

**BELLA VISTA CITY COUNCIL REGULAR MEETING MINUTES – SEPTEMBER 26, 2016**

**Call to Order:** Mayor Christie called the meeting to order at 6:32PM

**Invocation** was given by Pastor Bryan Fink, Highlands Methodist Church.

**Pledge** of Allegiance was recited by all.

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

**Citizen Input:** Bill Meskill, 9 Lambeth Lane spoke about the issue of parking an RV in his driveway during the camping season. He would like that to be ok.

**APPROVAL OF MINUTES:** August 22, 2016. Alderman Anderson moved approval as presented, second by Alderman Wozniak. Show of hands vote- 4 ayes, 0 nays.

**Monthly Financial Report** – July and August, 2016. Mayor Christie discussed the financials and pointed out that the council had received them and copies were available on the back table in the the meeting room for the public.

Motion to Approve Finance Report for July was made by Alderman Anderson, seconded by Alderman Wozniak. Show of hands; 4 ayes, 0 nays.

Motion to Approve Finance Report for August was made by Alderman Anderson, seconded by Alderman Wozniak. Show of hands; 4 ayes, 0 nays.

**MOTION TO SUSPEND RULES:** and read all proposed ordinances and resolutions on the agenda by title only was made by Alderman Morgan, second by Alderman Wozniak. Roll Call vote; Anderson, Flynn, Morgan & Wozniak voted aye. 0 nays. Approved.

**Business:**

**ORDINANCE NO-2016-24** AMENDING SECTION 20-6 JUVENILE CURFEW OF THE BELLA VISTA CITY CODE TO CLARIFY AND PROVIDE FOR CONSTITUTIONALLY MANDATED EXCEPTIONS TO A VIOLATION, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES. Mayor read the Ordinance and Attorney Kelley commented on the reason for the update to this Ordinance. There were a few questions asked and answered. Alderman Wozniak made a motion to suspend the rules and move to third and final reading. Seconded by Alderman Flynn. Roll call vote; Ayes 4, Nays 0. The Mayor then read the Ordinance for the final time and it was moved by Alderman Anderson, second by Alderman Flynn, Vote passed 4 ayes, 0 nays. The Mayor then asked for a motion declaring an emergency to put the ordinance in effect right away. Alderman Anderson made the motion, second by Alderman Wozniak. Ayes 4, nays 0. Adopted.

**ORDINANCE NO-2016-25** WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH BELLA VISTA ANIMAL SHELTER, INC. IN THE AMOUNT OF \$18,000.00 PER YEAR, PLUS \$100 PER DOG AND \$50 PER CAT FEES, FOR CALENDAR YEAR 2017, AND FOR OTHER PURPOSES. Alderman Wozniak asked if this was the same dollar amounts as last year. It is. Alderman Flynn asked about the average monthly cost. The Mayor explained it can vary based on the number of animals housed, this past month it was about \$4500. A motion was made to suspend the rules and move to 3<sup>rd</sup> and final reading by Alderman Morgan, second by Alderman Wozniak. Vote was

4 ayes, 0 nays. The Mayor then read the ordinance for the 3<sup>rd</sup> and final time. Alderman Anderson then moved to adopt which was seconded by Alderman Wozniak. Vote was 4 ayes, 0 nays. Adopted.

**ORDINANCE NO-2016-26** AMENDING THE BELLA VISTA CITY CODE TO ENACT *SECTION 2-347 COLLECTION OF FINES AND COSTS IN DISTRICT COURT* TO FULFILL STATE LAW REQUIREMENTS TO DESIGNATE A RESPONSIBLE PARTY FOR THE COLLECTION OF FINES AND COSTS ASSESSED IN DISTRICT COURT, AND FOR OTHER PURPOSES. The Mayor read this ordinance and Attorney Kelley then commented on the ordinance and the reason for its need. A motion was made by Alderman Wozniak to suspend the rules and move to final reading, second by Alderman Flynn. Ayes 4, Nays 0. The Mayor then read the ordinance for the 3<sup>rd</sup> and final time. A motion was made to adopt by Alderman Flynn, second by Alderman Wozniak. Vote was 4 ayes, 0 nays. Adopted.

**R2016-38 RESOLUTION-** AMENDING THE 2016 ANNUAL CITY BUDGET TO APPROPRIATE \$216,000.00 FROM CITY RESERVES FOR THE CASH PURCHASE OF A 2016 AMBULANCE FOR THE FIRE DEPARTMENT. The Mayor discussed the history of this issue. Chief Sims said that they expect delivery around the end of November. Motion to approve was made by Alderman Wozniak, second by Alderman Flynn. Roll call vote 4 ayes, 0 nays.

**R2016-39 RESOLUTION-** EXPRESSING THE SUPPORT OF THE BELLA VISTA CITY COUNCIL REGARDING THE LOCATION OF A DEPARTMENT OF THE BENTON COUNTY DISTRICT COURT IN THE CITY. The Mayor read the resolution and Attorney Kelley then spoke to the history of this issue and the reason for exploring the establishment of a court in Bella Vista. This is a process that will probably take a fair amount of time to accomplish and this is to start that process to begin. It would be a good service to the residents of Bella Vista as well as to be much easier for the Police officers who are required to be available for court. Several questions were asked and discussed as to the potential benefit of this change. Much work is still to come on this issue. At this point Alderman Anderson moved approval which was seconded by Alderman Morgan. Vote was 4 ayes, 0 nays.

**R2016-40 RESOLUTION** APPROVING AMOUNTS OF LIENS TO BE CERTIFIED TO THE BENTON COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTIES AS A RESULT OF GRASS CUTTING EXPENSES AND ABATEMENT OF OTHER NUISANCES BY THE CITY OF BELLA VISTA; AND FOR OTHER PURPOSES. The Mayor opened a Public Hearing concerning this lien. Alderman Anderson asked if notice had been given to the property owner in question. Director Suneson stated that had been done and explained the reason for this resolution. There was no comments made during the Public Hearing so the Mayor closed the hearing. A motion to approve was made by Alderman Wozniak, second by Alderman Flynn. Ayes 4, nays 0.

**R2016-41 RESOLUTION-** AMENDING THE 2016 ANNUAL CITY BUDGET TO AUTHORIZE AN ADDITIONAL PART-TIME EMPLOYEE LIBRARY POSITION (16 HOURS PER WEEK MAXIMUM). The Mayor explained the need for this part-time position. Library usage is growing rapidly. A motion to approve was made by Alderman Anderson, second by Alderman Morgan. Vote was 4 ayes, 0 nays. Approved.

**R2016-42 RESOLUTION-** AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH LUTTRELL CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$178,190.00 FOR

CONSTRUCTION OF A SALT/SAND STORAGE BUILDING FOR THE STREET DEPARTMENT, AND AUTHORIZING TERMINATION OF A PRIOR CONTRACT WITH A PRIOR NON-LICENSED CONTRACTOR. The resolution was read and the Mayor explained the reason for this being done and the prior recipient of the bid was not licensed to operate in Arkansas. Alderman Morgan made a motion to approve, second by Alderman Flynn. Ayes 4, Nays 0. Adopted.

**R2016-43 RESOLUTION-** AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH MARION COMPANY LLC IN AN AMOUNT NOT TO EXCEED \$87,950.00 FOR CONSTRUCTION OF A HEAVY EQUIPMENT SHED FOR THE STREET DEPARTMENT. This was read by the Mayor and it was explained that it will be built on Street Dept. site as well. Motion to approve by Alderman Anderson, second by Alderman Wozniak. Vote was 4 ayes, 0 nays. Approved.

**R2016-44 RESOLUTION-** AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT AMENDMENT WITH ALLIED SERVICES, LLC D/B/A REPUBLIC SERVICES OF BELLA VISTA REGARDING SOLID WASTE COLLECTION AND DISPOSAL SERVICES, AND FOR OTHER PURPOSES. The Mayor explained that this is moving the billing from the POA to Republic beginning in 2017. Alderman Morgan stated that she has a concern with the size of the containers being furnished to homeowners. She stated that in several cases these containers may have to be left outside of many homes. She asked if this will be a cause for concern. She also asked Ms. Fagan from Republic to comment on the procedure that will be used at the town homes and areas where there are corrals used to contain garbage receptacles. Ms. Fagan explained the way they will be handled. Alderman Anderson asked about the billing and how Republic will handle those who fall behind on paying their bills. Ms. Fagan responded on this issue and how they will approach this. Motion to Approve by Alderman Wozniak, second by Alderman Flynn. Adopted by unanimous vote.

**R2016-45 RESOLUTION-** ESTABLISHING RESIDENTIAL AND COMMERCIAL RATES FOR SOLID WASTE (TRASH) COLLECTION IN THE CITY. The new rates were in the council packets and are a part of the resolution. Motion by Alderman Wozniak to approve as presented, second by Alderman Flynn. Approved by roll call vote, 5 ayes, 0 nays.

**R2016-46 RESOLUTION-** AUTHORIZING THE MAYOR AND CITY CLERK ENTER INTO A LEASE AGREEMENT WITH BLUE MOUNTAIN STORAGE IN THE AMOUNT OF \$122 PER MONTH FOR PURPOSES OF OBTAINING CLIMATE-CONTROLLED STORAGE SPACE FOR THE POLICE DEPARTMENT. Captain Cook explained the need for this storage and spoke to the approximate size of the unit. Alderman Anderson moved the approval, second by Alderman Flynn. Vote was Ayes 5, Nays 0. Approved.

**MEETINGS AND ANNOUNCEMENTS:**

The next City Council Work Session will be Monday October 17, 2016 at 5:30PM in the City Hall Conference Room.

The next Regular meeting of the City Council, Monday October 24, 2016 at 6:30 PM at the Bella Vista American Legion Hall.

Planning Commission Work Session will be Thursday Sept. 29, 2016 at 4:30PM in the City Hall conference room.

Planning Commission Regular Meeting will be October 10, 2016 at 5:30PM in the City

Hall conference room.

Meeting adjourned at 7:18PM

The following is attached for reference concerning the Resolution passed.

City Clerk Wayne Jertson

Mayor Peter Christie



### Collection Process Example:

1. Customer billing will go out Dec 15<sup>th</sup> for Jan/Feb/March
2. Customer invoice will be due by January 5<sup>th</sup>, 2016
3. If customer has not paid by the due date a late fee of \$5.00 will be assessed on the account. (On the 6<sup>th</sup> of each month outstanding they will receive a \$5.00 late fee so essentially if they do not pay in the entire quarter their late fee will add up to \$15.00 (\$5.00 each month)
4. After 40 days of the invoice date customer will receive a letter with the threat of suspension letting them know their bill is past due and service will soon suspend
5. After 60 days of the invoice date customer will suspend and be charged a \$35.00 suspension fee. (Feb 15<sup>th</sup>)
6. After 70 days of the invoice date customer will receive a letter giving them a final notice of account closure.
7. After 90 days of the invoice date customers account will be closed.
8. After closure, if customer calls to pay balance and restart service they will be charged the following:
  - a. \$35.00 service charge to reconnect services
  - b. Required to pay all of past due and the entire next quarter
  - c. If 2<sup>nd</sup> time to close, they will be required to pay a deposit of \$50.00 in addition.
9. Closed accounts will be turned over to a collection agency. List of names/addresses will be forwarded to the City.

Besides the letters that they will receive we will also be making courtesy phone calls to customers as we obtain phone numbers. These fees charged deter customers from non-payment.