

BELLA VISTA CITY COUNCIL REGULAR MEETING MINUTES – FEBRUARY 25, 2019

CALL TO ORDER: Mayor Christie called the meeting to order at 6:30PM.

PLEDGE OF ALLEGIANCE: Was recited by all present.

ROLL CALL OF COUNCIL: City Clerk Jertson called the roll, Council members Wozniak, Flynn, Lloyd, Fowler, Bourke & Wilms were all present.

Motion to suspend the rules and allow Mayor Christie to make a statement and offer information concerning the “stump dump” fire situation. Motion made by Doug Fowler, second by Larry Wilms. Role call vote taken, 6 Ayes, 0 Nays. Motion carried.

The Mayor talked about a Bill introduced in the state legislature by Senators Hendren and Hester, along with Representatives McCollum and McKenzie. Senate Bill 406 was introduced this morning at the Capitol and would provide up to \$20,000,000 in Contractual Services to the ADEQ for Hazardous Waste Clean-up. This will be a loan and must be paid back.

This bill has broad support and has the backing of the Governor. This will be a great help to the residents of Bella Vista by providing funds in a timely manner.

The Mayor also stated his frustration with the ADEQ and their lack of communication. He asked for a quick response from ADEQ. He heard nothing from them. He then talked about a number of ways in which the community has stepped forward to provide assistance to the residents affected by the underground fire. Businesses have offered discounts and churches have offered shelter as well as many homeowners have offered space in their homes for short term relocation for those who need it.

During a recent TV interview the Mayor expressed his frustration with the lack of communication from ADEQ. This prompted a call from them and a promise to improve the communication with the city and its residents.

The Mayor expressed his and the cities commitment to do all we can to bring this to completion for the betterment of all the citizens of Bella Vista!

PUBLIC INPUT:

Larry Tucker, 2 Knowle Ln, Bella Vista spoke about his concerns with the stump dump fire and the issues that it is causing for him and his neighbors. Smoke in the house has caused him not to have family and friends come to visit his home. He stated that no definitive action has taken place in the months that the fire has been burning. He stated that miles of Hwy is being built around Bella Vista for less that they are saying it will take to put this fire out. He asked if that made any sense to anyone.

Chris Nelson, 1 Harrington Dr. spoke also about this concerns regarding the fire and the issues it has caused his family and neighbors. He was accompanied by his wife and son. He thanked the Mayor for making his statement about the frustration of working with the ADEQ. He asked the council to stay on task pushing for a solution to this issue as soon as possible.

Aaron DeCelle spoke about his concern about the lack of participation of the Mayor and Council at the public meeting that they held at Riordan Hall. Only Steve Bourke attended. He thought that more should have attended.

Kelly Strain, 4 Mary Ann Ln. Talked about the air quality issues at this home and his air monitor is showing emergency issues with the air quality. He feels that ADEQ is not taking this issue seriously as they should.

William Powell, 13 Tilling Ham Ln spoke about his concerns on the Hole In the Wall property having events in their neighborhood that are not in line with what the residents would like. He would like to see this stopped.

Jim Parsons, 29 Duvall Lane requested that the city send a bill to CCI, POA and Blue Mountain Storage for all expenses incurred in putting out the stump dump fire. He feels that this is where the blame lies and the cost should be paid by them.

Brynna Bon Blafor, 2 Somerton Ln stated that even though she lives on the west side of Bella Vista and has been affected by the smoke and fumes from the stump dump fire. She feels that this is harmful to more than just those who live by the stump dump.

Approval of the minutes Jan. 28, 2019. Motion to approve by Larry Wilms, second by John Flynn. Roll call vote approved unanimously.

Financial Report December 2018 and year end has been sent to all council. There were no questions.

Motion to Suspend the Rules and Read all Ordinances and Resolutions by title only. Motion to approve by Doug Fowler, second by Jim Wozniak. Supported by all council members.

NEW BUSINESS:

ORDINANCE-2019-02 AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO ENACT *SECTION 20-7 FOOT HOLD TRAPS* TO PROHIBIT THE USAGE OF SUCH DEVICES IN ORDER TO PROTECT PUBLIC SAFETY, AND FOR OTHER PURPOSES.(1st Reading) Request this go to third and final reading. Motion was made to move to third and final reading by Jim Wozniak, second by Linda Lloyd. Ayes: 6, Nays: 0. The Mayor then read this for the final time and a motion was made by John Flynn, second by Jim Wozniak. Vote; 6 ayes, 0 nays. Approved.

ORDINANCE-2019-AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2019-29955 (COUNTY PARCEL NO. 16-28062-001) FROM R-1, RESIDENTIAL SINGLE-FAMILY, TO C-1, NEIGHBORHOOD COMMERCIAL. (1st Reading). There are some concerns by staff so they asked to table this until March. Motion to table by Larry Wilms, second by Jim Wozniak. Supported unanimously.

R2019-10-RESOLUTION DIRECTING PROCEEDS FROM THE SALE OF EQUIPMENT PROCURED FOR THE POLICE DEPARTMENT THROUGH THE LAW ENFORCEMENT SUPPORT OFFICE (LESO) MILITARY SURPLUS PROGRAM TO BE DEPOSITED INTO THE POLICE DEPARTMENT DRUG FUND IN SUPPORT OF DRUG INTERDICTION AND ENFORCEMENT ACTIVITIES. The Mayor explained how the LESO program works. There was a motion to approve by Jim Wozniak, second by Larry Wilms. Supported unanimously.

R2019-11-RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH SUPERIOR AUTOMOTIVE GROUP OF SILOAM SPRINGS, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR THE PURCHASE OF TWO (2) 2019 DODGE CHARGERS, ONE (1) 2019 DODGE DURANGO, AND ONE (1) 2019 DODGE RAM 1500, IN THE TOTAL AMOUNT NOT TO EXCEED \$105,000.00 FOR THE POLICE DEPARTMENT. The Mayor explained the State Procurement process and how it allows purchase

without going to bid. It allows cities to use the bid that the state has obtained. Motion to approve by Jim Wozniak, second by Larry Wilms. Supported unanimously.

R2019-12-RESOLUTION AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH BRAUN INDUSTRIES IN AN AMOUNT NOT TO EXCEED \$147,764.00 FOR AN AMBULANCE REMOUNT FOR THE FIRE DEPARTMENT. Mayor Christie explained the remount process and the money that the city saves by doing this. Motion to approve by Jim Wozniak, second by Larry Wilms. Supported unanimously.

R2019-13-RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF CHRIS ESTILL TO THE BELLA VISTA BOARD OF ZONING ADJUSTMENT TO FILL AN UNEXPIRED TERM IN POSITION 1 ENDING OCTOBER 1, 2019. Motion to approve by John Flynn, second by Doug Fowler. Supported unanimously.

R2019-14-RESOLUTION MAKING VARIOUS ADJUSTMENTS TO THE 2019 CITY BUDGET. The reasons for this resolution was explained. Motion to approve by Jim Wozniak, second by John Flynn. Supported unanimously.

R2019-15-RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH SUPERIOR AUTOMOTIVE GROUP OF SILOAM SPRINGS, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR THE PURCHASE OF A 2019 CHEVROLET TAHOE 4X4 SPECIAL SERVICE VEHICLE IN THE AMOUNT OF \$35,252.00 FOR THE FIRE DEPARTMENT. Motion to approve by Larry Wilms, second by Doug Fowler. Supported unanimously.

R2019-16-RESOLUTION AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH SUPERIOR AUTOMOTIVE GROUP OF SILOAM SPRINGS FOR THE PURCHASE OF A 2019 CHEVROLET SILVERADO 4X4 2500HD TRUCK IN THE AMOUNT OF \$30,533.00 FOR THE FIRE DEPARTMENT. This was not available by state contract so this was done by bid. Motion to approve by Jim Wozniak, second by Larry Wilms. Supported unanimously.

R2019-17-RESOLUTION AMENDING THE 2019 CITY BUDGET TO RECLASSIFY JAIL FEE REVENUE OF \$4,060.00 FROM GENERAL FUND REVENUE TO RESTRICTED REVENUE. Motion to approve by Jim Wozniak, second by Doug Fowler. Supported unanimously.

R2019-18-RESOLUTION APPROVING THE MAYOR'S REAPPOINTMENTS OF DANIEL ELLIS AND GAIL KLESEN TO THE BELLA VISTA PLANNING COMMISSION FOR FOUR (4) YEAR TERMS EXPIRING MARCH 1, 2023. Comments were made by John Flynn, Doug Fowler and Steve Bourke spoke about the quality of these two individuals and their willingness to do this service for the city. Motion to approve by Jim Wozniak, second by Doug Fowler. Supported unanimously.

R2019-19-RESOLUTION APPROVING BELLA VISTA POLICE DEPARTMENT POLICY REGARDING RESPONSE OUTSIDE JURISDICTION AND A REVISED COMMAND STRUCTURE. Mayor Christie explained the changes being made by the Police Department. He talked about the changes that cause this need. Motion to approve by Jim Wozniak, second by Larry Wilms. Supported unanimously.

R2019-20-RESOLUTION EXPRESSING THE OPINION OF THE BELLA VISTA CITY COUNCIL AGAINST THE ARKANSAS GENERAL ASSEMBLY'S ADOPTION OF SENATE BILL 170 REGARDING RESIDENTIAL BUILDING DESIGN STANDARDS. Some discussion was held on this bill which would take some of the ability of cities to control what is developed in the city away and put it in state hands. Steve Bourke expressed that the

Arkansas Municipal League has changed their position on this bill to neutral rather than opposed. For this reason he does not support the passage of this bill. Linda Lloyd expressed that this should be something that should remain a local issue. Larry Wilms also thought it should remain a local issue. John Flynn asked Linda Lloyd how this would affect affordable housing. After more discussion a motion to approve was made by Linda Lloyd, second by John Flynn. Roll call vote was supported by Wozniak, Wilms, Lloyd, Fowler and Flynn. Opposed was Bourke. Approved 5 ayes, 1 nay.

MEETINGS AND ANNOUNCEMENTS:

- The next City Council Work Session will be Monday March 18, 2019 at 5:30PM in the Bella Vista District Court Building.
- The next Regular meeting of the City Council, Monday March 25, 2019 at 6:30 PM at the Bella Vista District Court Building.
- Planning Commission Work Session will be Thursday March 28, 2019 at 4:30PM in the Bella Vista District Court Building.
- Planning Commission Regular Meeting will be April 8, 2019 at 6:30PM in the Bella Vista District Court Building.
- Board of Zoning Adjustment will be March 19, 2019 at 5:30PM in the Bella Vista District Court Building.
- Board of Construction Appeals will be March 12, 2019 in the Bella Vista District Court Building.
- The POA is hosting a meeting on March 12 at 6:30PM in the Cooper School cafeteria concerning an extension of the Razorback Greenway. Residents are urged to attend and learn about this proposal.

John Flynn and Doug Fowler suggested that Facebook is not the best way to contact many of the Council members. Email or phone is the best way to contact council members. The city does not have any of the expertise in this area of dealing with the stump dump.

ADJOURNMENT was at 7:47PM

City Clerk Wayne Jertson

Mayor Peter Christie