter into Amendment No. 2 to the contract for animal services with the Bella Vista Animal Shelter to provide for extension of the contract through calendar year 2016. A copy of the Amendment is attached and incorporated into this Resolution as if set out word for word herein.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
PETER CHRISTIE  
MAYOR

ATTEST:

\_\_\_\_\_  
WAYNE JERTSON  
CITY CLERK

Requested by: Mayor  
Prepared by: Jason Kelley, Staff Attorney

**BUSINESS OF THE CITY COUNCIL  
BELLA VISTA, AR**

MEETING DATE: November 16, 2015

AGENDA ITEM: Mutual Aid Agreement – Gravette Police Department

ITEM TITLE: Mutual Aid Agreement

SUBMITTED BY: Ken Farmer

SUMMARY EXPLANATION: We would like to enter into a mutual aid agreement with Gravette Police Department. It is important to maintain mutual aid agreements with neighboring agencies to provide additional manpower or assistance during disasters, exigent circumstances, joint operations and training. The agreement is attached. We recently executed an identical agreement with Bentonville Police Department.

ATTACHMENT: ORDINANCE  RESOLUTION  OTHER

RECOMMENDATION: Approval

ACTION REQUESTED:

## Mutual Aid Police Protection Agreement

This Agreement, by and between the City of Bella Vista, Arkansas, and the City of Gravette, Arkansas, in accordance with A.C.A. § 16-81-106 et seq., to secure and provide for each adequate police protection through the use of properly trained and equipped police officers, mutual aid in police protection, and protection of life and property. It is agreed that:

### I. Introduction

- A. The City of Bella Vista and the City of Gravette recognize and acknowledge that, at times, emergency or other situations arise that require additional manpower and resources beyond which the respective law enforcement agency for each City can provide. It is during such times that it may be prudent and necessary to request additional manpower or assistance from other law enforcement agencies.

### II. Requests for the City of Bella Vista

- A. During natural or man-made disasters, exigent circumstances, joint operations, and training, the City of Bella Vista will provide assistance to the City of Gravette according to the guidelines as set forth in this Mutual Aid Police Protection Agreement. Requests for mutual aid must be made in writing by the Gravette Police Department Chief of Police, or by his or her authorized designee. Any request for aid under this Agreement will include a statement of the amount and type of equipment and personnel requested, and will specify the location to which the equipment and personnel are to be dispatched; however, the amount of and type of equipment and number of personnel to be furnished will be determined by the officer in charge of the responding organization.
- B. The Bella Vista Police Department Chief of Police will decide what resources are available to the requesting agency and will authorize the level of response to be provided, as well as the duration of aid to be provided. This response may include, but is not limited to, manpower, vehicles, equipment or other police resources. In the event that an exigent situation should arise within the jurisdiction of the City of Bella Vista that would necessitate such action, the City of Bella Vista reserves the right to refuse to respond to any request for mutual aid when, in the opinion of the Mayor of Bella Vista or of its Chief of Police, responding to such a request would jeopardize municipal property or would endanger the lives or property of the citizens of the City of Bella Vista; additionally, the City of Bella Vista reserves the right to recall immediately any or all of the manpower, vehicles, equipment or other police resources on loan to another agency, if, in the opinion of the Mayor of Bella Vista or of its Chief of Police, that to do otherwise would jeopardize municipal property or would endanger the lives or property of the citizens of the City of Bella Vista.
- C. The City of Gravette must sign or have previously signed a Mutual Aid Police Protection Agreement with the City of Bella Vista.

### III. Supervision and Control of Officers on Loan to the City of Gravette

- A. Officers from the Bella Vista Police Department that are temporarily assigned to the Gravette Police Department under mutual aid police protection provisions are subject to the same rules, regulations, and supervisory commands as Gravette Police Department officers. They will possess the same powers, rights and immunities as Gravette Police Department officers.
- B. Personnel and administrative control, including compensation of Bella Vista officers, will be retained by the City of Bella Vista and the Bella Vista Police Department. Bella Vista police officers will be entitled to worker's compensation and other benefits to which they would be entitled were they functioning within the normal course and scope of the duties with the Bella Vista Police Department.

### IV. Requests by the Bella Vista Police Department

- A. During natural or man-made disasters, exigent circumstances, joint operations, and training, the City of Gravette will provide assistance to the City of Bella Vista according to the guidelines as set forth in this Mutual Aid Police Protection Agreement. Requests for mutual aid must be made in writing by the Bella Vista Police Department Chief of Police, or by his or her authorized designee. Any request for aid under this Agreement will include a statement of the amount and type of equipment and personnel requested, and will specify the location to which the equipment and personnel are to be dispatched however, the amount of and type of equipment and number of personnel to be furnished will be determined by the officer in charge of the responding organization.
- B. The Gravette Police Department Chief of Police will decide what resources are available to the requesting agency and will authorize the level of response to be provided, as well as the duration of aid to be provided. This response may include, but is not limited to, manpower, vehicles, equipment or other police resources. In the event that an exigent situation should arise within the jurisdiction of the City of Gravette that would necessitate such action, the City of Gravette reserves the right to refuse to respond to any request for mutual aid when, in the opinion of the Mayor of Gravette or of its Chief of Police, responding to such a request would jeopardize municipal property or would endanger the lives or property of the citizens of the City of Gravette; additionally, the City of Gravette reserves the right to recall immediately any or all of the manpower, vehicles, equipment or other police resources on loan to another agency, if, in the opinion of the Mayor of Gravette or of its Chief of Police, that to do otherwise would jeopardize municipal property or would endanger the lives or property of the citizens of the City of Gravette.

C. The City of Bella Vista must sign or have previously signed a Mutual Aid Police Protection Agreement with the City of Gravette.

V. Supervision and Control of Officers on Loan to the City of Bella Vista

A. Officers from the Gravette Police Department that are temporarily assigned to the Bella Vista Police Department under mutual aid police protection provisions are subject to the same rules, regulations, and supervisory commands as Bella Vista Police Department officers. They will possess the same powers, rights and immunities as Bella Vista Police Department officers.

B. Personnel and administrative control, including compensation of Gravette Police Department officers, will be retained by the City of Gravette and the Gravette Police Department. Gravette police officers will be entitled to worker's compensation and other benefits to which they would be entitled were they functioning within the normal course and scope of the duties with the Gravette Police Department.

VI. Mutual Aid Police Protection Agreement

A. Pursuant to Act 846 of 1989, codified at A.C.A. § 16-81-106 et. seq., the City of Bella Vista and the City of Gravette, having each created police departments and having employed police officers of these respective municipalities that are sworn to enforce the laws of this state and their individual jurisdictions, do hereby enter into this MUTUAL AID POLICE PROTECTION AGREEMENT as allowed by Act 846 and their individual municipal policies. This Mutual Aid Police Protection Agreement shall be construed to grant to Gravette Police Department officers and Bella Vista Police Department officers the statewide arrest powers authorized by A.C.A. § 16-81-106(c)(3) while working pursuant to this Agreement within the jurisdiction of the requesting city.

B. In the event of claims for injury or other loss said to be the result of acts or omissions by an officer, or officers, providing assistance pursuant to this Mutual Aid Police Protection Agreement, the agency and municipality providing such assistance shall provide a legal defense for and shall hold harmless the receiving agency, its officer(s), and municipality from and against all such claims. Both cities assert any and all the immunities provided to them and/or their officers under Arkansas or Federal Law and neither waives it as a consequence of the above language. This hold harmless agreement is subject to the limitations of Arkansas law and such agreement is not intended to inure to the benefit of any third party nor

should it be interpreted as a basis for municipal liability for which the municipality is otherwise immune under Arkansas law.

- C. This MUTUAL AID POLICE PROTECTION AGREEMENT may be reviewed annually. Should any paragraph or part of this MUTUAL AID POLICE PROTECTION AGREEMENT be found unconstitutional or unlawful, the remainder shall remain in full force and effect.
- D. This Agreement is in effect from its date of approval by the governing bodies of each municipality, and will remain in effect until cancellation in writing by one or both parties.
- E. Either party may terminate this agreement upon ten (10) days' notice in writing to the other municipality through the Chief of each respective Police Department.

Witness our hands:

\_\_\_\_\_  
Mayor, City of Bella Vista  
Bella Vista, Arkansas

\_\_\_\_\_  
Mayor, City of Gravette  
Gravette, Arkansas

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Police Chief, City of Bella Vista  
Arkansas

\_\_\_\_\_  
Police Chief, City of Gravette  
Arkansas

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**APPROVING A LAW ENFORCEMENT MUTUAL AID AGREEMENT  
BETWEEN THE CITY OF BELLA VISTA POLICE DEPARTMENT AND  
THE CITY OF GRAVETTE POLICE DEPARTMENT**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA,  
ARKANSAS:**

SECTION 1: The City Council of the City of Bella Vista, Arkansas hereby approves a Mutual Aid Agreement between the City of Bella Vista Police Department and the City of Gravette Police Department to facilitate cooperation, additional manpower and assistance during disasters, exigent circumstances, joint operations and training. A copy of the agreement is attached to this resolution as if set out word for word herein.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
PETER CHRISTIE  
MAYOR

ATTEST:

\_\_\_\_\_  
WAYNE JERTSON  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
JASON KELLEY  
STAFF ATTORNEY

Requested by: Mayor  
Prepared by: Jason Kelley, Staff Attorney

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**APPOINTING MEMBERS TO THE CITY OF BELLA VISTA PUBLIC LIBRARY ADVISORY BOARD**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:**

**SECTION 1.** That, based on the recommendation of the Mayor, effective immediately, the following individuals who are residents of the City are hereby appointed to the City of Bella Vista Public Library Advisory Board for a five (5) year term:

<u>Position</u>	<u>Appointee</u>	<u>For a Term Expiring December 31<sup>st</sup> of:</u>
1	Marianne Farner	2020
2	Evelyn Adler	2020

**PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor Peter Christie

ATTEST:

\_\_\_\_\_  
Wayne Jerson  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Jason B. Kelley, Staff Attorney

Requested by: Mayor  
Drafted by: Jason Kelley, Staff Attorney

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A TRAIL LICENSE AGREEMENT AND TRAIL MAINTENANCE AGREEMENT WITH BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, INC., FOR PURPOSES OF FACILITATING A PUBLIC RECREATIONAL TRAIL SYSTEM THROUGHOUT THE CITY**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:**

SECTION 1: The Mayor and City Clerk are hereby authorized to enter into a Trail License Agreement and Trail Maintenance Agreement with Bella Vista Village Property Owners Association, Inc. for purposes of facilitating a public recreational trail system throughout the City. A copy of the agreements are attached to this Resolution as if set out word for word herein.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
PETER CHRISTIE  
MAYOR

ATTEST:

\_\_\_\_\_  
WAYNE JERTSON  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
JASON KELLEY  
STAFF ATTORNEY

**BUSINESS OF THE CITY COUNCIL  
BELLA VISTA, AR**

MEETING DATE: November 16, 2015 - Regular Meeting

AGENDA ITEM:

ITEM TITLE: A Resolution Setting the Regular Meeting Schedule for the Bella Vista City Council for Calendar Year 2016.

SUBMITTED BY: Christopher Suneson, PLA

SUMMARY EXPLANATION: In previous years, the City Council has set its meeting schedule in January. Doing so has led to conflicts with City recognized holidays or other meeting schedules.

The Department has developed the City Council meeting dates in the resolution based on the desire to have work sessions on the 3<sup>rd</sup> Monday of each month and regular meetings on the 4<sup>th</sup> Monday of each month. Where there were conflicts, the meetings were shifted to avoid major holidays. In addition, there will be little overlap of meeting schedules previously adopted by the Planning Commission, Board of Zoning Adjustment, and Board of Construction Appeals.

The resolution also officially establishes deadlines to have items to the City Clerk for inclusion on any given agenda for City Council consideration. Over the past year, these have been established internally for better work flows amongst administrative staff.

ATTACHMENT: ORDINANCE  RESOLUTION  OTHER

RECOMMENDATION: The administration is recommending approval of this resolution.

ACTION REQUESTED:  
Motion to adopt

**RESOLUTION NO. R2015-\_\_\_\_\_**

**SETTING THE MEETING SCHEDULE FOR THE BELLA VISTA CITY COUNCIL FOR  
CALENDAR YEAR 2016**

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**WHEREAS**, Ordinance 2011-01 requires the City Council to conduct a regular meeting at least once monthly at a time and place designated by the Mayor / City Council and does not require that work sessions be conducted at any regular interval; and

**WHEREAS**, the City should conduct meetings that do not conflict with City recognized holidays.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:**

**Section 1:** For Calendar Year 2016, the following schedule of deadlines, meeting dates and times, and locations are hereby established for the City Council:

<b>Deadline to City Clerk for City Council Items 12:00 pm</b>	<b>City Council Work Session City Hall Conference Room, 5:30 pm</b>	<b>City Council Regular Meeting American Legion Hall, 6:30 pm</b>
January 14	January 19	January 25
February 11	February 16	February 22
March 17	March 21	March 28
April 14	April 18	April 25
May 12	May 16	May 23
June 16	June 20	June 27
July 14	July 18	July 25
August 11	August 15	August 22
September 15	September 19	September 26
October 13	October 17	October 24
November 17	November 21	November 28
December 15	December 19	December 27

**Section 2:** Special meetings of the City Council may be called by the Mayor or any three (3) Aldermen who request in writing such a meeting.

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Motion to adopt made by:

Ayes:

Nays:

APPROVED:

\_\_\_\_\_  
Mayor Peter Christie

ATTEST:

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Wayne Jertson  
City Clerk

APPROVED AS TO FORM:

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Jason Kelley, Staff Attorney

*Prepared by: Christopher Suneson, PLA, Director of Community Development Services*



November 2, 2015

City of Bella Vista  
P. O. Box 5655  
Bella Vista, Ar. 72715

Dear Mayor:

This letter is a request per the contract for a modification of the current rate on the anniversary date of the agreement, January 1, 2016. Currently the annual CPI for Water, sewer and trash is 4.5%. This will bring the rate to \$9.90. Commercial rates will also increase by 4.5%.

Republic appreciates the partnership we have formed with Bella Vista and look forward to another successful year. We value our relationship and pride ourselves in providing excellent service to the citizens of Bella Vista. If you have any questions, please do not hesitate to contact me.

Sincerely,

Jennifer Fagan  
Republic Services of Bella Vista  
Municipal Manager  
417-499-3739 cell

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**ESTABLISHING RESIDENTIAL AND COMMERCIAL RATES FOR SOLID WASTE  
(TRASH) COLLECTION IN THE CITY**

**WHEREAS**, the current solid waste collection contract with Republic Waste (successor in interest to Allied Waste Services of Bella Vista, LLC) provides for a renegotiation of rates beginning in calendar year 2016; and

**WHEREAS**, adjustment to rates charged to customers is necessary related to new contractual rates charged by the provider to the City;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:**

**Section 1:** Based on the newly negotiated rates with Republic Waste, the following monthly rates are hereby established for the period beginning January 1, 2016.

Residential Customers:

Curbside collection limited to 190 gallons, \$14.55/month, including sales tax.  
Extra Residential Bag Fee over 190 gallons@ \$2.00 per bag.

Commercial Customers:

Size	1x/week	2x/week	3x/week	4x/week	Extra PU	Plus Sales Tax
2 cu. Yd.	\$43.11	\$86.21	\$129.32	172.43	26.91	Current rate
4 cu. Yd.	80.73	161.56	242.44	323.43	48.33	Current rate
6 cu. Yd.	113.12	194.11	307.23	388.22	70.02	Current rate
8 cu. Yd.	145.52	269.61	415.13	539.22	91.44	Current rate

Additional Charges:

Dumpster changes/deliveries on established accounts: \$43.11  
Extra yardage fees on dumpsters: \$12.80

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Peter Christie, Mayor

ATTEST:

\_\_\_\_\_  
Wayne Jertson  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jason Kelley  
Staff Attorney

Requested by: Mayor  
Prepared by: Jason B. Kelley, Staff Attorney