



# BELLA VISTA

*A place to call home*

MEETING: **REGULAR CITY COUNCIL MEETING**  
DATE AND TIME: **Monday, June 25, 2018 – 6:30 P.M.**  
District Court, 612 Lancashire Blvd. 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. **PLEDGE OF ALLEGIANCE:**
  - I. **ROLL CALL:** Mayor Peter Christie, Council Members Linda Lloyd, James Wozniak, Frank Anderson, Doug Fowler and John Flynn.
  - II. **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.*
- III. **APPROVAL OF MINUTES:** May 21, 2018 City Council meeting.
- IV. **REPORTS:** Monthly Financial Report April 2018
- V. **MOTION TO SUSPEND RULES:** and read all proposed ordinances and resolutions on the agenda by title only.
- VI. **BUSINESS:**
  - A. **ORDINANCE 2018-** AMENDING SECTION 18-20 CLEARANCE OF UNSIGHTLY OR UNSANITARY CONDITIONS ON REAL PROPERTY OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PERMIT PLACING PLAYGROUND EQUIPMENT OR TRAMPOLINES IN THE FRONT YARD OF A RESIDENCE UNDER CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES. (3<sup>rd</sup> reading)
  - B. **ORDINANCE 2018-** CREATING A TREE ADVISORY BOARD, DEFINING ITS PURPOSE AND MEMBERSHIP, AND FOR OTHER PURPOSES. (3<sup>rd</sup> reading)
  - C. **R2018-RESOLUTION** ACCEPTING THE RESIGNATION OF BRIAN BAHR AS COUNCIL MEMBER OF THE CITY OF BELLA VISTA FOR

WARD 3, POSITION 2, AND DECLARING A VACANCY.

**D. R2018-RESOLUTION APPOINTING COUNCIL MEMBER JOHN FLYNN TO THE BELLA VISTA ADVERTISING AND PROMOTION COMMISSION TO FILL A VACANCY ON THE COMMISSION DUE TO THE RESIGNATION OF BRIAN BAHR.**

**MEETINGS AND ANNOUNCEMENTS:**

- The next City Council Work Session will be Monday July 16, 2018 at 5:30PM in the Bella Vista District Court Building.
- The next Regular meeting of the City Council, Monday July 23, 2018 at 6:30 PM at the Bella Vista District Court Building.
- Planning Commission Work Session will be Thursday June 28, 2018 at 4:30PM in the Bella Vista District Court Building.
- Planning Commission Regular Meeting will be July 9, 2018 at 6:30PM in the Bella Vista District Court Building.
- Board of Zoning Adjustment will be July 17, 2018 at 5:30PM in the Bella Vista District Court Building.

**ADJOURNMENT**

\*\*\* Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. 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 – MAY 21, 2018**

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

**Pledge** of Allegiance recited by all.

**City Clerk** Wayne Jertson called the roll of Council: Bahr, Lloyd, Flynn, Wozniak, Anderson and Fowler all present. Quorum achieved.

**Citizen Input:** Christian Henning spoke in favor of the salary adjustment for the elected officials which is on the agenda.

**Approval of the minutes of the April 23, 2018** regular meeting was next on the agenda. There were no corrections or additions and a motion to approve as presented was made by Doug Fowler, seconded by John Flynn. Vote was 6 ayes, 0 nays. Approved.

**Next was the minutes of the special meeting** of the Council from May 14, 2018. There were no corrections or additions and a motion to approve was made by John Flynn and seconded by Doug Fowler. Vote was 6 ayes, 0 nays. Approved.

**Mayor Christie discussed the financial report** that had been sent to Council. He talked about the improvements made in the layout of the report and thanked those who had contributed suggestions as to that layout.

**Motion to suspend the rules** and read all Ordinances and Resolutions on the agenda by title only. Motion by John Flynn, second by Linda Lloyd. Roll call vote was 6 ayes, 0 nays. Approved.

**ORDINANCE 2018- AMENDING SECTION 18-20 CLEARANCE OF UNSIGHTLY OR UNSANITARY CONDITIONS ON REAL PROPERTY** OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PERMIT PLACING PLAYGROUND EQUIPMENT OR TRAMPOLINES IN THE FRONT YARD OF A RESIDENCE UNDER CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES. (2<sup>nd</sup> reading)

Discussion was held on this Ordinance and an amendment was offered by Linda Lloyd that would limit the size of playground equipment to a maximum of 64 square feet. She offered a Motion to amend the Ordinance to this effect. It was seconded by Frank Anderson. After some discussion and input from various council members. Frank Anderson expressed his thoughts that no playground equipment should be allowed in the front yard. Council member Fowler felt the same on this issue. A roll call vote was held on the amendment and was defeated. Voting aye was Linda Lloyd. Voting no were Fowler, Flynn, Bahr, Anderson and Wozniak.

At this point Doug Fowler made a motion to move to 3<sup>rd</sup> and final reading on this ordinance, it was seconded by Brian Bahr. Council member Wozniak asked why? Mr. Fowler said that he thought there no need to wait. He felt it was time. The motion was defeated. Linda Lloyd voted no, Jim Wozniak voted no. John Flynn abstained. Anderson, Fowler and Bahr voted yes. The Mayor choose not to vote so it will go to 3<sup>rd</sup> and final reading at the June meeting.

**ORDINANCE 2018- CREATING A TREE ADVISORY BOARD, DEFINING ITS PURPOSE AND MEMBERSHIP, AND FOR OTHER PURPOSES.** (2<sup>nd</sup> reading) This will move to 3<sup>rd</sup> reading at the June meeting.

**ORDINANCE 2018- REPEALING SECTION 16-26 SOLICITATION FROM PERSONS DRIVING MOTOR**

*VEHICLES PROHIBITED* OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA.

Staff attorney Kelley explained his reasons why this should be done to avoid any conflict that could arise from this being on the books. Frank Anderson asked if there have been any successful attempts at doing this by cities in Arkansas. There are cities looking at a way to deal with this. Mr. Kelley suggested that we take this off the book at this time to avoid potential problems for the city. John Flynn asked why we not just wait and let it run its course. Staff Attorney Kelley explained that he has asked the Police Department to not enforce this issue because of the potential problems. Frank Anderson said he thought there was no reason to have it on the books if we are not enforcing it anyway. A motion to move to 3<sup>rd</sup> and final reading was made by Jim Wozniak, second by Linda Lloyd. Voting aye were; Lloyd, Wozniak, Bahr, Fowler and Anderson. John Flynn voted no. Motion passed.

The Mayor then read this for the 3<sup>rd</sup> and final time. A motion to approve was made by Jim Wozniak, second by Frank Anderson. Approved by a vote of 6-0.

**R2018-RESOLUTION-** APPROVING THE RE-APPOINTMENT OF JANELLE REDLACZYK TO THE BELLA VISTA ARTS COUNCIL. A motion to approve by Frank Anderson, second by Jim Wozniak. Approved by a vote of 6-0.

**R2018-RESOLUTION-** AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH BREEDEN DODGE CHRYSLER JEEP INC. OF FORT SMITH, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR THE PURCHASE OF ONE (1) 2017 RAM 1500 TRADESMAN CREW CAB 4X4 PICKUP IN THE AMOUNT OF \$27,445.00 FOR USE BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT.

Jim Wozniak expressed some concern that this vehicle was larger than was needed. After some discussion a motion to approve was made by John Flynn, second by Doug Fowler. Frank Anderson asked if this was needed at this time or if there was some time to wait on this purchase. The Mayor explained that this vehicle will be for a new hire that is starting soon. Roll call vote was taken and approved by a vote of 6-0.

**R2018-RESOLUTION-** ESTABLISHING SALARIES FOR MAYOR, CITY COUNCIL MEMBER, AND CITY CLERK.

Council member Wozniak offered an amendment to change one line in Section 1 to make the City Clerks increase effective July 1, 2018 instead of January 1, 2019. A roll call vote on the amendment only was taken and was supported by all 6 council members. Amendment was approved. John Flynn made a comment on the work that HR manager Cruise put into this study on all elected officials was very thorough and he felt it definitely helped him in his decision. Brian Bahr thought that the city clerk salary was still too low and he proposed that it move to \$20,000 as of July 1, 2018 prorated for the rest of the year. After clarification that it was indeed prorated for the rest of the year a vote was held on this 2<sup>nd</sup> amendment and it was passed by vote of 6 ayes and 0 nays.

At this point Frank Anderson brought up the increase for the Mayor and expressed concern that some of the comparable salaries used to determine were not reflective of the responsibilities of the Bella Vista Mayor. Council member Anderson that made a motion to amend the Current proposal to \$85,000 as of July 1, 2018 and then up 4% on January 1, 2019 (\$88,400). This was seconded by Jim Wozniak. Doug Fowler then expressed that the amount in the original Resolution was proper and should not be reduced. He explained that there is great rationale in play to make the improvement for this position. He strongly urged the passage of this original proposal. John Flynn talked about the difference in the

benefit package offered in Bella Vista versus the one that Bentonville. He expressed that the plan we are on is much more prudent. At this time a vote was called on the amendment to the Mayor's compensation. Council members Bahr, Flynn and Fowler voted no. Council members Anderson, Wozniak and Lloyd voted yes. Mayor choose not to vote so the amendment failed. Back to the original Resolution as earlier amended. Doug Fowler again expressed that this is a very important position for the city. Frank Anderson made some additional comments. A motion to approve was made by Doug Fowler, second by John Flynn. Roll call vote resulted in Anderson, Wozniak & Lloyd voted nay. Fowler, Bahr & Flynn voted yea. The Mayor then voted to approve and the Resolution was adopted.

**R2018-RESOLUTION- ADOPTING AN OFFICIAL FLAG FOR THE CITY OF BELLA VISTA.**

The Mayor thanked the Art Council for their work on this project. Doug Fowler also thanked the Art Council and the kids of Cooper Elementary who participated in this endeavor. The flag will represent Bella Vista very well. Motion to approve by Doug Fowler, second by Jim Wozniak. Vote was unanimous. Resolution approved.

**MEETINGS AND ANNOUNCEMENTS:**

- The next City Council Work Session will be Monday June 18, 2018 at 5:30PM in the Bella Vista District Court Building.
- The next Regular meeting of the City Council, Monday June 25, 2018 at 6:30 PM at the Bella Vista District Court Building.
- Planning Commission Work Session will be Thursday May 23, 2018 at 4:30PM in the Bella Vista District Court Building.
- Planning Commission Regular Meeting will be June 11, 2018 at 6:30PM in the Bella Vista District Court Building.
- Board of Zoning Adjustment will be June 19, 2018 at 5:30PM in the Bella Vista District Court Building.

Meeting was adjourned at 7:14PM

City Clerk Wayne Jertson

Mayor Peter Christie

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

CITY OF BELLA VISTA, ARKANSAS

**AMENDING SECTION 18-20 CLEARANCE OF UNSIGHTLY OR UNSANITARY CONDITIONS ON REAL PROPERTY OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PERMIT PLACING PLAYGROUND EQUIPMENT OR TRAMPOLINES IN THE FRONT YARD OF A RESIDENCE UNDER CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES**

**WHEREAS**, current Ordinance prohibits the placing of playground equipment or trampolines in the front yard of a residence in the City; and

**WHEREAS**, certain residences have no location, other than the front yard, in which to safely install and place such playground equipment or trampolines; and

**WHEREAS**, in such circumstances, safe installation and placement of such playground equipment or trampolines should be permitted in the front yard of a residence;

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

**SECTION 1:** Subsection (a)(9) of Section 18-20 of the Code of Ordinances of the City of Bella Vista, Arkansas is hereby amended so that, after amendment, the subsection shall read as follows:

“(9) Refrain from placing playground equipment or trampolines in the front yard of a residence unless no other location on the property provides a location for safe installation and placement of such playground equipment or trampolines;”.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

APPROVED:

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

ATTEST:

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

Requested by Mayor Christie  
Prepared by Jason Kelley, Staff Attorney

**ORDINANCE NO. 2018-\_\_\_\_\_**

**CREATING A TREE ADVISORY BOARD, DEFINING ITS PURPOSE AND MEMBERSHIP, AND FOR OTHER PURPOSES.**

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**WHEREAS,** the City of Bella Vista is undertaking the requisite steps to make application to the Tree City USA program administered by the National Arbor Day Foundation; and

**WHEREAS,** one of the base requirements for participation in the program is to establish a Tree Advisory Board which advises on Tree City USA programming; and

**WHEREAS,** a Tree Advisory Board should become a permanent structure within the City.

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

**Section 1:** There is hereby created an advisory board of the City of Bella Vista called the Tree Advisory Board.

**Section 2:** The purpose of the Tree Advisory Board shall be educational and advisory in nature for the City's efforts with the Arbor Day Foundation's Tree City USA program.

**Section 3:** *Membership.*

- A.** The Tree Advisory Board shall consist of seven (7) members who shall be appointed by the Mayor, with the approval of City Council.
- B.** Members of the Board shall be residents or property owner's within the city limits and shall have a background or interest in tree health, landscaping, or gardening.
- C.** Upon initial appointment, three members shall serve a one year term, two members shall serve a two year term, and two members shall serve a three year term. At the conclusion of the initial terms, all appointments or reappointments shall be for a term of three years.

**Section 4:** At its first meeting, and every year thereafter, members of the Tree Advisory Board shall name a chairperson.

**Section 5:** The Tree Advisory Board shall have the following duties:

- A.** To assist in planning and organizing an annual Arbor Day celebration;
  - B.** To advise the City in the management of trees and vegetation on City lands;
  - C.** To advise the City of the need for increased tree canopy and the general health of trees along the trail networks;
  - D.** To educate the public about trees and their management.
-

PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

Motion to adopt made by:

Ayes:

Nays:

Motion .

APPROVED:

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Mayor Peter Christie

ATTEST:

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Wayne Jertson  
City Clerk



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

**CITY OF BELLA VISTA, ARKANSAS**

**ACCEPTING THE RESIGNATION OF BRIAN BAHR AS COUNCIL MEMBER OF THE CITY OF BELLA VISTA FOR WARD 3, POSITION 2, AND DECLARING A VACANCY**

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

**SECTION 1:** The resignation of Brian Bahr as Council Member of the City of Bella Vista for Ward 3, Position 2 is hereby accepted.

**SECTION 2:** Effective the date of the adoption of this Resolution, a vacancy is declared to exist in the office of Council Member of the City of Bella Vista for Ward 3, Position 2.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

APPROVED:

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

ATTEST:

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

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

**CITY OF BELLA VISTA, ARKANSAS**

**APPOINTING COUNCIL MEMBER JOHN FLYNN TO THE BELLA VISTA ADVERTISING AND PROMOTION COMMISSION TO FILL A VACANCY ON THE COMMISSION DUE TO THE RESIGNATION OF BRIAN BAHR**

**WHEREAS**, Council Member Brian Bahr's resignation from office has been offered and accepted by the Bella Vista City Council, and

**WHEREAS**, this creates a vacancy in one of the City Council positions on the Bella Vista Advertising and Promotion Commission;

**NOW, THEREFORE, 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 appoints Council Member John Flynn to the Bella Vista Advertising and Promotion Commission to serve at the pleasure of the Council or until such time as he is no longer be a Council Member.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

APPROVED:

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

ATTEST:

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

Requested by Mayor Christie  
Prepared by Jason Kelley, Staff Attorney