

## BELLA VISTA CITY COUNCIL MEETING MINUTES – DECEMBER 17, 2018

**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. All 5 Council members were present.

### **Citizen Input:**

Amber Goin, 25 Reading Lane spoke about her concerns about the effects the stump dump fire is having on her and family. She talked about 142 days that this fire has been burning and her concerns about the long term effects. She said that she spoke with Mr. McGowen from Benton County Emergency Management who said he had never been contacted by the city concerning this issue. We are looking to the city for answers. She mentioned a community meeting on January 18<sup>th</sup> at 6:00PM and asked all the council to attend. Two of her children, Lawson & Sawyer also spoke about their concerns about the health effects of the smoke and fumes. They mentioned fevers, sore throat and bad coughs and lots more.

Chris Nelson, 1 Herrington Drive also spoke about the stump dump fire. He said that the Army taught him to adopt and overcome. He mentioned that he had some concerns when the trail were being put in near his house. He said he offered an alternative route near his property and it was ignored. Also when a bench was located near his house he asked if it could be moved to a location where kids could use it waiting for the bus. His suggestion was ignored. He feels that the city does not care about citizen's needs. He said he felt his skin was burning this past weekend. He fears for his son who is 4 years old as well as the health of his wife.

Dylan Shaddox, 23 Harborough Lane wanted to express his thanks to Frank Anderson for his service to the city. Frank was the first Mayor of Bella Vista and served 8 years in that post. He then was elected to the City Council and tonight is his last meeting after 4 years in that position.

Joseph Bollinger, 14 Kiswick Drive also addressed his concerns about the stump dump fire. He compared this crisis to the Flint MI toxic water issue. It has been going on for 4 years. Home values have gone way down because of this. He also mentioned Centralia, PA which has a coal fire that has been burning since 1962. It has made it into a waste land. The air rating by the stump dump is 548 which is worse than New Delhi, India. He worries about his 14 week old son and the possible health effects. He stated that 250 people live within a half mile of the fire. He asked if any plans had been made to relocate these people until the issue is resolved. The people need help today, not tomorrow.

Kelly Williams, 14 Finger Circle spoke in support of the Bella Vista Bike Trails. He expressed thanks for the beautiful trails in Bella Vista. He represented a group of people who love the trails and are very glad that they are here.

Serina Angeloni, 1 Dillow Circle also addressed the stump dump issue, she has a licensed day care in her home and has 16 kids. The kids are not allowed to go outside because of the air quality issues caused by the smoke and fumes. These kids need to be able to go outside, kids are having nose bleeds and she wonders if the smoke and fumes are causing that. She said she is losing clients because of the concerns parents are having. She asked for help in stopping this fire.

Greta Swann, 5 Newton Lane asked who the council members work for. She stated that they work for the people of the city. She mentioned smoke issues and water quality. Also she thinks the trail take away privacy. She does not like that.

Deborah Emmons, 4 Brittany Lane also concerned about the loss of Paradise. Moving here from California she felt that she had moved to Paradise and she feels that she has lost that because of this fire issue. She is looking for a solution.

Christian Henning, 29 Murphy Dr. He expressed concern about the fire issue. He urged people to get face to face meeting to get facts. He urged community involvement.

Sherry Phan, 10 Mary Ann Lane wanted to make a motion to the City council to allocate \$75,000 to hire 3 Engineering Firms to come up with a plan to put out this fire. She wants one of the council members to make a motion to this effect.

Travis Greenlee, 7 Farnworth spoke about the great trails that have added to the quality of life in Bella Vista. He expressed thanks for the trails.

John Nuttall, 40 Pimlico, wanted to extend his appreciation to Frank Anderson for his contributions to the residents of Bella Vista during his 12 years with the City as well as his previous work with the POA.

At his point the 30 minute input period had ended. Mayor Christie asked the council if they wanted to extend the Input time. A Motion was made by Jim Wozniak to extend the Public Input session to allow all who had signed up to speak. This was seconded by Frank Anderson. Roll call vote was taken and approved unanimously.

Melissa Olson, 11 Mary Ann Lane expressed here concern about the effect of the stump dump fire on the health of the residents and wildlife in the area. She urged everyone to do all they can to bring this to an end.

Steve Mckee, 3 Tiree Place, spoke about donations given to the city and is it enough to complete the task at hand. He stated that the trails should be closed until the fire is solved. He stated that the City and the POA have the authority to close the trails. He stated that the Walton Foundation has the resources to put out the fire, but do they have the willingness to do so.

Sandy Fosdick, 37 Stonehaven Drive, expressed concern that the Urban Forestry and Landscape Ordinance on tonight's agenda will be a burden to home owners if a tree on their property falls on the trails. She is concerned that homeowners should not be liable for this cost. She asked if there was any environmental studies done prior to putting in the trails.

Elissa Blubac, 9 Portsbury Lane, she spoke about a product called Peak-Firex that she feels would be ideal for putting out this underground fire and stated that she would be happy to give this information to the city.

Aaron DeCelle. 4 Harrington Dr, stated that he feels that there is a priority when putting out a fire and that it is a priority to protect the people who live in harm's way. He thinks that the city could provide appropriate masks for the citizens in the affected area and provide shelters for the people who want to leave the area when it is bad. He feels that the city is liable for not taking issues now.

Stacey Lewis, Webb Lane stated that they bought what they thought would be their future retirement home. They invested everything in their home and then the underground fire changed it all for them and their neighbors near the stump dump. They live 930 feet from the fire. She kept waiting for someone to do something about the fire. She stated that she is suffering from health issues related to the smoke and fumes. She stated that they purchased two sensors to place nearby to warn them when it is time to leave their home. She felt that residents should not have had to purchase these sensors and the air quality is worse than China. She showed a photo of the smoke in their backyard.

Kelly Strain, 4 Mary Ann Lane also was there to speak about the issues caused by this underground fire. He feels that he lives by a toxic dump site. He offered a \$1000 dollar donation to mail a flyer to all residents in Bella Vista.

Jill Santoleri, 37 Harrington Drive urged everyone to be concerned about the health of all the people affected by this fire. She wants everyone to keep the people foremost in their minds.

Dee Dnewman, 7 Morganshire sent a note by email expressing her concerns about the stump dump fire and the effects on people and pets in the area.

Carl & Irma Holasek sent a letter expressing their support for the trail systems in Bella Vista. This letter was given to the council and the Mayor.

**Approval of Minutes** from 11/26/2018, Motion to approve by Frank Anderson, second by John Flynn. Ayes: 5, Nays 0

**Mayor presented the financial** report for October and year to date. There were no questions.

**Motion to Suspend** the Rules and read all Ordinances and Resolution on the agenda by title only made by Linda Lloyd, second by Doug Fowler. Supported by unanimous vote.

#### **OLD BUSINESS:**

**R2018-57-RESOLUTION-** APPOINTING \_\_\_\_\_ AS COUNCIL MEMBER OF THE CITY OF BELLA VISTA TO FILL THE VACANCY IN WARD 3, POSITION 2, FOR THE REMAINDER OF THE UNEXPIRED TERM ENDING DECEMBER 31, 2018. *Motion to amend and insert Steven Bourke as Council member to fill unexpired term. Motion to amend the motion to insert the name of Steven Bourke was made by Frank Anderson, second by Jim Wozniak. Vote was 5 to 0. Then a motion to approve the amended motion was made by Frank Anderson, second by Jim Wozniak. Approved 5 ayes, 0 nays.*

**ORDINANCE** AMENDING THE BELLA VISTA CODE OF ORDINANCES TO ENACT AN URBAN FORESTRY AND LANDSCAPE ORDINANCE, AND FOR OTHER PURPOSES. *Second Reading. No questions were asked. Council Member Fowler stated that the concern brought up during citizen input will be looked into. This will move to third reading in January.*

#### **NEW BUSINESS:**

**ORDINANCE NO 2018-17** ACCEPTING AND CONFIRMING THE DEDICATION OF PUBLIC RIGHT-OF-WAY BY COOPER COMMUNITIES, INC. NEAR THE AREA OF HIGHLANDS CROSSING. Staff requests move to third and final reading. *The Mayor explained the desire of the residents to have this done before we get winter weather so that the City can maintain the roadway. The motion to move this to third and final hearing*

*was made by Doug Fowler, second by Frank Anderson. Ayes: 5, Nays: 0 passed. This was then read for the final time and it was moved by John Flynn, seconded by Frank Anderson. Approved unanimously.*

**R2018-58-RESOLUTION-**AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH VANGUARD CLEANING SYSTEMS OF THE OZARKS FOR JANITORIAL CLEANING SERVICES FOR CITY FACILITIES. *Motion to approve by Doug Fowler, second by Linda Lloyd. Ayes: 5, Nays: 0.*

**R2018-59-RESOLUTION-** AUTHORIZING BUDGETARY FUNDING TRANSFERS BETWEEN DEPARTMENTS IN THE 2018 ANNUAL CITY BUDGET. Motion to approve by John Flynn, second by Doug Fowler. Supported unanimously.

**R2018-60-RESOLUTION-**AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT CROSSLAND HEAVY CONTRACTORS IN THE AMOUNT OF \$3,263,961.90, FOR CONSTRUCTION RELATED TO PHASE TWO OF THE BELLA VISTA TRAIL SYSTEM. Motion to approve by John Flynn, second by Doug Fowler. Ayes: 5, Nays: 0 Adopted.

#### **SWEARING IN OF NEW COUNCIL MEMBER**

Mayor Christie invited Steven Bourke to receive the Oath of Office. After the Oath of Office was given Mr. Bourke took his seat at the Council table.

#### **MEETINGS AND ANNOUNCEMENTS:**

- The next City Council Work Session will be Tuesday January 22, 2019 at 5:30PM in the Bella Vista District Court Building.
- The next Regular meeting of the City Council, Monday January 28, 2019 at 6:30 PM at the Bella Vista District Court Building.
- Planning Commission Work Session will be Thursday January 3, 2019 at 4:30PM in the Bella Vista District Court Building.
- Planning Commission Regular Meeting will be January 14, 2019 at 6:30PM in the Bella Vista District Court Building.
- Board of Zoning Adjustment will be December 18, 2018 at 5:30PM in the Bella Vista District Court Building.

At this point the Mayor thanked Frank Anderson for his 12 years of service to Bella Vista.

The Mayor then made the following comments to address the status of the stump dump fire. These comments are attached to this document.

#### **Meeting adjourned at 8:03PM.**

Bella Vista Stump Dump statement Dec. 17, 2018

I would like for residents, especially those who are impacted deeply by this fire situation, to understand that just because the city's firefighters are not out at the stump dump site with a water hose doesn't mean the city is not doing our part to help resolve this situation as quickly as possible, or that the city is not concerned about the health and well-being of our residents. I would also like to be sure the residents understand that the city is **not** in charge here. This is a delicate environmental situation that is beyond our means. We do not have the resources or

the expertise to put the fire out, and we are relying on the state and federal agencies who are in existence for that exact purpose. When a plan is put in place, we do not have the money to pay the millions it will most likely cost. I want the residents of this city to have accurate expectations from your city government.

The Fire Chief met on Friday with representatives from the ADEQ, the Arkansas Health Department, the EPA and their experts to evaluate the fire and make a recommendation on its remediation. The meeting was arranged by the ADEQ, and the property owner was not present. Per the EPA, several recommendations will be presented, then the best method for putting the fire out will be decided on and presented to the property owner. The ADEQ confirmed again at the meeting that **the property owner has primary responsibility for fixing this situation.**

We received a copy of the report this afternoon, which included three options for extinguishing the fire - the insertion of an inert gas underground, a foam or chemical treatment and the excavation of the material, which would then be doused in water. Each has its pros and cons, and the report can be found on the city's website for you to read. While they did line out these options, there has yet to be a decision made on a plan. Congressman Womack visited the site this afternoon to see first-hand what is happening, and I am scheduled to be on another call with state and federal legislators this Friday, following the release of the third round of air quality testing. The purpose of these calls is to keep pushing for action and to hopefully find a funding source to solve this problem.

It was reaffirmed at the meeting Friday that it is not feasible for the city's Fire Department to put water on the fire, until proper retention and environmental protection methods are put in place. The Fire Chief also addressed questions regarding the containment of the fire, and told the representatives from these agencies that the fire is contained underground at this time, and if there is any threat of the fire spreading, fire personnel will take action. The Fire Department and Arkansas Forestry Department are still in talks regarding establishing a fire break perimeter around the edges of the fire.

I am aware there has been rampant misinformation circulating via social media. For instance, this fire was not burning prior to July of this year. Also, there has not been additional debris brought in and burned, but rather the same underground fire continues to burn and smoke. I would encourage residents not to believe everything they hear or see, and to be sure to go to the source for correct information. The city will continue providing updates we get directly from the state and federal level on the city's website as we receive them. Please check the website for the most accurate information.

As we saw over this past weekend, the weather has a great effect on the level of smoke and odor in the air. This is like a living, breathing thing that responds to its environment. The cool, moist air keeps the smoke hanging low and the smell high. This is why in the morning hours the valley looks full of a smoky fog and by afternoon little smoke can be seen. Rainy days soak the ground, and then the water takes 24 hours or so to infiltrate the fire, making it burn less efficiently and smoke more.

I implore residents to contact the Arkansas Health Department with health concerns, as that is the agency that deals with public health issues, and to adhere to the recommendations their experts provide.

I know residents have been using their own systems to monitor the air quality. Since we at the city are not air quality experts, we sought some information this afternoon from the Arkansas Department of Health regarding these monitors. This data is hugely impacted by other environmental factors, such as humidity, and the ADH said these readings are not typically considered accurate and usually run high. Any time any kind of particle passes through the detector, an algorithm guesses what that particle is. That means each water molecule that passed through was counted as a particulate. The ADH urged us to remind residents that this is not validated, quality-controlled data, and this is not information they would use to make health calls.

However, they did say with certainty that a quality air filtration system is a much better investment. They said an air monitoring system will alert you of conditions and do nothing

more than cause anxiety, while a filtration system will actually be working to filter the air you are breathing.

This fire is not something your city officials or staff are taking lightly. They have spent countless hours working toward a solution to this problem with tied hands. As it is important you seek out the Health Department for health concerns, it's equally important you seek out the regulatory authority over this situation with other issues and concerns you have. The ADEQ is overseeing this process. They have the rules that need to be followed, and the methods to enforce those. They are to whom inquiries should be directed. Residents can find contact information for the ADEQ and the Health Department on the city's website.

City Clerk Wayne Jertson

Mayor Peter Christie