

**Bella Vista City Council Regular Meeting – August 24, 2015 – 6:30PM**

Meeting Called to order by Mayor Peter Christie at 6:30PM

Invocation given by Chaplain Bob Box, Bella Vista Police Department

Pledge of Allegiance was recited by all.

City Clerk Jertson called the Roll of Council: Alderman Morgan, Flynn, Wozniak, Anderson, King present. Alderman Wilson was absent due to illness.

Citizen Input was next. The following individuals spoke on the indicated issues.

Doug Swanson, 19 Holcombe Ln spoke in support of the Wonderland Cave Project.

Dawn Harpell, 17 Miller Dr spoke about concerns about the conditions on Sunset Dr, Alice & Porch Circle, she has safety concerns about the growth along the road and the need for it to be addressed.

Tony Licausi, 53 Sunderland Dr spoke in support of the Resolution to purchase Daffodil bulbs to be planted around city property. He talked about the “Bella Vista Daffodil” and as the president of the Bella Vista Garden Club pledged the support of the club in the planting of these bulbs.

A.J. Morris, 31 Basore Dr, Jill Werner, 24 Hallock Dr, James Linden, 18 Holcomb Ln, Ashley Linden, 18 Holcomb Lane, Sherry Rudasil, 35 Westbury Dr, Wally Sheldon, 1 Bladow Ln, & Mary Miller, 12 Holcombe all spoke in favor of the Wonderland Cave project and the positive impact it will bring to the community. Mary Miller as one of the owners of the cave spoke about what the project will contain and the vision that they have for the project.

Wendi Scoggins, 2 Hampton Ln spoke in support of the Hole in the Wall annexation. They are owners of the property. In addition she spoke in favor of the Wonderland Cave project as well.

Next item of business was the approval of the minutes from the July 27, 2015 Council meeting. Motion was made by Alderman Anderson, seconded by Alderman Morgan to approve as presented. Vote by show of hands resulted in passage 5 ayes, 0 nays.

Mayor Christie then went over the July financials for the city which follow.

**Revenue**            *General Operating \$21K F*

- State Turnback \$46K F; Sales tax \$46K F; Ambulance Revenue \$43K F; Hazmat – Annual County Contract \$6K F for total of \$141K F offset against \$112K U Property Tax.
- YTD Revenue variance is \$1.143M F

*Street Fund \$3K U*

- State Turnback \$18K F; County Turnback \$21K U.

**Expenses**            *General Operating \$260K F*

- Fire Dept. \$128K F; Police Department \$103K F (NOTE: Three new Tahoes are on backorder); Planning Dept. \$23K F; Library \$7K F for a total of \$261K

- YTD Expense variance is \$742K F

*Street Fund \$750K F*

- Contract \$1,001 F (Street Resurfacing is in one month behind due to weather. We will realize this expense in August); Equipment & Capital expense >\$1,000 was \$201K U (Was budgeted in June).

**Reserves**      \$8.5M

A motion was made by Alderman Flynn, seconded by Alderman Wozniak to Suspend the Rules and read all Ordinances and Resolutions by Title only. Roll Call Vote resulted in 5:ayes, 0: nays.

The first Ordinance was read in title by the Mayor;

**ORDINANCE NO 2015-17-** AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA BY ADDING ARTICLE III VEHICLE TOWING TO CHAPTER 26 TRAFFIC AND VEHICLES TO COMPLY WITH STATE LAW CONCERNING THE ANNUAL REPORTING OF TOWING AND STORAGE RATES. *Third Reading.*

Motion to adopt by Alderman Anderson, second by Alderman Wozniak. Vote was Ayes: 5, Nays: 0 Ordinance adopted.

**ORDINANCE NO. 2015 -**AMENDING SECTION 20-3 OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO MODIFY THE PERMISSIBLE TIME PERIODS FOR USAGE OF FIREWORKS, AND FOR OTHER PURPOSES. *Second Reading.*

There were no comments on this so it will move to 3<sup>rd</sup> reading.

**ORDINANCE NO 2015-18-** AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO RENAME THE DEPARTMENT OF PLANNING AND CODE ENFORCEMENT TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES.

A motion to suspend the rules and move to 3<sup>rd</sup> and final reading was made by Alderman King, second by Alderman Flynn. Roll call vote, Ayes: 5, Nays: 0. The Mayor then read the title for the final time. At that point a Motion was made by Alderman Flynn, second by Alderman King to adopt. Roll call vote was, Ayes: 5, Nays: 0 Ordinance Adopted.

**ORDINANCE NO 2015-** 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.

Attorney Kelley spoke to the reasons for this Ordinance to match with a ruling in the 8<sup>th</sup> Circuit Court of Appeals. It addresses the time allowed for Door to Door sales within the city. Door to door must be allowed until 9:00PM. Alderman Morgan expressed dislike for this change. There being no further comment this will move to second reading at the Sept. meeting.

**ORDINANCE NO. 2015-** 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.

Again Attorney Kelley explained the need to enact this change in order to put us in compliance with state law. This will move to second reading at the next meeting.

**ORDINANCE NO. 2015-19-** ANNEXING LANDS COMPLETELY SURROUNDED BY THE MUNICIPAL LIMITS OF BELLA VISTA AND THE CITY OF GRAVETTE, AND FOR OTHER PURPOSES.

This is the Hole in the Wall property. Motion was made to move to third and final reading for this Ordinance. Motion by Alderman Wozniak, second by Alderman Morgan, roll call vote Ayes: 5, Nays: 0 Motion carried. The Mayor then read for the final time and a motion was made to adopt by Alderman Wozniak, second by Alderman King. Roll call vote was taken. Ayes: 5, Nays: 0, Ordinance adopted.

**ORDINANCE NO. 2015-20-** ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF BELLA VISTA, ARKANSAS, MAKING SAME A PART OF THE CITY, AND ASSIGNING SAME TO WARDS AND ZONING DISTRICTS.

This is the Wonderland Cave area. A motion was made by Alderman Morgan, second by Alderman Wozniak to move to third and final reading. Roll call vote, Ayes: 5, Nays: 0 Carried. The Mayor then read the Ordinance for the 3<sup>rd</sup> and final time. A motion was made by Alderman Wozniak, second by Alderman Morgan to adopt the Ordinance. Roll call vote. Ayes: 5, Nays: 0 Ordinance adopted.

**ORDINANCE NO. 2015-21-** ACCEPTING AND CONFIRMING EASMENTS DEDICATED TO THE PUBLIC AND FOR OTHER PURPOSES.

This is for a lot split. Motion to move to third and final reading by Alderman Flynn, second by Alderman Anderson. Roll call vote resulted in Ayes: 5, Nays: 0. The Ordinance was read for the third and final reading. A motion was made by Alderman Wozniak, second by Alderman Flynn. Vote was Ayes: 5, Nays: 0

**Resolution R2015-50-** APPROVING AN AMENDMENT TO THE CONSTRUCTION MANAGEMENT CONTRACT WITH NABHOLZ CONSTRUCTION FOR GUARANTEED MAXIMUM PRICING FOR THE STREET DEPARTMENT FACILITY, AMENDING THE CAPITAL BUILDING BUDGET, AND FOR OTHER PURPOSES.

This motion was moved by Alderman Wozniak, second by Alderman Flynn. Vote was Ayes: 5, Nays: 0 Resolution adopted.

**Resolution R2015-51-** AMENDING THE 2015 CITY BUDGET TO APPROPRIATE AN ADDITIONAL TOTAL OF \$59,000.00 FROM GENERAL FUND RESERVES TO FUND ADDITIONAL SNOW REMOVAL EQUIPMENT, AND TO AUTHORIZE AND FUND THREE (3) ADDITIONAL STREET DEPARTMENT EMPLOYEES.

The Mayor explained the reason for this Resolution and what it will accomplish. A motion was made by Alderman Anderson, second by Alderman Wozniak. Ayes: 5, Nays: 0 Adopted.

**Resolution R2015-52-** AMENDING THE 2015 CITY BUDGET TO TRANSFER \$15,000.00 FROM PLANNING DEPARTMENT ACCT. 15-57000 TO THE POLICE DEPARTMENT FOR SALARIES AND BENEFITS, AND AUTHORIZING THE CREATION OF TWO ADDITIONAL POSITIONS (PROFESSIONAL STANDARDS OFFICER (SWORN POSITION) AND PROPERTY CLERK NON-SWORN POSITION) FOR THE POLICE DEPARTMENT.

This Resolution was explained and the Mayor spoke about where this money is coming from. There were no questions. A motion was made Alderman Wozniak, second by Alderman Morgan, Ayes: 5, Nays: 0

**Resolution R2015-53-** AMENDING THE 2015 CITY BUDGET TO TRANSFER \$7,000.00 FROM PLANNING DEPARTMENT ACCT 15-57000 INTO 53700 BUDGET ACCOUNTS TO FUND THE PURCHASE OF APPROXIMATELY 9500 DAFFODIL BULBS FOR PURPOSES OF A CITY BEAUTIFICATION INITIATIVE.

The discussion of where this money is coming from was held and a questions about the on-going issue of maintenance of these daffodils by Alderman Wozniak and Alderman Morgan was asked and Bella Vista Garden Club President Tony Licausi responded. Alderman Flynn commented that when he arrived at the meeting and saw all the cars, he wondered what people might be upset about and was pleased that they were all here to support the issues at hand. He also commented that the addition of the daffodil beds will be a positive thing for the community and was grateful to the Garden Club for stepping up to assist this project. A motion was made by Alderman Flynn, second by Alderman King to approve. Ayes: 5, Nays: 0

**Resolution R2015-54-** AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH AMERICAN FIDELITY ADMINISTRATIVE SERVICES, LLC FOR THE PROVISION OF REPORTING AND TRACKING SERVICES REQUIRED BY THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.

The Mayor explained to the public that this is a by-product of the law commonly referred to as “Obamacare”. There was a motion by Alderman Anderson, second by Alderman Wozniak. Ayes: 5 Nays:0 Resolution adopted.

**Resolution R2015-55-** AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH PINNACLE PROPANE FOR THE PURCHASE OF PROPANE GAS FOR CITY FACILITIES IN THE AMOUNT OF \$.879 per GALLON FOR 2000 GALLONS AND \$.979 PER GALLON FOR THE REMAINING 8000 GALLONS.

Mayor Christie explained this purchase and talked about an improvement that was made at Fire Station 2 that will lower the need for Propane for the coming year. A motion was made by Alderman Wozniak, second by Alderman King to approve. Ayes: 5, Nays: 0 Adopted.

**Resolution R2015-56-** ESTABLISHING A POLICY CONCERNING MAYOR’S EXPENSES RELATED TO LOCAL MEETINGS OR GATHERINGS ATTENDED FOR A PUBLIC PURPOSE.

The Mayor talked about the need for this policy to accurately track any expenses that the Mayor may have regarding attendance at local area meetings. This was a suggestion of the Auditors that visited the city recently. A motion was made by Alderman Flynn, second by Alderman Morgan. Ayes: 5, Nays: 0

**Resolution R2015-** Condemning And Ordering The Razing And Removal Of A Dilapidated, Unsafe, And Nuisance Structure Owned By Robert Lee Jackson Located At 9276 Suits Us Drive In The City Of Bella Vista.

The Mayor opened a Public Hearing on this issue. Planner Chris Suneson spoke about the reason they put this request in place before the Council. He talked about the history of the issues with this property. He stressed the safety problems that the property condition represents. The property owner Robert Lee Jackson was in attendance and asked to be allowed to speak on his behalf as to his plans and why he would like this Resolution to be postponed. Much discussion took place. Many questions were asked by the Council and responded to by Mr. Jackson. Planner Suneson responded to many of the comments made by Mr. Jackson. Public Hearing was closed.

Alderman King made a motion to table this issue until the next regular City Council meeting. This was seconded by Alderman Morgan. Alderman Anderson told Mr. Jackson that this very likely would be the last extension he would be given. He hoped that Mr. Jackson understood this. A vote was taken. Roll Call Vote: Alderman Wozniak –No, Alderman Anderson- Yes, Alderman King- Yes, Alderman Morgan- Yes, Alderman Flynn- No. The vote was 3 in favor, 2 opposed. The Mayor choose not to vote so that the motion failed.

At this point the Mayor again read the Resolution and asked for a motion. Motion was made by Alderman Flynn to adopt. Second by Alderman Wozniak. Vote was taken, Alderman Morgan, No, Alderman Flynn- Yes, Alderman Wozniak- Yes, Alderman Anderson- No, Alderman King- No. The motion failed by a vote of 3 nays and 2 ayes. Resolution defeated.

**MEETINGS AND ANNOUNCEMENTS:**

- **The next City Council Work Session will be Monday Sept. 21, 2015 @ 5:30PM in the City Hall Conference Room.**
- **The next Regular meeting of the City Council, Monday Sept. 28, 2015 at 6:30 PM at the Bella Vista American Legion Hall.**
- **Planning Commission Work Session will be Wednesday Sept. 2, 2015 at 4:00PM in the City Hall conference room.**
- **Planning Commission Regular Meeting will be Sept. 14, 2015 at 6:30PM in the City Hall Conference room.**
- **Public Safety Committee Meeting will be Sept. 9, 2015 at 9:00AM in the City Hall Conference room.**

**ADJOURNMENT-** Meeting adjourned at 8:08

City Clerk Wayne Jertson

Mayor Peter Christie