



BELLA VISTA

A place to call home

MEETING: **REGULAR CITY COUNCIL MEETING**
DATE AND TIME: **Monday, August 22, 2016 – 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** – Pastor Bryan Fink, Highlands Methodist Church.
*** (See disclaimer below)
- III. **PLEDGE OF ALLEGIANCE:**
- IV. **ROLL CALL:** Mayor Peter Christie, Aldermen Frank Anderson, John Flynn, 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:** July 25, 2016
- VII. **REPORTS:**
 - A. Monthly Financial Report – June, 2016
 - B. Motion to Approve Finance Report-
- VIII. **MOTION TO SUSPEND RULES:** and read all proposed ordinances and resolutions on the agenda by title only.
- IX. **BUSINESS:**
 - A. **ORDINANCE NO-** AN ORDINANCE AMENDING SECTION 18-20(b) OF THE MUNICIPAL CODE REGULATING THE DUMPING OF TREE CUTTINGS AND OTHER MATERIALS, AND FOR OTHER PURPOSES. (**Third reading**) Tabled from July meeting.

- B. ORDINANCE NO-** AN ORDINANCE AMENDING MUNICIPAL CODE SECTION 109-166 REGULATING ACCESSORY STRUCTURES AND SECTION 109-248 REGULATING FENCE LOCATION, AND FOR OTHER PURPOSES. **Third Reading.** Tabled from July meeting.
- C. ORDINANCE NO-** AMENDING MUNICIPAL CODE REGULATIONS CONCERNING PUBLIC NOTIFICATION PROCEDURES IN SECTION 109-38(d)(2) FOR CONDITIONAL USE PERMITS, SECTIONS 109-40(c)(2) AND (e)(5) FOR ZONING ORDINANCE AMENDMENTS, SECTION 109-42(c) FOR VARIANCES, AND SECTION 109-45 FOR GENERAL NOTIFICATION REQUIREMENTS; AND FOR OTHER PURPOSES. **Third Reading.**
- D. ORDINANCE NO-** AMENDING THE BELLA VISTA CITY CODE CONCERNING THE NUMBER OF MEMBERS ON THE BOARD OF CONSTRUCTION APPEALS IN SECTION 103-44(a)(1); THE BOARDS ORGANIZATION IN SECTION 103-44(b); THE BOARDS POWERS AND DUTIES IN SECTION 103-44(c); APPEALS AND THE APPLICATION PROCESS IN SUB-SECTIONS 103-45(a), (e)-(h); AND FOR OTHER PURPOSES. (First Reading)
- E. ORDINANCE NO-** ACCEPTING AND CONFIRMING EASEMENTS AND RIGHTS-OF-WAY DEDICATED TO THE PUBLIC ON PARCEL 18-07983-003, KNOWN AS 9051 COMMONWEALTH ROAD, AND FOR OTHER PURPOSES. (Staff requests moving to third and final reading)
- F. RESOLUTION NO-** APPROVING A CONTRACT AMENDMENT WITH CRAFTON TULL & ASSOCIATES, INC. FOR ARCHITECTURAL SERVICES RELATED TO THE EXPANSION OF THE CITY STREET DEPARTMENT FACILITY, AMENDING THE 2016 CAPITAL BUILDING BUDGET, AND FOR OTHER PURPOSES.
- G. RESOLUTION NO-** AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH SUPERIOR AUTO GROUP OF SILOAM SPRINGS, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR THE PURCHASE OF ONE (1) 2016 DODGE CHARGER POLICE VEHICLE, IN THE AMOUNT OF \$23,165.00, PLUS \$4,500.00 FOR NEEDED VEHICLE EQUIPMENT, FOR USAGE BY THE POLICE DEPARTMENT.
- H. RESOLUTION NO-** AUTHORIZING ACCEPTANCE OF A 90%/10% MATCHING GRANT THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) IN AN AMOUNT NOT EXCEEDING \$250,000.00 TO FUND THE PURCHASE OF SIX (6) POWER COTS AND SIX (6) LOADERS FOR USAGE ON AMBULANCES BY THE FIRE DEPARTMENT.

- I. ORDINANCE NO-** WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH STRYKER INC. OF CHICAGO, ILLINOIS IN AN AMOUNT NOT TO EXCEED \$248,000.00 FOR THE PURCHASE OF SIX (6) POWER COTS AND SIX (6) AMBULANCE POWER LOADERS FOR USAGE BY THE FIRE DEPARTMENT, AMENDING THE 2016 CITY BUDGET TO RECOGNIZE GRANT REVENUE AND AUTHORIZE THE APPROPRIATION, AND FOR OTHER PURPOSES. (Staff requests moving to third and final reading)
- J. RESOLUTION NO-** ADOPTING THE FINALIZED BENTON COUNTY HAZARD MITIGATION PLAN, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.
- K. RESOLUTION NO-** APPROVING A NO COST EQUIPMENT LEASE AGREEMENT WITH THE BELLA VISTA PROPERTY OWNERS ASSOCIATION, AND FOR OTHER PURPOSES.

MEETINGS AND ANNOUNCEMENTS:

- The next City Council Work Session will be Monday Sept. 19, 2016 at 5:30PM in the City Hall Conference Room.
- The next Regular meeting of the City Council, Monday Sept. 26, 2016 at 6:30 PM at the Bella Vista American Legion Hall.
- Planning Commission Work Session will be Thursday Sept. 1, 2016 at 4:30PM in the City Hall conference room.
- Planning Commission Regular Meeting will be Sept 12, 2016 at 5:30PM 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 MEETING MINUTES – JULY 25, 2016

Call to Order by Mayor Christie at 6:30PM

Invocation by Pastor Jaimie Alexander, First United Methodist Church

Pledge recited by all present.

Clerk Jertson called the roll of Council. Alderman Morgan, Flynn, Anderson, King, Wozniak & Wilson all present.

Mayor Christie conducted a swearing in ceremony for new Police Officer Jeff Bartlett

Citizen Input:

George Tracy, 16 Salisbury Dr. was the first to speak and he spoke against the Ordinance on Accessory structures. His belief is that the ACC has handled this well for 50 years and that it should stay that way. He is concerned that this Ordinance will lead to lawsuits if the ACC approves and the City denies.

Roger Norbeck, 61 Portsmouth Dr. also spoke about the accessory buildings. He is concerned that the ACC has not been enforcing the standards lately like they were in the past. He suggests that this be worked on some more.

George Holmes, 14 Brixton Ln. was also concerned about the Ordinance on accessory structures. His concern is that there are many limitations to building these structures on the type of topography that is common in Bella Vista. He is concerned that the ordinance proposed will limit carports on Town Houses. He urged further consideration before passing this Ordinance.

Approval of Minutes from the June 27, 2016 City Council meeting. No corrections or additions were noted. A motion to approve was made by Alderman Anderson, seconded by Alderman Wozniak. Show of hands vote showed 6 ayes, 0 nays. Approved.

Finance Report will be postponed until the August meeting.

Motion to Suspend the rules and read all Ordinances and Resolutions by title only was made by Alderman Morgan, second by Alderman King. Roll call vote; Alderman Morgan, Wozniak, Anderson, Flynn, King aye. Alderman Wilson voted nay. Approved.

ORDINANCE NO- AN ORDINANCE AMENDING SECTION 18-20(b) OF THE MUNICIPAL CODE REGULATING THE DUMPING OF TREE CUTTINGS AND OTHER MATERIALS, AND FOR OTHER PURPOSES. **(Third reading)** Tabled from June meeting. Staff reported that they have not gotten the opinion on this Ordinance that they are seeking. Mayor Christie suggested that it be tabled until the August meeting. Alderman Morgan moved to table, second by Alderman King. All six council members supported this. So it will come back at the August meeting.

ORDINANCE NO 2016-15 AMENDING SECTION 2-345 SALE OR EXCHANGE OF PROPERTY OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO CLARIFY AMBIGUITIES. **Third Reading.** Motion to Approve by Alderman King, second by Alderman Flynn. Passed 6 ayes, 0 nays.

ORDINANCE NO- AN ORDINANCE AMENDING MUNICIPAL CODE SECTION 109-166 REGULATING

ACCESSORY STRUCTURES AND SECTION 109-248 REGULATING FENCE LOCATION, AND FOR OTHER PURPOSES. **Third Reading.** Alderman Flynn offered an Amendment to this Ordinance. Attorney Kelley went over the changes that were in the amendment offered by Alderman Flynn. Alderman Flynn move to adopt this amendment. Alderman Morgan seconded. At this point there was a period of debate on this Ordinance with the proposed amendment. After debate a vote was held on the amendment. Ayes: Morgan, Flynn, Wozniak. Nays: Anderson, King, Wilson resulted in a tie. Mayor Christie voted nay. Amendment fails. A motion to table until the August meeting was made by Alderman Anderson, seconded by Alderman Wozniak. Roll Call Vote resulted in 6 ayes; 0 nays. Tabled until August meeting.

ORDINANCE NO- AMENDING MUNICIPAL CODE REGULATIONS CONCERNING PUBLIC NOTIFICATION PROCEDURES IN SECTION 109-38(d)(2) FOR CONDITIONAL USE PERMITS, SECTIONS 109-40(c)(2) AND (e)(5) FOR ZONING ORDINANCE AMENDMENTS, SECTION 109-42(c) FOR VARIANCES, AND SECTION 109-45 FOR GENERAL NOTIFICATION REQUIREMENTS; AND FOR OTHER PURPOSES. **Second Reading.** This will move to third reading in August.

ORDINANCE NO 2016-16 ACCEPTING AND CONFIRMING EASEMENTS DEDICATED TO THE PUBLIC ON PARCEL 18-072014-004, KNOWN AS 8512 STEVENSON PLACE, AND FOR OTHER PURPOSES. **First Reading.** Staff requests that this be expedited to third and final reading. Community Development Director Suneson commented that this is a normal lot split and is recommended for approval. A Motion was made by Alderman Anderson, seconded by Alderman Wozniak to suspend the rules and move this to third and final reading. Roll call vote resulted in 6 ayes, 0 nays. The Mayor read this for the final time and a motion to adopt was made by Alderman Flynn, seconded by Alderman Morgan. Vote was 6 ayes, 0 nays. Adopted.

ORDINANCE NO 2016-17 REPEALING ORDINANCE NO. 2016-08 AUTHORIZING BORROWING FUNDS PURSUANT TO ARKANSAS CONSTITUTIONAL AMENDMENT 78 FOR THE ACQUISITION OF A 2016 KME CUSTOM PUMPER FIRE TRUCK. The Mayor explained that the date for borrowing these funds had expired and this Ordinance needs to be repealed. He also asked that it go to third and final reading. Motion to suspend the rules and go to third and final reading was made by Alderman King, second by Wozniak. Ayes: 6, Nays: 0. The Mayor then read the Ordinance for the third and final time and a motion was made on Adopting the Ordinance. Motion was made by Alderman Anderson, second by Alderman Wilson. Roll call vote Ayes: 6, Nays: 0

R2016-26 AMENDING RESOLUTION NO. R2016-03 DESIGNATING AUTHORIZED DISBURSING OFFICERS FOR THE CITY OF BELLA VISTA FOR CALENDAR YEAR 2016. This will replace Jane Wilms signing with new HR director Melissa Cruise. Motion to approve by Alderman Anderson, second by Alderman Wozniak. Roll call vote, Ayes: 6, Nays: 0. Adopted.

RESOLUTION NO R2016-27 Accepting the Resignation of G. Allen King as Alderman of the City of Bella Vista for Ward 3, Position 1, and Declaring a Vacancy. Mayor Christie thanked Alderman King for his service to the City. Alderman King thanked the public and stated that he enjoyed the experience and learned much from it. Motion to accept was made by Alderman Flynn, second by Alderman Wilson. Roll call vote, Ayes: Morgan, Flynn, Wozniak, Anderson & Wilson. Alderman King abstained. Adopted.

Alderman Anderson then asked about the steps needed to fill the vacancy on the council. Attorney Kelley then explained the options that can be pursued.

RESOLUTION NO R2016-28 REDUCING THE SALARY COMPENSATION OF ALDERMAN LARRY WILSON TO ZERO DOLLARS (\$0) FOR THE REMAINDER OF CALENDAR YEAR 2016 AT HIS REQUEST, AND AMENDING THE 2016 ANNUAL CITY BUDGET TO AUTHORIZE THE TRANSFER OF FUNDING OTHERWISE DESIGNATED FOR THE COMPANSATION OF ALDERMAN WILSON TO THE BELLA VISTA POLICE DEPARTMENT. A motion to approve was made by Alderman Flynn, second by Alderman Morgan. This request was made by Alderman Wilson and affects only the compensation that he would receive. Roll Call Vote- Ayes 6, Nays 0. Passed.

RESOLUTION NO R2016-29 AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH FROST OIL CO. IN AN AMOUNT OF \$.02 PER GALLON MARKUP OVER SELLER'S WHOLESALE PRICE PLUS FREIGHT FOR PURCHASE OF FUEL FOR THE CITY FUEL DEPOT. Motion to approve was made by Alderman Anderson, second by Alderman Wozniak. Roll call vote Ayes: 6, Nays: 0

RESOLUTION NO. - AMENDING THE 2016 ANNUAL CITY BUDGET TO APPROPRIATE \$340,000.00 FOR THE PURCHASE OF A 2016 KME CUSTOM PUMPER TRUCK FOR THE FIRE DEPARTMENT. The Mayor explained that there is an amendment to this Resolution given to Alderman this evening and asked that the amended resolution be approved. Moved by Alderman King, second by Alderman Wilson. Ayes: 6, Nays: 0 Following is the title of the approved amendment.

RESOLUTION NO R 2016-30 AMENDING THE 2016 ANNUAL CITY BUDGET TO APPROPRIATE \$105,000.00 FOR THE PURCHASE OF A 2016 KME CUSTOM PUMPER TRUCK FOR THE FIRE DEPARTMENT AND MAKING CORRESPONDING BUDGET ADJUSTMENTS. A motion was then made to approve the amended motion by Alderman Anderson, second by Alderman Wozniak. Roll call vote, Ayes: 6, Nays: 0. Resolution Adopted.

MEETINGS AND ANNOUNCEMENTS:

- The next City Council Work Session will be Monday August 15, 2016 at 5:30PM in the City Hall Conference Room.
- The next Regular meeting of the City Council, Monday August 22, 2016 at 6:30 PM at the Bella Vista American Legion Hall.
- Planning Commission Work Session will be Thursday July 28, 2016 at 4:30PM in the City Hall conference room.
- Planning Commission Regular Meeting will be August 8, 2016 at 5:30PM in the City Hall conference room.

At this point more discussion was held on the vacancy on the council and how to handle this. Attorney Kelley explained that the Mayor could put forth a name and that the Alderman could also ask that a name be brought forward or choose to leave vacant. City rules are different than the rules that govern county and state offices.

Meeting was adjourned at 7:28 PM

City Clerk Wayne Jertson

Mayor Peter Christie

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

MEETING DATE: March 28, 2016 – Regular Meeting

AGENDA ITEM:

ITEM TITLE: An Ordinance Amending Section 18-20(b) of the Municipal Code Regulating the Dumping of Tree Cuttings and Other Materials, and For Other Purposes

SUBMITTED BY: Christopher Suneson, PLA

SUMMARY EXPLANATION: Under Ordinance 2008-03, the City adopted several provisions regulating nuisances including allowing the dumping of tree cuttings, tree trunks, fill dirt, and other materials to reclaim gullies and ravines. This ordinance was later codified in section 18-20(b) of the municipal code. The current language of this section reads:

“The dumping of tree cuttings, tree trunks, fill dirt and other appropriate fill material may be permitted to reclaim gullies and ravines upon application to, and approval by, the city planning commission under the following conditions:

- (1) Written certification by the applicant that he is the legal owner of the property or that he has the written permission of the property owner.*
- (2) Access must be completely restricted to the applicant only.*
- (3) All material must be covered by fill dirt and smoothed over at intervals not to exceed two weeks.*
- (4) Compliance with any drainage ordinance passed by the city.*

Failure to comply with the above conditions will be grounds for revocation of the permit and may result in the issuance of a citation pursuant to subsection (a) of this section. Any area currently used as a location for the dumping of stumps, vegetation waste or dirt at the time of the adoption of the ordinance from which this article is derived shall be exempt from the requirements of this subsection.”

The City later adopted Ordinance 2011-14, which regulated land alteration activities including the filling activities that would allow the reclamation of ravines and gullies upon permit issuance from the Department.

The legislation that follows would strike most portions of this section of code to eliminate potential confusion of 1) whether the planning commission or staff issues permits for these activities and 2) methods to obtain a permit to perform these activities.

ATTACHMENT: ORDINANCE RESOLUTION OTHER

RECOMMENDATION: Staff recommends approval of this ordinance.

ACTION REQUESTED:
Motion to adopt

ORDINANCE NO. 2016- __

City of Bella Vista, Arkansas

AN ORDINANCE AMENDING SECTION 18-20(b) OF THE MUNICIPAL CODE REGULATING THE DUMPING OF TREE CUTTINGS AND OTHER MATERIALS, AND FOR OTHER PURPOSES

WHEREAS, the City Council adopted Ordinance 2008-03, regulating the dumping of tree cuttings, trunks, dirt, and other materials, which was latter codified to Section 18-20(b) of the municipal code; and

WHEREAS, the section provides for residents to apply for a permit to reclaim gullies and ravines upon approval by the Planning Commission; and

WHEREAS, the City Council subsequently adopted legislation under Ordinance 2011-14, which similarly and more completely regulates filling activities, which was later codified to Sections 107-373 through 107-388; and

WHEREAS, there is a conflict between the two referenced sections with regard to permitting authority regulating land alteration activities.

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

Section 1: That Section 18-20(b) of the municipal code shall be amended to read as follows:

“(b) The dumping of tree cuttings, tree trunks, fill dirt and other appropriate fill material may be allowed to reclaim gullies and ravines upon obtaining a permit pursuant Sections 107-373 through 107-388 of the municipal code. Failure to comply with the above conditions will be grounds for revocation of the permit and may result in the issuance of a citation pursuant to subsection (a) of this section. Any area currently used as a location for the dumping of stumps, vegetation waste or dirt at the time of the adoption of the ordinance from which this article is derived shall be exempt from the requirements of this subsection.”

PASSED THIS ___ DAY OF _____, 2016.

Motion to adopt made by:

Ayes:

Nays:

Motion:

APPROVED:

Mayor Peter Christie

ATTEST:

Wayne Jertson
City Clerk

APPROVED AS TO FORM:

Jason B. Kelley, Staff Attorney

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

ORDINANCE NO. 2016- __

City of Bella Vista, Arkansas

AN ORDINANCE AMENDING MUNICIPAL CODE SECTION 109-166 REGULATING ACCESSORY STRUCTURES AND SECTION 109-248 REGULATING FENCE LOCATION, AND FOR OTHER PURPOSES

WHEREAS, the City Council has determined that current regulations affecting the placement and height of accessory structures are in need of revision and referred the question of how best to do so to the Planning Commission; and

WHEREAS, the Planning Commission held several work sessions to determine how to best regulate the placement and height of accessory structures; and

WHEREAS, the Planning Commission held several work sessions to determine how to best regulate fencing; and

WHEREAS, the Planning Commission held separate public hearings for accessory structure regulations and fence regulations on Monday, March 14, 2016, where it heard comments from the public on the proposed regulations and recommended approval of the both sets of amendments.

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

Section 1: That Section 109-166 of the municipal code shall be amended to read as follows:

Sec. 109-166. - Accessory buildings.

- (a) *Nonresidential buildings.* An accessory nonresidential building may be erected detached from the principal building, or, except when a stable, may be erected as an integral part of the principal building.
 - (1) *Attached accessory.* An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this article applicable to the principal building.
 - (2) *Setbacks.* Detached accessory nonresidential buildings shall meet all setbacks for the zone as designated, and shall not extend beyond the front plane of the house. In the case of corner lots, accessory structures must not be placed between a street right-of-way and the side plane of the house unless the structure is located behind the rear plane of the house.
 - (3) *Height.* Accessory buildings shall not exceed the maximum height of twenty-five (25) feet nor the highest elevation of the primary structure whichever is less.
 - (4) *Barns and stables.* Barns and stables shall be considered nonresidential accessory structures and shall meet the setback requirements as set forth in the zoning district in which they are located.

Section 2: That Section 109-248 of the municipal code shall be amended to read as follows:

Sec. 109-248. - Fence location.

- (a) *Private property.* All fences shall be located on private property and shall be built with the consent of the property owner. The fence installer and/or property owner shall be

responsible to correctly locate property boundaries. Fences shall not encroach onto adjoining property or rights-of-way.

- (b) *Front yard.*
 - (1) A fence shall not be located in the front yard but may be positioned in compliance with other regulations of this section.
 - (2) For corner lots, only one street right-of-way shall be considered the front of the lot. For purposes of this section, the front shall be defined by the orientation of the primary pedestrian entry to the structure.
- (c) *Rear and side yards.*
 - (1) A fence that does not cross any portion of the front yard may begin on a rear or side property line at the full height of the fence, but shall not exceed eight feet (8') in height from the ground below the fence.
 - (2) When placed along a side property line, a fence shall not be placed any closer to a street right-of-way than the front building setback of the parcel on which it is located or the adjacent parcel, whichever is less restrictive.
 - (3) A fence may be located in the rear or side yard, but shall be in compliance with other regulations of this section.
- (d) *Sight triangle.* Fences constructed near driveways and street intersections shall stay clear of all sight triangles in order to provide a reasonable degree of traffic visibility. See Section §109-3 for the definition and reference dimensions of a sight triangle.
- (e) *Easements.*
 - (1) *Utility easements.* Construction of fences in utility easements is permitted, but the fence installer and/or property owner assumes some risk by doing so. The fence enclosing utility easement shall have a gate installed to permit access to the easement.
 - (2) *Drainage easements.* Fences shall not impede the normal flow of stormwater and shall not cross an open drainage channel. Fences proposed in drainage easements shall be approved on a case by case basis.
 - (3) *Access easement.* Fences shall not be constructed over a public access easement. Fences proposed over private emergency access easements must be approved by the fire department to ensure adequate access for emergency vehicles and equipment at all times.

PASSED THIS ____ DAY OF _____, 2016.

Motion to adopt made by:

Ayes:

Nays:

Motion:

APPROVED:

Mayor Peter Christie

ATTEST:

Wayne Jertson
City Clerk

APPROVED AS TO FORM:

Jason B. Kelley, Staff Attorney

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

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

MEETING DATE: June 27, 2016

AGENDA ITEM:

ITEM TITLE: Amending Regulations Concerning Public Notification Procedures in Municipal Code Section 109-38(d)(2) for Conditional Use Permits; Municipal Code SectionS 109-40(c)(2) and (e)(5) For Zoning Ordinance Amendments; Municipal Code Section 109-42(c) for Variances; Municipal Code Section 109-45 for General Notification Requirements; and for other purposes

SUBMITTED BY: Christopher Suneson, PLA, AICP

SUMMARY: The Planning Commissioners tasked staff to review and compare the City's legal notification requirements to those of Bentonville, Rogers, Centerton, and Benton County. After providing that information at a work session, the Commission directed staff to draft language reflecting fewer public notification requirements.

Currently the applicants pay for a newspaper publication, post at least one 4'x4' sign on the property, and send certified mail to adjacent owners in a 400-foot radius.

The following ordinance language would simplify these requirements, depending on the type of application requiring public notice:

- Conditional use permit (Zoning Code Section 109-38):
 - City now publishes in the newspaper
 - City now posts sign in yard
 - Applicant still sends certified mail owners in 200-ft. radius
- Rezoning (Zoning Code Section 109-40):
 - City now publishes in the newspaper
 - City now posts sign in yard
 - Applicant still sends certified mail owners in 200-ft. radius
- Variances (Zoning Code Section 109-42):
 - City now publishes in the newspaper
 - City now posts sign in yard
- General notifications (Zoning Code Section 109-45):
 - New subsection (d) provides details for each type of legal notification

ATTACHMENT: Ordinance Resolution Other

RECOMMENDATION: Planning Commission recommend approval of the changes created by this ordinance at its regular meeting on June 13, 2016.

ACTION REQUESTED: Motion to adopt

ORDINANCE No. 2016-__

AMENDING MUNICIPAL CODE REGULATIONS CONCERNING PUBLIC NOTIFICATION PROCEDURES IN SECTION 109-38(d)(2) FOR CONDITIONAL USE PERMITS, SECTIONS 109-40(c)(2) AND (e)(5) FOR ZONING ORDINANCE AMENDMENTS, SECTION 109-42(c) FOR VARIANCES, AND SECTION 109-45 FOR GENERAL NOTIFICATION REQUIREMENTS; AND FOR OTHER PURPOSES

WHEREAS, the City Council passed Ordinance 2009-23 to adopt the Zoning Ordinance Section 300.06; and passed Ordinance 2011-11 to amend the public notification requirements of said sub-section; and which sub-section 300.06 was later codified to Section 109-38 (Conditional Use Permits) of the municipal code with sub-sections (a) through (e);

WHEREAS, the City Council passed Ordinance 2009-23 to adopt the Zoning Ordinance Section 300.08; and passed Ordinance 2011-11 to amend the public notification requirements of said sub-section; passed Ordinance 2014-20 to amend the public notification requirements when the Planning Commission initiates an amendment; and which sub-section 300.08 was later codified to Section 109-40 (Zoning Ordinance Amendments) of the municipal code with sub-sections (a) through (e);

WHEREAS, the City Council passed Ordinance 2009-23 to adopt the Zoning Ordinance Section 300.10; and passed Ordinance 2011-11 to amend the public notification requirements of said sub-section; and which sub-section 300.10 was later codified to Section 109-42 (Variances) of the municipal code with sub-sections (a) through (h);

WHEREAS, the City Council passed Ordinance 2009-23 to adopt the Zoning Ordinance Section 300.15; and passed Ordinance 2011-11 to amend the public notification requirements of said sub-section; and which sub-section 300.15 was later codified to Section 109-45 (General Notification Requirements) of the municipal code with sub-sections (a) through (h); and

WHEREAS, these sections provide the procedures and requirements for public notifications for conditional use permits, zoning ordinance amendments, variances, and general public notifications.

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

Section 1: That Section 109-38(d)(2) of the municipal code shall be amended to read as follows:

“(2) Public notification shall occur pursuant to Subsections 109-45(d)(1) through (3) before a conditional use application may be reviewed by the planning commission.”

Section 2: That Section 109-40(c)(2) of the municipal code shall be amended to read as follows:

“(2) Public notification and hearing. The planning commission shall hold a public hearing on the proposed amendment. Public notification for property owner-initiated zoning ordinance amendments shall occur pursuant to Subsections 109-45(d)(1) through (3) before such an application may be reviewed by the planning commission.”

Section 3: That Section 109-40(e)(5) of the municipal code shall be amended to read as follows:

“(5) Additional Notification for Map Amendments. Changes in zoning district classifications illustrated on the Zoning Map initiated by the planning commission shall be made in the following manners:

- a. The City shall, pursuant to the legal notification requirements listed in Code Subsections 109-45(d)(1) and (2), alert the public to all planned amendments to either the Zoning Ordinance or the Zoning Map.
- b. In the case of multiple tracts of land, at least one (1) sign required by Section 109-45(d)(2) shall be posted along each road adjoining the parcels under consideration and at least one (1) sign shall be

posted along any roads classified as Collector, Minor Arterial, or Major Arterial.”

Section 4: That Section 109-42(c) of the municipal code shall be amended to read as follows:

“(c) Public notice and hearing. Public notification shall occur pursuant to Subsections 109-45(d)(1) and (2) before a variance application may be reviewed by the Board of Zoning Adjustments.”

Section 5: That Section 109-45 of the municipal code shall be amended to read as follows:

“(a) Timeframe. In calculating the time period for public notification, the day of publishing, posting, or mailing shall be counted toward the total number of days required herein. The day of the hearing shall not be counted toward this total.

“(b) The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of the applicable sections. Substantial compliance for these public notices shall be determined by the director of the department of community development services.

“(c) In the event the applicant does not provide notice as required herein, the requested application may not be considered until all notification requirements are met.

“(d) Public notification and hearing.

(1) Published notice. The staff of the department of community development services shall publish a notice of public hearing in a newspaper of general circulation in the city, at least one time, 15 days prior to the hearing. This public notice shall include:

- a. The application type being sought;
- b. The location including legal description and address (if no address is available, a description which is clear to the average lay person will suffice);
- c. The time, date and place of the public hearing;
- d. The property owner's and/or developer's name; and
- e. City contact location where information about the application may be reviewed by interested parties.

(2) Posted notice.

- a. The staff of the department of community development services shall post a sign on the property for which the application is being sought at least 7 days prior to the date of the public hearing. Additional signs may be required to be posted when multiple street frontages occur on the subject parcel(s).
- b. The sign shall be in plain view of and easily readable from a public or private street.
- c. Such sign shall be clearly visible, unobstructed to the passing general public, and posted on or near the existing front property line.

(3) Written notice or petition.

- a. The applicant shall be required to notify, by either certified mail (with return receipts) or by petition, all property owners within 200 feet of the boundary of the subject property of his application. Such notifications must occur no less than 15 days prior to the established date of the public hearing. If the applicant is unable to determine the adjacent property owners, the staff of the department of community development services may assist identifying them.
- b. The written notice or petition shall contain all of the following information:
 1. The application type being sought by the applicant;
 2. The location including legal description and address (if no address is available, a description which is clear to the average lay person will suffice);
 3. The time, date, place, and location of the public hearing;
 4. The property owner's and/or developer's name; and
 5. City contact location where information about the application may be reviewed by interested parties.
- c. When a petition is used instead of certified mail for notifying adjoining owners, it shall also

include:

1. Each adjoining property owner's name and address shall be pre-printed on the petition;
 2. Each signature should be placed on a line next to the respective address; and
 3. Each signature should be followed by the date the signature was attached to the petition.
 4. If multiple individuals are listed as adjacent owners, all owners should be listed separately on the petition, but only one signature for the respective address is required.
- d. The postmarked certified receipts and/or petitions shall be submitted to the staff of the department of community development services pursuant to the city development calendar along with:
1. A map showing the location of the property in question as well as the owners within 200 feet of the property; and
 2. A letter from the applicant certifying that the map shows a complete list of those property owners."

PASSED THIS ___ DAY OF _____, 2016.

Motion to adopt made by:

Ayes:

Nays:

Motion:

APPROVED:

Mayor Peter Christie

ATTEST:

Wayne Jertson
City Clerk

APPROVED AS TO FORM:

Jason B. Kelley, Staff Attorney

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

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

MEETING DATE: August 22, 2016

AGENDA ITEM: Ordinance-2016-

ITEM TITLE: Amending Municipal Code Regulations Concerning the Board of Construction Appeals in Section 103-44 and 103-45 and for other purposes

SUBMITTED BY: Jennifer Bonner, Senior Planner

SUMMARY: The Board of Construction Appeals met for almost every month during the first half of 2016 to create the revised language that:

1. Expands the board's membership from 5 to 7;
2. Adds the fact that a vice-chair is elected each year;
3. Changes the language to reflect that meetings are scheduled monthly, but not always held;
4. Adds language to define the powers and duties of the Board;
5. Explains what an appeal to the Board does until it is heard;
6. Replaces the word "Variance" (generally refers to zoning issues) with the word "Exception" (found in the International Building Code);
7. Adds language to state what an appeal application should contain;
8. Adds language to list guidelines for the Board to use when reviewing an appeal application;
9. Adds language that states the time period of appeal approval; and
10. Adds language for applying for an appeal re-consideration to the Board.

The Board met on July 12, 2016, where it received a unanimous vote to recommend the language changes shown in the attached ordinance.

ATTACHMENT: Ordinance Resolution Other

RECOMMENDATION: The Board of Construction Appeals and Staff both recommend approval of this ordinance.

ACTION REQUESTED: Motion to adopt

ORDINANCE NO. 2016-__

CITY OF BELLA VISTA

AMENDING THE BELLA VISTA CITY CODE CONCERNING THE NUMBER OF MEMBERS ON THE BOARD OF CONSTRUCTION APPEALS IN SECTION 103-44(a)(1); THE BOARD'S ORGANIZATION IN SECTION 103-44(b); THE BOARD'S POWERS AND DUTIES IN SECTION 103-44(c); APPEALS AND THE APPLICATION PROCESS IN SUB-SECTIONS 103-45(a), (e)-(h); AND FOR OTHER PURPOSES

WHEREAS, the City Council passed Ordinance 2009-24 to adopt the Building Code Section 100.03 for the creation, appointment, and organization of the Board of Construction Appeals in November 2009; and

WHEREAS, the City Council passed Ordinance 2009-24 to adopt the Building Code Section 100.04 for the appeals to the Board of Construction Appeals in November 2009.

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

Section 1: That Section 103-44(a)(1)(a) of the Bella Vista City Code shall be amended to read as follows:

"The board of construction appeals shall consist of five members. Effective on the date of adoption of the 2016 ordinance amending this section, the board membership shall be expanded to seven members. These two additional positions shall expire on the same schedule as current position 1."

Section 2: That Section 103-44(b)(1) of the Bella Vista City Code shall be amended to read as follows:

"(1) *Officers.* A chairperson, vice-chair, and secretary shall be elected annually board of construction appeals from among its membership. The chairperson, or in his absence, the vice-chair and then the secretary, shall preside at all meetings, shall decide all points of order or procedure, and, as necessary, shall administer oaths and compel the attendance of witnesses."

Section 3: That Section 103-44(b)(3) of the Bella Vista City Code shall be amended to read as follows:

"(3) *Meetings.* Meetings shall be scheduled at least once monthly. Special meetings may be called, subject to notification by law, by the chair or by a majority of the membership. If no business is pending before the Board, the meeting may be cancelled. All meetings shall be open to the public."

Section 4: That Section 103-44(c) of the Bella Vista City Code shall be added to read as follows:

"(c) *Powers and duties.* The board of construction appeals shall have all the powers and duties prescribed by law and by this article. Claims and appeals to the board are limited to reviewing and determining:

- (1) The true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted;
- (2) Whether the code does not full apply; and/or
- (3) Whether an equally good or better form of construction is proposed."

Section 5: That Section 103-45 of the Bella Vista City Code shall be amended to read as follows:

"(a) When the building official shall disapprove an application, or the applicant is aggrieved by the interpretation of the building official, the applicant may appeal such decisions to the board of construction appeals. An appeal shall stay all proceedings of the action appealed, unless the person affected by such appeal certifies to the board of construction appeals by reason of facts stated in the certificate, that a stay would, in his opinion, cause imminent peril to life or property. In such case,

proceedings shall not be stayed other than by a restraining order which may be granted by the Board or a court of record on application, and notice to the person from whom the appeal was taken.

- (b) Requests for exceptions from the building code may be made to the board of construction appeals when an applicant wishes to deviate from standard construction methods outlined in the building code.
- (c) All appeals to the board of construction appeals shall be made on forms furnished by the building official and approved by the mayor. All such appeals shall be accompanied by payment of the currently adopted fee.
- (d) All appeals from final actions taken by the board of construction appeals shall be taken to the circuit court by any person or persons, or any board, taxpayer, department, or bureau of the City aggrieved by any decision of the board of construction appeals.
- (e) *Application.*
 - (1) *Written Application.* All exception requests shall be made to the board of construction appeals pursuant to the City's development calendar after a decision has been rendered by the building official and/ or his or her designee. Every appeal or application shall refer to the specific provision of this Code involved and shall exactly set forth:
 - a. The interpretation that is claimed;
 - b. The reason for which the permit is sought; and
 - c. The grounds on which it is claimed that the exception should be granted.
 - (2) *Scale Drawing.* Each applicant shall submit, pursuant to the Bella Vista development calendar, a scale drawing or detail showing the requested exception along with all relevant information.
 - (3) *Submittal.* The appeal or application shall be filed with the building official or his / her designee who shall forthwith transmit to the board all papers constituting the record upon which the action being appealed from was taken.
 - (4) *Fees.* The fee for any appeal or application to the board of construction appeals shall be established by the city council, are subject to periodic change, and are non-refundable. Fees shall be paid when the application is filed. The mayor may exempt all or part of the applicable fee if the waiver or reduction would serve the public interest, alleviate an unfair burden upon on applicant, or be beneficial to the City as a whole.
- (f) *Review Guidance.*
 - (1) An exception from the terms of this Code shall not be granted by the board of construction appeals unless and until the applicant demonstrates at least one of the following:
 - a. Special conditions and circumstances exist which are peculiar to only this structure or building and not to any other; or
 - b. Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties under the Code; or
 - c. Special conditions and / or circumstances do not result from the actions of the applicant and if they do, what the conditions and / or circumstances are; or
 - d. The reasons set forth in the exception application justify the granting of the exception will be in harmony with the spirit, general purpose, and intent of this Code; or
 - e. The reasons set forth in the application are the minimum that will make possible the reasonable use of the building or structure.
 - (2) *Conditions.* In granting any exception, the board of construction appeals may prescribe additional appropriate conditions and safeguards that it deems necessary or desirable. The exception also shall not:
 - a. Be injurious to the neighborhood or otherwise detrimental to the public health, safety, and welfare; or
 - b. Remove the obligations of the applicant to meet all other applicable codes, ordinances, laws, or statutes.
 - (3) *Violations.* Violations of any conditions and safeguards, when made a part of the terms under which the exception is granted, shall be deemed a violation of this Code.
 - (4) *Allowances.* Under no circumstances shall the board of construction appeals grant an exception that is contrary to the intent of this Code.
- (g) *Time Limit on Permits.* Applicants must start or establish the uses of lands, structures, or buildings within one hundred eighty (180) days from the date of approval or the exception will become null and void.

(h) *Reconsideration.* If a request is denied, it shall not be reconsidered by the board of construction appeals within one year from the date of denial of the exception request. The resubmission must meet all requirements for an exception request and will be considered a new exception request.”

Motion to adopt made by _____ and seconded by _____ .

Ayes: _____ Nays: _____ Motion was passed by a majority vote.

Passed this _____ day of _____, 2016.

APPROVED:

Peter Christie
Mayor

ATTEST:

Wayne Jertson
City Clerk

APPROVED AS TO FORM:

Jason Kelley
Staff Attorney

Prepared by: Jennifer Bonner, Senior Planner

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

MEETING DATE: August 22, 2016

AGENDA ITEM: Ordinance-2016-

ITEM TITLE: Accepting and Confirming Easements and Rights-of-Way Dedicated to the Public on Parcel 18-07983-003 (addressed 9051 Commonwealth Road) and for other purposes

SUBMITTED BY: Jennifer Bonner, Senior Planner

SUMMARY: The Planning Commission reviewed IS-2016-23982 on August 8, 2016, where it received a unanimous vote to accept the required easement and right-of-way dedications depicted.

The survey instrument incorporated into the ordinance adds a property line to separate the existing single parcel into two parcels. The parcels are in sectional land that has never had road right-of-way or easements dedicated. The City's subdivision regulations requires the dedication of easements and right-of-way when subdividing land.

ATTACHMENT: Ordinance Resolution Other

RECOMMENDATION: Planning Commission and Staff both recommend approval of this ordinance. We are also requesting that the City Council waive its normal three (3) readings to expedite the dedications to the public as soon as the plat can be signed and recorded at the County offices.

ACTION REQUESTED: Motion to adopt

ORDINANCE NO. 2016-_____

**ACCEPTING AND CONFIRMING EASEMENTS AND RIGHTS-OF-WAY
DEDICATED TO THE PUBLIC ON PARCEL 18-07983-003, KNOWN AS
9051 COMMONWEALTH ROAD, AND FOR OTHER PURPOSES.**

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

WHEREAS, the Planning Commission held a public hearing on August 8, 2016, and heard all interested parties related to IS-2016-23982; and

WHEREAS, the Planning Commission unanimously recommends acceptance of the easements and right-of-way to the City Council 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 publicly dedicated easements and rights-of-way shown in the attached Exhibit A, which is attached hereto and made a part of, are hereby accepted and confirmed for public use.

Motion to adopt made by _____ and seconded by _____ .

Ayes: _____ Nays: _____ Motion was passed by a majority vote.

Passed this _____ day of _____, 2015.

ATTEST:

APPROVED:

Wayne Jertson
City Clerk

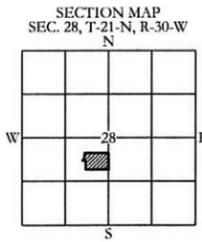
Peter Christie
Mayor

APPROVED AS TO FORM:

Jason Kelley
Staff Attorney

Prepared by: Jennifer Bonner, Senior Planner

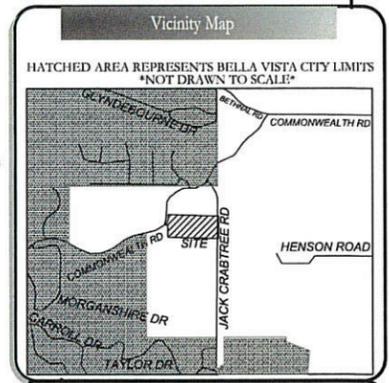
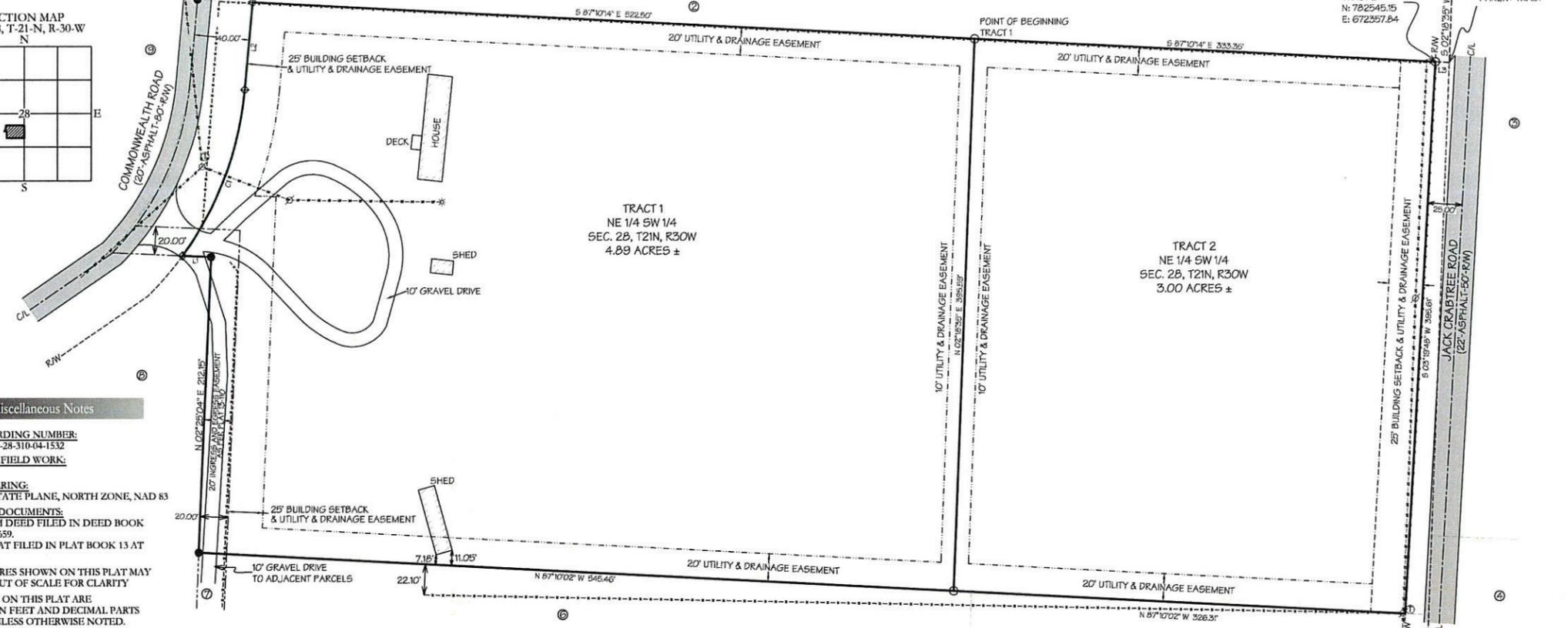
TRACT SPLIT



LINE	BEARING	DISTANCE
L1	N 87°37'39" W	20.68'
L2	N 05°11'24" E	62.80'
L3	N 87°10'14" W	10.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	237.18'	126.52'	126.95'	N 20°42'46" E

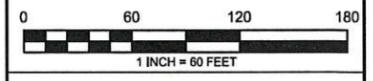
PARENT TRACT
PARCEL #18-07983-003
8.20 ACRES ±



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 (REQUIRED 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 10TH DAY OF JULY, 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.

Miscellaneous Notes

STATE RECORDING NUMBER:
500-21N-30W-0-28-310-04-1532

COMPLETED FIELD WORK:
JULY 6, 2016

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

REFERENCE DOCUMENTS:
1. QUIT CLAIM DEED FILED IN DEED BOOK 90 AT PAGE 2659.
2. SURVEY PLAT FILED IN PLAT BOOK 13 AT PAGE 110.

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. 05007C0085J, WHICH BEARS AN EFFECTIVE DATE OF 5/28/2007 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

Owner/Developer

RICHMOND, ROBYN H
9051 COMMONWEALTH ROAD
BENTONVILLE, AR 72712
PARCEL #18-07983-003

Legend of Symbols & Abbreviations

- FORTY LINE
- PROPERTY LINE
- FENCE LINE
- CENTERLINE OF ROAD
- RIGHT OF WAY
- BUILDING SETBACK
- ACCESS EASEMENT
- OVERHEAD POWER LINE
- FOUND 5/8" REBAR
- SET IRON PIN
- ⊕ POWER POLE
- ⊕ COMPUTED POINT
- * LIGHT POLE
- ADJACENT PROPERTY LINE

Zoning & Setback Information

ZONING:
BELLA VISTA UNINCORPORATED AREAS

SETBACKS:
FRONT: 25'
REAR: NONE
SIDE: NONE

Adjacent Land Owners

- HALE, DENNIS D
9079 COMMONWEALTH ROAD
BENTONVILLE, AR 72712
PARCEL #18-07983-016
- PARKER, MICHAEL & CHRISTINA
CO-TRUSTEES
9181 COMMONWEALTH ROAD
BENTONVILLE, AR 72712
PARCEL #18-07983-001
- GIBSON, ANDREW R & JULIETTE C
15580 JACK CRABTREE ROAD
BENTONVILLE, AR 72712
PARCEL #18-07988-000
- DEATON, RICHARD W & LORI A
TRUSTEES
15448 JACK CRABTREE ROAD
BENTONVILLE, AR 72712
PARCEL #18-07983-013
- ALLEN, NAOMI
9304 COMMONWEALTH ROAD
BENTONVILLE, AR 72712
PARCEL #18-07983-000
- RICHMOND, ROBYN H
9051 COMMONWEALTH ROAD
BENTONVILLE, AR 72712
PARCEL #18-07983-005
- RODNEY, ROBERT C & AMY L
9047 COMMONWEALTH ROAD
BENTONVILLE, AR 72712
PARCEL #18-07983-011
- CRABTREE, JACKIE & FREIDA
TRUSTEES
2204 FORD STREET
PEA RIDGE, AR 72751
PARCEL #18-07984-000
- STONE, DUANE W ET AL
TRUSTEES
13599 RIVENDELL LANE
BENTONVILLE, AR 72712
PARCEL #18-07982-000

Survey Description

PARENT TRACT (PARCEL #18-07983-003)
A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 21 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS LOCATED S02°18'35"W 523.38' FROM THE NORTHEAST CORNER OF THE SAID 40 ACRE TRACT, SAID POINT BEING LOCATED IN THE WEST RIGHT OF WAY OF JACK CRABTREE ROAD, AND RUNNING THENCE S02°18'35"W 395.61', THENCE LEAVING SAID RIGHT OF WAY AND RUNNING N87°10'02"W 888.81', THENCE N02°25'04"E 212.15', THENCE N87°37'39"W 71.43' TO THE CENTERLINE OF COMMONWEALTH ROAD, AND RUNNING THENCE THE FOLLOWING COURSES AND DISTANCES: N86°17'27"E 67.62', N14°43'18"E 67.91', N03°46'43"E 61.11', THENCE LEAVING SAID CENTERLINE AND RUNNING S87°10'14"E 905.88' TO THE POINT OF BEGINNING, CONTAINING IN ALL 8.20 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS OF WAY RECORD.

TRACT 1
A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 21 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS LOCATED S02°18'35"W 523.38' AND N87°10'14"W 343.35' FROM THE NORTHEAST CORNER OF THE SAID 40 ACRE TRACT, SAID POINT BEING A SET IRON PIN, AND RUNNING THENCE S02°18'35"W 395.59' TO A SET IRON PIN, THENCE N87°10'02"W 545.46' TO A FOUND 5/8" REBAR, THENCE N02°25'04"E 212.15' TO A FOUND 5/8" REBAR, THENCE N87°37'39"W 20.68' TO A POINT ON THE EAST RIGHT OF WAY LINE OF COMMONWEALTH ROAD, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 2 COURSES: ALONG A CURVE TO THE LEFT WITH A RADIUS OF 237.18', WITH AN ARC LENGTH OF 126.52' AND A CHORD BEARING AND DISTANCE OF N20°42'46"E 126.95' AND N05°11'24"E 62.80', THENCE LEAVING SAID RIGHT OF WAY AND RUNNING THENCE S87°10'14"E 522.50' TO THE POINT OF BEGINNING, CONTAINING IN ALL 4.89 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS OF WAY RECORD.

TRACT 2
A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 21 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS LOCATED S02°18'35"W 523.38' AND N87°10'14"W 10.00' FROM THE NORTHEAST CORNER OF THE SAID 40 ACRE TRACT, SAID POINT BEING LOCATED ON THE WEST RIGHT OF WAY OF JACK CRABTREE ROAD, AND RUNNING ALONG SAID RIGHT OF WAY S03°19'48"W 395.61', THENCE LEAVING SAID RIGHT OF WAY AND RUNNING THENCE N87°10'02"W 326.31' TO A SET IRON PIN, THENCE N02°18'35"E 395.59' TO A SET IRON PIN, THENCE S87°10'14"E 333.35' TO THE POINT OF BEGINNING, CONTAINING IN ALL 3.00 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS OF WAY RECORD.

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 THE STREETS, ALLEYS, DRIVES, AND EASEMENTS AS SHOWN ON SAID PLAT.

DATE OF EXECUTION: _____

SIGNED: _____

SOURCE OF TITLE: BOOK 90, PAGE 2659

STATE OF ARKANSAS
COUNTY OF BENTON
SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 2016.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

CERTIFICATE OF SURVEYING ACCURACY

T. BUCKLEY D. BLEW, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION: _____

SIGNED: _____
REGISTERED LAND SURVEYOR
NO. 1532

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 THE AUTHORITY OF THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION: _____

SIGNED: _____
MAYOR, CITY OF BELLA VISTA

APPROVAL NOTE: *APPROVAL OF THIS PLAT DOES NOT CARRY ANY ASSURANCES THAT THE TRACT OR TRACTS WILL QUALIFY FOR A SEPTIC SYSTEM PERMIT FROM THE ARKANSAS HEALTH DEPARTMENT*

UTILITY EASEMENTS:

WE HEREBY CERTIFY THAT ALL UTILITY EASEMENTS SHOWN ON THIS PLAT ARE SATISFACTORY FOR PROVIDING SERVICE IF AND WHEN SERVICE IS AVAILABLE.

CARROLL ELECTRIC COOPERATIVE CORPORATION: _____

PEA RIDGE WATER AND SEWER: _____

AT&T: _____ COX: _____

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:
JH 7-10-16	D.N.	D.A.
COUNTY & STATE:	JOB NUMBER:	
BENTON COUNTY, AR	16-916	
LOCATION:		
9051 COMMONWEALTH ROAD BENTONVILLE, AR		
FOR THE USE AND BENEFIT OF:		
ROBYN AND JAMES KIRKLAND		

TRACT SPLIT

PARENT TRACT
PARCEL #18-07983-003
8.20 ACRES ±

TRACT 1
NE 1/4 SW 1/4
SEC. 28, T21N, R30W
4.89 ACRES ±

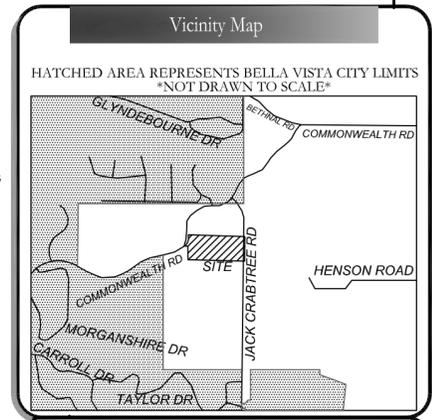
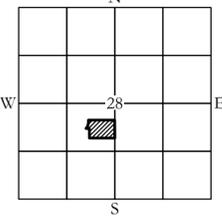
TRACT 2
NE 1/4 SW 1/4
SEC. 28, T21N, R30W
3.00 ACRES ±

LINE	BEARING	DISTANCE
L1	N 87°37'39" W	20.68'
L2	N 05°11'24" E	62.80'
L3	N 87°10'14" W	10.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	237.18'	128.52'	126.95'	N 20°42'46" E



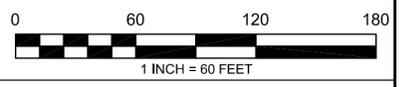
SECTION MAP
SEC. 28, T-21-N, R-30-W



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 10TH DAY OF JULY, 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.

FIRM:
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:
JH 7-10-16	D.N.	D.A.

COUNTY & STATE:	JOB NUMBER:
BENTON COUNTY, AR	16-916

LOCATION:
9051 COMMONWEALTH ROAD BENTONVILLE, AR

FOR THE USE AND BENEFIT OF:
ROBYN AND JAMES KIRKLAND

Miscellaneous Notes

STATE RECORDING NUMBER:
500-21N-30W-0-28-310-04-1532

COMPLETED FIELD WORK:
JULY 6, 2016

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

REFERENCE DOCUMENTS:
1. QUIT CLAIM DEED FILED IN DEED BOOK 90 AT PAGE 2659.
2. SURVEY PLAT FILED IN PLAT BOOK 13 AT PAGE 110.

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. 05007C0085J, WHICH BEARS AN EFFECTIVE DATE OF 9/28/2007 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

Owner/Developer

RICHMOND, ROBYN H
9051 COMMONWEALTH ROAD
BENTONVILLE, AR 72712
PARCEL #18-07983-003

Legend of Symbols & Abbreviations

- FORTY LINE
- PROPERTY LINE
- FENCE LINE
- CENTERLINE OF ROAD
- RIGHT OF WAY
- BUILDING SETBACK
- ACCESS EASEMENT
- OVERHEAD POWER LINE
- FOUND 5/8" REBAR
- SET IRON PIN
- ⊕ POWER POLE
- ⊙ COMPUTED POINT
- * LIGHT POLE
- ADJACENT PROPERTY LINE

Zoning & Setback Information

ZONING:
BELLA VISTA UNINCORPORATED AREAS

SETBACKS:
FRONT: 25'
REAR: NONE
SIDE: NONE

Adjacent Land Owners

- HALE, DENNIS D
9079 COMMONWEALTH ROAD
BENTONVILLE, AR 72712
PARCEL #18-07983-016
- PARKER, MICHAEL & CHRISTINA CO-TRUSTEES
9181 COMMONWEALTH ROAD
BENTONVILLE, AR 72712
PARCEL #18-07983-001
- GIBSON, ANDREW R & JULIETTE C
15580 JACK CRABTREE ROAD
BENTONVILLE, AR 72712
PARCEL #18-07988-000
- DEATON, RICHARD W & LORI A TRUSTEES
15448 JACK CRABTREE ROAD
BENTONVILLE, AR 72712
PARCEL #18-07983-013
- ALLEN, NAOMI
9304 COMMONWEALTH ROAD
BENTONVILLE, AR 72712
PARCEL #18-07983-000
- RICHMOND, ROBYN H
9051 COMMONWEALTH ROAD
BENTONVILLE, AR 72712
PARCEL #18-07983-005
- RODNEY, ROBERT C & AMY L.
9047 COMMONWEALTH ROAD
BENTONVILLE, AR 72712
PARCEL #18-07983-011
- CRABTREE, JACKIE & FREIDA TRUSTEES
2204 FORD STREET
PEA RIDGE, AR 72751
PARCEL #18-07984-000
- STONE, DUANE W ET AL TRUSTEES
13599 RIVENDELL LANE
BENTONVILLE, AR 72712
PARCEL #18-07982-000

Survey Description

PARENT TRACT (PARCEL #18-07983-003)
A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 21 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS LOCATED S02°18'35"W 523.38' FROM THE NORTHEAST CORNER OF THE SAID 40 ACRE TRACT, SAID POINT BEING LOCATED IN THE WEST RIGHT OF WAY OF JACK CRABTREE ROAD, AND RUNNING THENCE S02°18'35"W 395.61', THENCE LEAVING SAID RIGHT OF WAY AND RUNNING N87°10'02"W 888.81', THENCE N02°25'04"E 212.15', THENCE N87°37'39"W 71.43' TO THE CENTERLINE OF COMMONWEALTH ROAD, AND RUNNING THENCE THE FOLLOWING COURSES AND DISTANCES: N36°17'12"E 67.62', N14°43'18"E 67.91', N03°46'43"E 61.11', THENCE LEAVING SAID CENTERLINE AND RUNNING S87°10'14"E 905.88' TO THE POINT OF BEGINNING, CONTAINING IN ALL 8.20 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY RECORD.

TRACT 1
A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 21 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS LOCATED S02°18'35"W 523.38' AND N87°10'14"W 343.35' FROM THE NORTHEAST CORNER OF THE SAID 40 ACRE TRACT, SAID POINT BEING A SET IRON PIN, AND RUNNING THENCE S02°18'35"W 395.59' TO A SET IRON PIN, THENCE N87°10'02"W 545.46' TO A FOUND 5/8" REBAR, THENCE N02°25'04"E 212.15' TO A FOUND 5/8" REBAR, THENCE N87°37'39"W 20.68' TO A POINT ON THE EAST RIGHT OF WAY LINE OF COMMONWEALTH ROAD, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 2 COURSES: ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 237.18', WITH AN ARC LENGTH OF 128.52' AND A CHORD BEARING AND DISTANCE OF N20°42'46"E 126.95' AND N05°11'24"E 62.80', THENCE LEAVING SAID RIGHT OF WAY, AND RUNNING THENCE S87°10'14"E 522.50' TO THE POINT OF BEGINNING, CONTAINING IN ALL 4.89 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY RECORD.

TRACT 2
A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 21 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS LOCATED S02°18'35"W 523.38' AND N87°10'14"W 10.00' FROM THE NORTHEAST CORNER OF THE SAID 40 ACRE TRACT, SAID POINT BEING LOCATED ON THE WEST RIGHT OF WAY OF JACK CRABTREE ROAD, AND RUNNING ALONG SAID RIGHT OF WAY S03°19'48"W 395.61', THENCE LEAVING SAID RIGHT OF WAY AND RUNNING THENCE N87°10'02"W 326.31' TO A SET IRON PIN, THENCE N02°18'35"E 395.59' TO A SET IRON PIN, THENCE S87°10'14"E 333.35' TO THE POINT OF BEGINNING, CONTAINING IN ALL 3.00 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY RECORD.

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 THE STREETS, ALLEYS, DRIVES, AND EASEMENTS AS SHOWN ON SAID PLAT.

DATE OF EXECUTION: _____

SIGNED: _____

SOURCE OF TITLE: BOOK 90, PAGE 2659

STATE OF ARKANSAS
COUNTY OF BENTON
SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF _____ 2016.

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

CERTIFICATE OF SURVEYING ACCURACY

I, BUCKLEY D. BLEW, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION: _____

SIGNED: _____
REGISTERED LAND SURVEYOR
NO. 1532

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 THE AUTHORITY OF THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION: _____

SIGNED: _____
MAYOR, CITY OF BELLA VISTA

APPROVAL NOTE: "APPROVAL OF THIS PLAT DOES NOT CARRY ANY ASSURANCES THAT THE TRACT OR TRACTS WILL QUALIFY FOR A SEPTIC SYSTEM PERMIT FROM THE ARKANSAS HEALTH DEPARTMENT"

UTILITY EASEMENTS:

WE HEREBY CERTIFY THAT ALL UTILITY EASEMENTS SHOWN ON THIS PLAT ARE SATISFACTORY FOR PROVIDING SERVICE IF AND WHEN SERVICE IS AVAILABLE.

CARROLL ELECTRIC COOPERATIVE CORPORATION: _____

PEA RIDGE WATER AND SEWER: _____

AT&T: _____ COX: _____

ORDINANCE NO. 2016-_____

**ACCEPTING AND CONFIRMING EASEMENTS AND RIGHTS-OF-WAY
DEDICATED TO THE PUBLIC ON PARCEL 18-07983-003, KNOWN AS
9051 COMMONWEALTH ROAD, AND FOR OTHER PURPOSES.**

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

WHEREAS, the Planning Commission held a public hearing on August 8, 2016, and heard all interested parties related to IS-2016-23982; and

WHEREAS, the Planning Commission unanimously recommends acceptance of the easements and right-of-way to the City Council 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 publicly dedicated easements and rights-of-way shown in the attached Exhibit A, which is attached hereto and made a part of, are hereby accepted and confirmed for public use.

Motion to adopt made by _____ and seconded by _____ .

Ayes: _____ Nays: _____ Motion was passed by a majority vote.

Passed this _____ day of _____, 2015.

ATTEST:

APPROVED:

Wayne Jertson
City Clerk

Peter Christie
Mayor

APPROVED AS TO FORM:

Jason Kelley
Staff Attorney

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

MEETING DATE: August 22, 2016

AGENDA ITEM:

ITEM TITLE: A Resolution Approving a Contract Amendment with Crafton Tull & Associates, Inc. for Architectural Services Related to the Expansion of the City Street Department Facility, Amending the 2016 Capital Building Budget, and For Other Purposes

SUBMITTED BY: Christopher Suneson, PLA

SUMMARY EXPLANATION: The City entered into a contract with Crafton Tull & Associates to provide architectural and engineering services for the Street Department facility on October 28, 2014. The contract was a percentage of construction costs fee structures and was estimated to be valued at \$123,722.50, based on a budgeted \$2,249,500 project.

During the course of design, the project budget inflated considerably due to the originally desired location of the building. With construction estimates in excess of \$3 million, the administration directed the architect and engineer to relocate the site design so that it was better aligned with estimated budget amounts. Because this was an expansion in scope to the original contract, the contract scope was amended to accommodate the relocation in the amount of \$32,500, bringing the total contract amount to approximately \$155,222.50.

With the building constructed and change orders accounted for, the final construction costs under the both the architectural and construction management contracts for the Street Department building were \$2,059,601.67. As a result, the architectural contract was finalized with a value of \$147,035.44, a savings of approximately \$9,000.

Over the course of the project, program elements were cut in order to save costs and remain in budget. One such item was approximately 700 sq. ft. of area from the main building whose purpose is to store tires for the City's vehicle fleet. With the cost savings, the administration has decided to add onto the existing building to provide for this program element. As such, the architect has provided a subsequent amendment to the architectural contract in order to prepare plans for the expansion. The value of the amendment is approximately \$5,500.

ATTACHMENT: ORDINANCE RESOLUTION OTHER

RECOMMENDATION: Staff is recommending approval of the resolution.

ACTION REQUESTED:
Motion to adopt

 **AIA[®] Document G802[™] – 2007*****Amendment to the Professional Services Agreement***

Amendment Number: 01

TO: Peter A. Christie, Mayor
(Owner or Owner's Representative)

In accordance with the Agreement dated: 10/28/2014

BETWEEN the Owner:

(Name and address)
City of Bella Vista, AR
101 Town Center
P.O. Box 5655
Bella Vista, AR 72714

and the Architect:

(Name and address)
Crafton, Tull & Associates, Inc.
901 N. 47th Street, Suite 200
Rogers, AR 72756

for the Project:

(Name and address)
City of Bella Vista Street Department Facility
2471 Forest Hills Blvd
Bella Vista, AR 72714

Authorization is requested

- to proceed with Additional Services.
 to incur additional Reimbursable Expenses.

As follows:

Provide architectural design/ documentation services (including structural and electrical engineering) for a 14' x 50' storage addition to the recently completed Street Department Building. The additional shall not have any plumbing or mechanical systems.

The following adjustments shall be made to compensation and time.

(Insert provisions in accordance with the Agreement, or as otherwise agreed by the parties.)

Compensation:

- 1) Structural design/ documentation for the metal building addition shall be performed as a lump sum fee of Two Thousand Dollars and Zero Cents (\$2,000.00).
- 2) Electrical design/ documentation for the metal building addition shall be performed hourly.
- 3) Architectural design/ documentation for the metal building addition shall be performed hourly.

Time:

TBD

SUBMITTED BY:

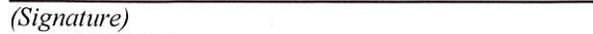

(Signature)

Mark Owings, AIA
Sr. VP, Architecture

(Printed name and title)

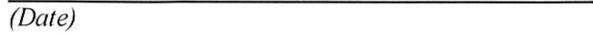

(Date)

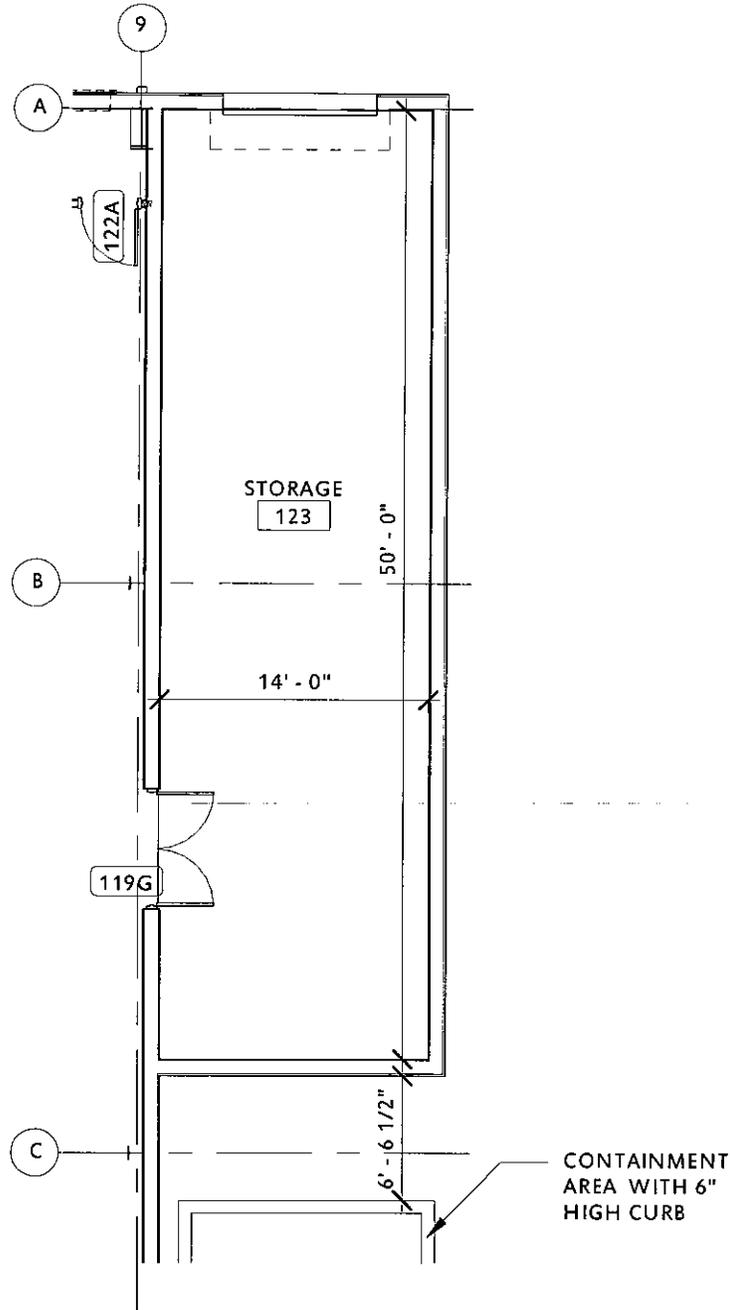
AGREED TO:


(Signature)

Peter A. Christie,
Mayor

(Printed name and title)


(Date)



1

STORAGE ROOM PLAN

1" = 10'-0"



BELLA VISTA STREET DEPT. BLDG.

PROJECT NO: 14108900
 ISSUE DATE: 07/11/16
 CONTACT: M.OWINGS
 CHECKED BY:
 REVISION:



This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Crafton, Tull & Associates, Inc., and is not to be used, in whole or in part, for any other project, without the written authorization of Crafton, Tull & Associates, Inc.

© 2016 Crafton, Tull & Associates, Inc.

Unnamed

EXHIBIT "A"



Exhibit "B"

Standard Hourly Rate Schedule
Effective January 2, 2016

Category	Hourly Rate
ARCHITECTURE	
VICE PRESIDENT OF ARCHITECTURE	\$ 155
DIRECTOR OF ARCHITECTURE	\$ 145
SR. PROJECT MANAGER	\$ 135
PROJECT MANAGER	\$ 125
SR. PROJECT ARCHITECT	\$ 110
PROJECT ARCHITECT	\$ 100
INTERN ARCHITECT III	\$ 95
INTERN ARCHITECT II	\$ 85
INTERN ARCHITECT I	\$ 75
SR. DESIGNER	\$ 120
DESIGNER III	\$ 105
DESIGNER II	\$ 85
DESIGNER I	\$ 75
BIM COORDINATOR III	\$ 70
BIM COORDINATOR II	\$ 55
BIM COORDINATOR I	\$ 40
LANDSCAPE ARCHITECTURE	
SR. LANDSCAPE ARCHITECT	\$ 120
PROJECT LANDSCAPE ARCHITECT	\$ 90
LANDSCAPE ARCHITECTURE DESIGNER	\$ 80
LANDSCAPE ARCHITECT INTERN	\$ 55
PLANNING	
PLANNING MANAGER	\$ 140
SR. PLANNER	\$ 120
PLANNER	\$ 90
PLANNER INTERN	\$ 55

Category	Hourly Rate
ADMINISTRATIVE	
ADMINISTRATIVE PRINCIPAL	\$ 170
ADMINISTRATIVE MANAGER	\$ 120
ADMINISTRATIVE IV	\$ 80
ADMINISTRATIVE III	\$ 65
ADMINISTRATIVE II	\$ 45
ADMINISTRATIVE I	\$ 35
REIMBURSABLE EXPENSES	
Job Related Mileage.....	\$0.54/Mile
Airfare and other travel related expenses.....	At Cost
Black and white 8.5"x11" Copies	\$0.15/sheet
Color 8.5"x11" Copies	\$1.50/sheet
Photo Paper Color Plan Sheet Copies	\$0.75/sq. ft.
Reproducible Plan Copies (Vellum)	\$1.50/sq. ft.
Reproducible Plan Copies (Bond)	\$0.35/sq. ft.
All rates are subject to change without notice.	

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**APPROVING A CONTRACT AMENDMENT WITH CRAFTON TULL & ASSOCIATES, INC.
FOR ARCHITECTURAL SERVICES RELATED TO THE EXPANSION OF THE CITY
STREET DEPARTMENT FACILITY, AMENDING THE 2016 CAPITAL BUILDING
BUDGET, AND FOR OTHER PURPOSES**

WHEREAS, the City of Bella Vista entered into a contract for architectural and engineering services with Crafton Tull & Associates on October 28, 2014, in the estimated amount of \$123,722.50 based on construction costs for the City Street Department facility; and

WHEREAS, the contract was later amended under Resolution 2015-22 in the amount of \$32,500, to redesign the facility layout due to construction budget concerns; and

WHEREAS, the construction costs for Street Department facility came in under budget thereby saving expenses on the percentage of construction costs portion of the architectural contract in the amount of approximately \$9,000; and

WHEREAS, the need to extend the Street Department building has arisen, requiring the services of an architect.

**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 contract amendment, a copy of which is attached to this Resolution as Exhibit "A", with Crafton Tull & Associates, Inc. for architectural services in the estimated amount of \$5,500.

Section 2: Said amount shall be paid from previously approved funds from the City's capital reserves.

PASSED THIS ___ DAY OF _____, 2015.

Motion to adopt made by:

Ayes:

Nays:

Motion:

APPROVED:

Mayor Peter Christie

ATTEST:

Wayne Jertson
City Clerk

APPROVED AS TO FORM:

Jason B. Kelley, Staff Attorney

Prepared by: Christopher Suneson, PLA, Director of Planning, Building, and Code Enforcement

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH SUPERIOR AUTO GROUP OF SILOAM SPRINGS, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR THE PURCHASE OF ONE (1) 2016 DODGE CHARGER POLICE VEHICLE, IN THE AMOUNT OF \$23,165.00, PLUS \$4,500.00 FOR NEEDED VEHICLE EQUIPMENT, FOR USAGE BY THE POLICE DEPARTMENT

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 Superior Auto Group of Siloam Springs, pursuant to a state procurement contract, for the purchase of one (1) 2016 Dodge Charger police vehicle, in the amount of \$23,165.00, plus \$4,500.00 for needed vehicle equipment, for usage by the Police Department.

PASSED THIS _____ DAY OF _____, 2016.

APPROVED:

Mayor Peter Christie

ATTEST:

City Clerk Wayne Jertson

Requested by Mayor Christie
Prepared by Jason Kelley, Staff Attorney

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

MEETING DATE: 8/15/2016 & 8/22/2016

AGENDA ITEM: Approving a FEMA Assistance to Firefighters Grant (FEMA)(AFG) for Power Cots and Power Loaders for use in the ambulances by the fire department

ITEM TITLE: AUTHORIZING ACCEPTANCE OF A 90%/10% MATCHING GRANT THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) IN AN AMOUNT NOT EXCEEDING \$250,000.00 TO FUND THE PURCHASE OF SIX (6) POWER COTS AND SIX (6) LOADERS FOR USAGE ON AMBULANCES BY THE FIRE DEPARTMENT

SUBMITTED BY: Chief Stephen R Sims

SUMMARY EXPLANATION: The fire department applied in January 2016 for the physical year 2015 Assistance to Firefighters Grant Program (AFG) for safety in the fire service. This grant was applied for after the 2016 budget had been submitted and approved. If the council approves this grant we will make the necessary budget amendments during the September 2016 council work sessions and meeting. We were notified in July that we were awarded the grant in the amount of \$185,000.00 it was later determined that it would not be enough to fund what was awarded. We contacted FEMA (AFG) and they agreed and told us to submit an amendment to the grant. An amendment was submitted and we were told by our representative from the (AFG) that it looked like additional funding would be awarded. At the time of this resolution amendment to the grant notification has not been received.

ATTACHMENT: ORDINANCE RESOLUTION OTHER

RECOMMENDATION: The fire department staff and the administration recommend the acceptance of this grant. This will help decrease risk of injury for our EMT's and Paramedics when working with patients in the home and loading them in the ambulance.

ACTION REQUESTED:
Motion to adopt

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

AUTHORIZING ACCEPTANCE OF A 90%/10% MATCHING GRANT THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) IN AN AMOUNT NOT EXCEEDING \$250,000.00 TO FUND THE PURCHASE OF SIX (6) POWER COTS AND SIX (6) LOADERS FOR USAGE ON AMBULANCES BY THE FIRE 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 hereby authorizes acceptance of a 90%/10% matching grant through the Federal Emergency Management Agency (FEMA) in an amount not exceeding \$250,000.00 to fund the purchase of six (6) power cots and six (6) loaders for usage on ambulances by the Fire Department.

PASSED THIS _____ DAY OF _____, 2016.

APPROVED:

Mayor Peter Christie

ATTEST:

City Clerk Wayne Jertson

Requested by Mayor Christie
Prepared by Jason Kelley, Staff Attorney

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

MEETING DATE: 8/22/2016

AGENDA ITEM: WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH STRYKER INC. OF CHICAGO, ILLINOIS IN AN AMOUNT NOT TO EXCEED \$248,000.00 FOR THE PURCHASE OF SIX (6) POWER COTS AND SIX (6) AMBULANCE POWER LOADERS FOR USAGE BY THE FIRE DEPARTMENT, AMENDING THE 2016 CITY BUDGET TO RECOGNIZE GRANT REVENUE AND AUTHORIZE THE APPROPRIATION, AND FOR OTHER PURPOSES

ITEM TITLE: AUTHORIZING WAIVING COMPETITIVE BID REQUIREMENTS NOT EXCEEDING \$248,000.00 TO FUND THE PURCHASE OF SIX (6) POWER COTS AND SIX (6) LOADERS FOR USAGE ON AMBULANCES BY THE FIRE DEPARTMENT

SUBMITTED BY: Chief Stephen R Sims

SUMMARY EXPLANATION: Since the work session the fire department found out it could be up to 12 weeks before the cots and power loaders would be delivered since Stryker is a sole source manufacturer power loader. The load system only works with the Stryker power cot. The personnel of the fire department are very excited about getting the new power cots and loaders and realize that when they are installed we can start benefiting from the new safety features and perhaps reduce risk of injury to the patient and/or our employees.

ATTACHMENT: ORDINANCE RESOLUTION OTHER

RECOMMENDATION: The fire department staff and the administration recommend the acceptance of this grant. This will help decrease risk of injury for our EMT's and Paramedics when working with patients in the home and loading them in the ambulance.

ACTION REQUESTED:
Motion to adopt

ORDINANCE NO _____

CITY OF BELLA VISTA, ARKANSAS

WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH STRYKER INC. OF CHICAGO, ILLINOIS IN AN AMOUNT NOT TO EXCEED \$248,000.00 FOR THE PURCHASE OF SIX (6) POWER COTS AND SIX (6) AMBULANCE POWER LOADERS FOR USAGE BY THE FIRE DEPARTMENT, AMENDING THE 2016 CITY BUDGET TO RECOGNIZE GRANT REVENUE AND AUTHORIZE THE APPROPRIATION, AND FOR OTHER PURPOSES

WHEREAS, the City of Bella Vista Fire Department will obtain a 90%/10% matching grant through the Federal Emergency Management Agency (FEMA) for the purchase of six (6) power cots and ambulance power loaders for its usage; and

WHEREAS, these power cots and power loaders are only available from a sole-source, Stryker, Inc. of Chicago, Illinois; and

WHEREAS, the 2016 City Budget must be amended to recognize the grant revenue and authorize expenditure of ambulance-restricted reserve funds for the City portion of the expense;

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

SECTION 1. The City Council of the City of Bella Vista, Arkansas hereby determines that the above circumstances make formal competitive bidding not feasible or practical and therefore waives the requirement of formal competitive bidding and authorizes the Mayor and City Clerk to enter into a contract with Stryker Inc. of Chicago, Illinois in an amount not to exceed \$248,000.00 for the purchase of six (6) power cots and six (6) ambulance power loaders for usage by the Fire Department.

SECTION 2. The 2016 City Budget is hereby amended to recognize FEMA grant revenue of \$208,545.00 and ambulance-restricted reserve funds in the amount of \$39,455.00, and to appropriate an additional \$248,000.00 in Fire Department Acct. No. 54400 to fund the purchase.

PASSED THIS _____ DAY OF _____, 20_____

APPROVED:

MAYOR PETER CHRISTIE

ATTEST:

WAYNE JERTSON, CITY CLERK

Requested by Mayor
Prepared by Jason Kelley, Staff Attorney

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

MEETING DATE: August 22, 2016

AGENDA ITEM:

ITEM TITLE: A Resolution Adopting the Finalized Benton County Hazard Mitigation Plan,
Providing an Effective Date, and For Other Purposes

SUBMITTED BY: Christopher Suneson, PLA, AICP

SUMMARY EXPLANATION: In February of 2014, the City signed a letter of commitment to participate in the preparation of the Benton County Hazard Mitigation Plan. The plan is required for continued participation in the National Flood Insurance Program as well as allowing for additional hazard mitigation grant funding in the event of a Presidential disaster declaration.

Throughout the development of the plan, key administrative staff including both Chief Sims and Chief Farmer as well as Department staff have been involved with providing input on Bella Vista specific mitigation and response activities.

The resolution following this report would adopt the completed plan.

ATTACHMENT: ORDINANCE RESOLUTION OTHER

RECOMMENDATION: Staff is recommending approval of the resolution.

ACTION REQUESTED:
Motion to adopt

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

ADOPTING THE FINALIZED BENTON COUNTY HAZARD MITIGATION PLAN,
PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

WHEREAS, the participating jurisdictions of Benton County have worked together to develop a strategy known as the Benton County Hazard Mitigation Plan to improve disaster resistance in the planning area; AND

WHEREAS, the Federal Disaster Mitigation Act of 2000 (DMA2000) pursuant 44 CFR Part 201 and the Federal Emergency Management Agency (FEMA) require communities to adopt an approved hazard mitigation plan in order to be eligible to receive pre-disaster and post disaster federal funding for mitigation purposes; AND

WHEREAS, the participating jurisdiction has participated in the hazard mitigation plan by the formation of a Hazard Mitigation Planning Team (HMPT); AND

WHEREAS, the HMPT recommends the formal adoption of the Benton County Hazard Mitigation Plan by the passing of this resolution.

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

Section 1: The Bella Vista City Council hereby approves and adopts the hazard mitigation plan in its entirety with projects as adopted by the HMPT; AND agree to be governed by the Hazard Mitigation Plan attached hereto and incorporated.

Section 2: The Bella Vista City Council authorizes the appropriate participating officials to pursue funding opportunities for implementation of proposals designated therein; AND will upon receipt of such funding or other necessary resources, seek to implement the actions contained in the hazard mitigation plan.

Section 3: The City of Bella Vista will continue to cooperate and participate in the hazard mitigation planning process, holding regular meetings, including reporting of progress as required by FEMA, the Arkansas Department of Emergency Management (ADEM) and the HMPT.

PASSED THIS ___ DAY OF _____, 2016.

Motion to adopt made by:

Ayes:

Nays:

Motion:

APPROVED:

Mayor Peter Christie

ATTEST:

Wayne Jertson
City Clerk

APPROVED AS TO FORM:

Jason B. Kelley, Staff Attorney

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

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

MEETING DATE: August 22, 2016

AGENDA ITEM:

ITEM TITLE: A Resolution Approving a No Cost Equipment Lease Agreement with the Bella Vista Property Owners Association, and For Other Purposes

SUBMITTED BY: Christopher Suneson, PLA, AICP

SUMMARY EXPLANATION: Under the terms of the City's municipal separate storm sewer system permit from the Arkansas Department of Environmental Quality, the entirety of the City's drainage system must be mapped. This exercise helps identify points of storm water discharge and maintenance issues with the drainage system.

The Department has been collecting data for this requirement over the course of the past year, and have nearly completed mapping discharge points in the Highlands area of the City. One large portion that has yet to be mapped is Loch Lomond.

Recognizing the need to utilize watercraft in order to accurately map the discharge locations, the Department reached out to the Property Owners Association to utilize some of their existing boats. In order to use these, it was agreed by both entities that a no cost lease agreement would adequately cover any legal concerns.

ATTACHMENT: ORDINANCE RESOLUTION OTHER

RECOMMENDATION: Staff is recommending approval of the resolution.

ACTION REQUESTED:
Motion to adopt

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

APPROVING A NO COST EQUIPMENT LEASE AGREEMENT WITH THE BELLA VISTA
PROPERTY OWNERS ASSOCIATION, AND FOR OTHER PURPOSES

WHEREAS, the City of Bella Vista has received a permit from the Arkansas Department of Environmental Quality to be a regulated Municipal Separate Storm Sewer System (MS4); and

WHEREAS, the City is required to map the entirety of its drainage system with the timeframe of the permit; and

WHEREAS, the Community Development Services Department continues these efforts, but lacks the equipment to collect data and map discharge points into various lakes in the community; and

WHEREAS, the Bella Vista Property Owners Association owns boats and has expressed a willingness to lease them to the City.

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

Section 1: The Mayor is hereby authorized to enter into an agreement with the Bella Vista Property Owners Association for the lease of various equipment for use by the Community Development Services Department. Said agreement is attached to and made a part hereof.

PASSED THIS ___ DAY OF _____, 2016.

Motion to adopt made by:

Ayes:

Nays:

Motion:

APPROVED:

Mayor Peter Christie

ATTEST:

Wayne Jertson
City Clerk

APPROVED AS TO FORM:

Jason B. Kelley, Staff Attorney

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