

BELLA VISTA CITY COUNCIL REGULAR MEETING AUGUST 26, 2019 MINUTES

Meeting called to order by Mayor Christie at 6:30PM

Pledge of Allegiance was recited by all in attendance.

City Clerk Jertson called the roll of Council: Wozniak, Wilms, Bourke, Fowler, Flynn, and Floyd all present.

Citizen Input:

Mr. Fulkerson, 22 Metfield Dr spoke about receiving a notice from code enforcement that the rock his truck is parked on is not allowed. He feels that he should be “grandfathered”. He will be meeting with CDS Director Doug Tapp concerning this issue.

Dan Gilman, 36 Kirkclsalchy Dr spoke about his concern with the burn policy in the city. He feels that no burning should be allowed in the city because of the pollution it causes and the effect on residents.

Scott Kaminsky, 10 Keyline Dr. spoke in favor of the purchase of the portion of the Centerton Water System. As a former Bentonville City Council member he feels that this would be in Bella Vista’s best interest long term. He stated how it had helped Bentonville grow.

Council Reply:

Council member Wozniak addressed the issue brought up by Mr. Fulkerson concerning parking on his gravel. He feels that he should be “grandfathered” because he was there before Bella Vista became a city.

Council member Wilms suggested that it may be a good time to go back and revisit the policy on this issue.

Council member Fowler commented on what type of rock that people park on is the issue.

Council member Flynn commented that he understood the issue on the burning policy and the fact that burning produces pollution.

Council member Bourke commented on this opportunity for the council to respond to an issue when it is fresh in the minds of the council. He is pleased that we have changed that rule.

Approval of Minutes: Minutes from June 24, 2019 and July 22, 2019 were presented and a motion to approve was made by John Flynn, second was made by Doug Fowler. Approved unanimously 6-0.

Mayor Christie commented on the financial report from June that was sent to all council members and is available to any city resident who would like a copy. Doug Fowler commented on the amount in reserve and the fact that there are some items in there that yet to be settled up so there will be some change.

MOTION TO SUSPEND RULES: and read all proposed ordinances and resolutions on the agenda by title only made by John Flynn, second by Doug Fowler. Approved 6 ayes, 0 nays.

OLD BUSINESS: R2019-RESOLUTION EXPRESSING THE INTENT OF THE CITY COUNCIL NO LONGER TO PURSUE PURCHASE OF A PORTION OF THE CENTERTON WATER SYSTEM IN

ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING CURRENTLY IN PLACE BETWEEN THE PARTIES. (Tabled from June meeting.) *Council member Fowler asked to take a few minutes and show a map that he had brought to the meeting to show the area involved in this proposed water purchase. He proceeded to point out the area in the city that is a part of this proposal. The Mayor then explained some of the issues with this water purchase and the fact that little growth could happen without an upgrading of the systems. He also commented that based on a city survey of residents the areas that are most on residents minds are Police, Fire and streets. In contacting the Centerton Water Dept. it was made clear that they need a decision on the purchase by December 1st, 2019.*

Doug Fowler then made comments about how he feels that the city should move forward on this purchase and he cited some comments he had received from residents that this purchase is important. He feels strongly that the system should be purchased. He is convinced that this is a long term issue that will pay dividends in the future.

Larry Wilms then spoke and disagreed with the Mayor's comments on what they feel is the priority in Bella Vista. He feels that they do not for the most part understand what having this utility can do for Bella Vista. They are aware of the POA and the fact that they get their water from them. They are unaware of areas that cannot get water from the POA. He agrees that it will run at a deficit in the beginning, but he feels that loss is short-term. He says it is an investment in the future. This is a plan for the future of Bella Vista.

John Flynn then made comments about the fact that he has been hearing the "sky is falling", he feels that the city has done quite well without this investment. He quoted how much Bella Vista has done in growth. He mentioned many examples of the positives that have happened. Listing several of the new business that has come to Bella Vista. His thought is that this water purchase is too speculative in nature.

Linda Lloyd stated that she feels that to pass-up this opportunity would be a big mistake.

Jim Wozniak is concerned that we don't have a good understanding of what the cost of this system would be long term. He feels that the system needs an upgrade almost right away to make it viable. His feeling is that this is too much of a long term turnaround.

Steve Bourke that said that this is a complex situation and that there are many unanswered questions that need to be answered. He feels that we need to continue to look at the issue and take the time necessary to answer these questions. Steve favors labeling this for some time to answer these questions. Steve stated that he would help Doug Fowler gather this information. Linda Lloyd then commented she also would help with finding the answers needed.

After quite a bit more discussion Steve Bourke made a motion to table this motion until the November regular meeting. This was seconded by Larry Wilms. All council members voted to table. This will come back on the November agenda.

R2019-34-RESOLUTION APPROVING CHANGE ORDER NO. 1 TO A CONTRACT WITH CENTER POINT CONTRACTORS IN THE AMOUNT OF \$42,948.00 FOR CONSTRUCTION OF ADDITIONAL TRAIL CROSSINGS IN LIEU OF TUNNELS AS PART OF THE BELLA VISTA TRAIL EXPANSION PROJECT. *This resolution was read and some discussion was held concerning the need for this*

change. Steve Bourke commented that he would not be willing to accept any more changes orders concerning the loss of any more tunnels. It has been stated that this section of the trails will be called "Little Sugar Creek". A motion to approve was made by Jim Wozniak, seconded by Linda Lloyd. This was approved unanimously by voice vote.

NEW BUSINESS:

ORDINANCE 2019-07 REPEALING THE ENTIRETY OF DIVISION 4 OF ARTICLE II OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA (SECTIONS 2-105, 2-106, 2-107, 2-108, 2-109, 2-110, 2-111, 2-112, AND 2-113), AND ADOPTING A NEW SECTION 2-105 TO EFFECTUATE THE ADOPTION OF CITY COUNCIL RULES OF ORDER AND PROCEDURE BY RESOLUTION OF THE COUNCIL RATHER THAN BY ORDINANCE, AND FOR OTHER PURPOSES.(Staff requests 3rd and final reading). *Motion made by Doug Fowler, second by Linda Lloyd to move to third and final reading. Vote was unanimous. The Ordinance was read for the final time by the Mayor and a motion was made to approve the Ordinance by Larry Wilms, second by John Flynn. Again, voice vote was unanimous.*

ORDINANCE 2019-08 WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZING THE PURCHASE OF STREET SALT AND SAND BASED ON PRICE AND AVAILABILITY BY INFORMAL PRICE QUOTES THROUGH MARCH 2020. (Staff requests 3rd and final reading). *The reason for this Ordinance was explained and then a Motion was made by Jim Wozniak, second by Larry Wilms to suspend the rules and move to third and final reading. Vote was unanimous. The Mayor then read for the final time and Jim Wozniak made a motion to approve, seconded by John Flynn. Ayes: 6, Nays: 0 Approved.*

R2019-35-RESOLUTION RE-ADOPTING THE RULES OF ORDER AND PROCEDURE OF THE BELLA VISTA CITY COUNCIL. Motion to approve by Jim Wozniak, second by Doug Fowler. Ayes: 6, Nays: 0

R2019-36-RESOLUTION APPROVING AN UNMANNED AIRCRAFT SYSTEM POLICY FOR THE POLICE DEPARTMENT. Motion to approve by Jim Wozniak, second by Doug Fowler. Supported unanimously.

R2019-37-RESOLUTION AUTHORIZING THE SALE OF THREE (3) SURPLUS CITY VEHICLES CURRENTLY USED BY THE STREET DEPARTMENT AT PUBLIC AUCTION PURSUANT TO BELLA VISTA CITY CODE SECTION 2-345. *The Mayor stated that we will join them on an auction they are having which will help in bringing in buyers. Motion to approve by Jim Wozniak, second by Doug Fowler. Voice vote was unanimous. Approved.*

R2019-38-RESOLUTION STATING THE CITY COUNCIL'S INTENT TO MOVE AHEAD AND SUPPORT THE CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENT PROJECTS THROUGH THE ISSUANCE OF BONDS SECURED BY AN ADDITIONAL ONE PERCENT (1%) SALES AND USE TAX IN THE CITY OF BELLA VISTA TO BE APPROVED BY THE VOTERS AT AN ELECTION IN 2020. *The Mayor outlined the timeline of this potential referendum to be brought to the voters. The identified capital projects that this would fund, include a new Public Safety Building housing the Police Dept. and the Court facility. Also a new Fire Station to replace Station 3 and new Fire training facility. These will meet the needs of the city for a long period of*

time, approximately 30 years. This Resolution will direct the Administration to move ahead on this so it can be presented as a Referendum vote to the voters at the March 2020 Primary election. At this point, Steve Bourke presented an amended version of the Resolution that was included in the packed for this meeting. He made a Motion to amend, it was seconded by Jim Wozniak. Voice vote was called and was supported unanimously. Then a Motion was made to approve the amended Resolution by Jim Wozniak, seconded by Larry Wilms, Voice vote was taken and it was approved with Ayes: 6, Nays: 0.

MEETINGS AND ANNOUNCEMENTS:

- The next City Council Work Session will be Monday Sept. 16, 2019 at 5:30PM in the Bella Vista District Court Building.
- The next Regular meeting of the City Council, Monday Sept. 23, 2019 at 6:30 PM at the Bella Vista District Court Building.
- Planning Commission Work Session will be Thursday August 29, 2019 at 4:30PM in the Bella Vista District Court Building.
- Planning Commission Regular Meeting will be Sept. 9, 2019 at 6:30PM in the Bella Vista District Court Building.
- Board of Zoning Adjustment will be Sept. 17, 2019 at 5:30PM in the Bella Vista District Court Building.
- Board of Construction Appeals will be Sept. 10, 2019 in the Bella Vista District Court Building.

Meeting was adjourned at 8:10PM

City Clerk Wayne Jertson

Mayor Peter Christie