



MEETING: CITY COUNCIL WORK SESSION
DATE AND TIME: Monday October 19, 2020 Following Special Session at 4:30PM
Zoom Meeting On-Line

Here is the public invitation link for this Zoom meeting
https://us02web.zoom.us/webinar/register/WN_7k01t2sMQt2qgLAKtyG_pA
Webinar ID: 898 3993 0511

- I. **CALL TO ORDER:** This meeting has given public notice in accordance with the Section 25-19-106 of the Freedom of Information Act, in such form that will apprise the public and news media of subject matter that up for consideration and action.
- II. **ATTENDANCE:** Council Members John Flynn, Linda Lloyd, James Wozniak, Larry Wilms, Doug Fowler and Steven Bourke. Mayor Peter Christie, Staff Attorney Jason Kelley and City Clerk Wayne Jertson.
- III. **OLD BUSINESS:**
 1. **ORDINANCE NO-2020-** AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO ADD AN ARTICLE IV- UNSAFE AND HAZARDOUS TREES TO CHAPTER 20-NUISANCES TO REQUIRE THE REMOVAL OF DEAD OR HAZARDOUS TREES. (Third reading,)
 2. **ORDINANCE NO 2020-**AMENDING SECTION 109-250 *POOLS AND SPAS* OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO REQUIRE A FENCE ENCLOSURE AROUND ALL OUTDOOR POOLS (INCLUDING ABOVE- GROUND), SPAS AND HOT TUBS GREATER THAN TWO (2) FEET IN DEPTH TO RESTRICT ACCESS BY CHILDREN. (Third reading)
- IV. **NEW BUSINESS**
 - A- **ORDINANCE 2020-** SETTING THE AMOUNT OF ADDITIONAL FINE TO BE LEVIED PURSUANT TO ARK. CODE ANN. § 16-17-129 TO DEFRAY THE COSTS OF INCARCERATING CITY PRISONERS, AND FOR OTHER PURPOSES.
 - B- **R2020-RESOLUTION-** AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH BREEDEN DODGE OF FORT SMITH FOR THE PURCHASE OF A 2020 DODGE RAM TRUCK, PURSUANT TO A STATE PROCUREMENT CONTRACT, IN

AN AMOUNT NOT TO EXCEED \$28,675.00 FOR THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT.

- C- R2020-RESOLUTION-** SETTING THE MEETING SCHEDULE OF THE BELLA VISTA CITY COUNCIL FOR CALENDAR YEAR 2021

- D- R2020-RESOLUTION-** APPROVING THE APPOINTMENT OF ASHLEY JONES TO A FIVE (5) YEAR TERM ON THE PUBLIC LIBRARY ADVISORY BOARD TO BEGIN JANUARY 1, 2021, REPLACING CALEB ELLICOTT.

- E- R2020-RESOLUTION-**APPROVING THE RE-APPOINTMENT OF MARIANNE FARNER TO A FIVE (5) YEAR TERM ON THE PUBLIC LIBRARY ADVISORY BOARD TO BEGIN JANUARY 1, 2021.

- F- R2020-RESOLUTION-**AMENDING THE 2020 CITY BUDGET TO APPROPRIATE \$5,404,958.63 IN RESTRICTED MUNICIPAL FIRE IMPROVEMENT BOND REVENUE TOWARD QUALIFIED FIRE IMPROVEMENT PROJECT EXPENDITURES AND TO APPROPRIATE \$18,483,998.67 IN RESTRICTED MUNICIPAL PUBLIC SAFETY IMPROVEMENT BOND REVENUE TOWARD QUALIFIED PUBLIC SAFETY IMPROVEMENT PROJECT EXPENDITURES.

- G- R2020-RESOLUTION-**ESTABLISHING RESIDENTIAL AND COMMERCIAL RATES FOR SOLID WASTE (TRASH) COLLECTION IN THE CITY.

Discussion Items:

Sunset Drive
Bridges on Lancashire (Hwy 340)
Septic versus Bedrooms- Linda Lloyd
Controlled Burning

ADJOURNMENT

*** Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the City Clerk at 479-876-1255.

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO ADD AN ARTICLE IV-UNSAFE AND HAZARDOUS TREES TO CHAPTER 20-NUISANCES TO REQUIRE THE REMOVAL OF DEAD OR HAZARDOUS TREES

WHEREAS, trees in the city which are dead, diseased or hazardous within the city can constitute a serious risk to life and property or harbor insects or disease which may threaten other trees; and

WHEREAS, owners of property where such dead, diseased or hazardous trees exist should bear responsibility for their removal and abatement in order to preserve and protect the public health, safety and welfare;

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

SECTION 1: The Code of Ordinances of the City of Bella Vista is hereby amended to add an Article IV-Unsafe and Hazardous Trees to Chapter 20-Nuisances, which shall read as follows:

“ARTICLE IV-UNSAFE AND HAZARDOUS TREES

Sec.18-80. Definitions.

For purposes of this article, certain words or terms applicable hereto are defined as hereinafter provided.

Hazardous tree means any part of a tree that is diseased, damaged, decayed or located so as to be dangerous to public safety, health or welfare.

Sec. 18-81. Hazardous trees.

- (a) When the Director of the Community Development Services Department, or the Director’s designee, determines that a tree or limb presents a condition which is hazardous to the safety or welfare of the community, it shall be removed or pruned immediately.
- (b) The city shall have the right to cause the removal of any dead, diseased or hazardous trees or tree parts on public or private property within the city when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the city. If the tree is on private property, the owner may be held responsible and liable for the costs of removal.

Sec. 18-82. Recoupment of removal expenses, notices and procedures.

When a tree on private property is to be removed by the city pursuant to Section 18-81, the procedures and notice requirements in Sections 18-21, 18-22 and 18-23 of this Code shall apply.”

ADOPTED THIS _____ DAY OF _____, 2020.

APPROVED:

PETER CHRISTIE
MAYOR

ATTEST:

WAYNE JERTSON
CITY CLERK

Requested by: Mayor
Prepared by: Jason Kelley, Staff Attorney

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

AMENDING SECTION 109-250 POOLS AND SPAS OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO REQUIRE A FENCE ENCLOSURE AROUND ALL OUTDOOR POOLS (INCLUDING ABOVE-GROUND), SPAS AND HOT TUBS GREATER THAN TWO (2) FEET IN DEPTH TO RESTRICT ACCESS BY CHILDREN

WHEREAS, Section 109-250 of the Code of Ordinances of the City of Bella Vista requires outdoor pools, spas and hot tubs to be protected by an enclosure designed to restrict access by children, but does not require a fence to meet the requirement; and

WHEREAS, neighboring communities require a fence to serve as protection for children in order to restrict access to outdoor pools (including above-ground), spas and hot tubs, and such a requirement in Bella Vista is deemed to more adequately provide for the health, safety and welfare of children in the city; and

WHEREAS, the city desires to clarify that a fence is required whether an outdoor pool is of above-ground or below-ground construction;

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

SECTION 1: Section 109-250 *Pools and spas* of the Code of Ordinances of the City of Bella Vista is hereby amended so that, after amendment, the Section shall read as follows:

“Sec. 109-250-Pools and spas.

Outdoor pools (including above-ground), uncovered spas and uncovered hot tubs greater than two feet (2’) in depth shall be protected by a fence designed to restrict access by children. Such fence shall meet the requirements of the Arkansas Fire Prevention Code and this Article.”

ADOPTED THIS _____ DAY OF _____, 2020.

APPROVED:

PETER CHRISTIE
MAYOR

ATTEST:

WAYNE JERTSON
CITY CLERK

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

**SETTING THE AMOUNT OF ADDITIONAL FINE TO BE LEVIED
PURSUANT TO ARK. CODE ANN. § 16-17-129 TO DEFRAY THE COSTS
OF INCARCERATING CITY PRISONERS, AND FOR OTHER PURPOSES**

WHEREAS, Ark. Code Ann. § 16-17-129 authorizes cities with a district court to enact an additional fine not to exceed twenty dollars (\$20.00) per offense on misdemeanors and traffic violations and in all cases in the first class of accounting records as described in Ark. Code Ann. § 16-17-707 which occur in the City, for the purpose of defraying the costs of incarcerating city prisoners; and

WHEREAS, the statute specifies that the amounts collected shall be used exclusively for defraying the costs of incarcerating prisoners and for no other purpose; and

WHEREAS, pursuant to Ordinance No. 2011-10, the City has collected an additional fine in the amount of five dollars (\$5.00), pursuant to Ark. Code Ann. § 16-17-129, to defray the costs of incarcerating its prisoners in the Benton County Jail; and

WHEREAS, collections of said amount are insufficient to cover costs associated with incarcerating city prisoners in the Benton County Jail;

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

SECTION 1: From and after the effective date of this Ordinance, pursuant to Ark. Code Ann. § 16-17-129, the sum of fifteen dollars (\$15.00) shall be levied on each misdemeanor and traffic violation offense and in all cases in the first class of accounting records as described in Ark. Code Ann. § 16-17-707 arising in the City.

SECTION 2: Said sum shall be collected by the Clerk of Court from each defendant for each charge the defendant pleads guilty, nolo contendere, is found guilty, or forfeits bond.

SECTION 3: The amounts collected pursuant to this Ordinance shall be used exclusively for the purposes permitted in Ark. Code Ann. § 16-17-129.

ADOPTED THIS _____ DAY OF _____, 2020.

APPROVED:

Mayor Peter Christie

Attest:

City Clerk Wayne Jertson

Requested by Mayor
Prepared by Jason Kelley, Staff Attorney

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH BREEDEN DODGE OF FORT SMITH FOR THE PURCHASE OF A 2020 DODGE RAM TRUCK, PURSUANT TO A STATE PROCUREMENT CONTRACT, IN AN AMOUNT NOT TO EXCEED \$28,675.00 FOR THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT

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

SECTION 1: The Mayor and City Clerk are hereby authorized to enter into a contract with Breeden Dodge of Fort Smith for the purchase of a 2020 Dodge Ram truck, pursuant to a state procurement contract, in an amount not to exceed \$28,675.00 for the Community Development Services Department.

ADOPTED THIS _____ DAY OF _____, 2020.

APPROVED:

Mayor Peter Christie

ATTEST:

City Clerk Wayne Jertson

Requested by Mayor Christie
Prepared by Jason Kelley, Staff Attorney

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: October 26, 2020

AGENDA ITEM: Resolution

ITEM TITLE: Community Development Services Department Vehicle Purchase

SUBMITTED BY: Director Doug Tapp

SUMMARY EXPLANATION: 2020 necessitates the purchase of one (1) new Dodge Ram truck. This vehicle will be purchased at the State bid price from Breeden Dodge in Fort Smith, AR.

Approval is being requested to spend up to, but not to exceed, \$28,675.00 for the purchase of the new truck. This money was approved in the 2020 CDS budget for the purchase of this vehicle.

ATTACHMENT: ORDINANCE RESOLUTION OTHER

RECOMMENDATION: Director Tapp recommends City Council approval for the expenditure of \$28,675.00 for the requested vehicle purchase.

ACTION REQUESTED:
Motion to adopt

RETAIL ORDER FOR A MOTOR VEHICLE

Deal # _____



5900 Hwy 71 S.
FORT SMITH, AR 72908
(479) 646-4731

PURCHASER'S NAME City Of Bella Vista
 CO-PURCHASER'S NAME _____
 STREET ADDRESS 406 TOWN CTR NE
 CITY BELLA VISTA STATE AR ZIP 72714-1817
 RES PHONE (479) 876-1255 BUS PHONE (479) 876-1255
 CELL PHONE _____

SALESMAN NAME Dean Pendergrass

NEW / USED	YEAR	MAKE	TYPE	SERIAL NUMBER	STOCK #
New	2020	RAM	1500	3C6RR7KTBLG290993	
AC _____ PS _____	AC _____ CYL _____	PW _____ PS _____	TRANSMISSION _____	MILES _____	RADIO _____
					COLOR <u>WHITE</u>

USED CAR TRADE-IN AND/OR OTHER CREDITS

MAKE OF TRADE-IN _____
 MODEL _____
 COLOR _____ CYLS _____
 YEAR _____ MILES _____ BODY _____
 SERIAL NO. _____

CASH DELIVERED PRICE	<u>28,546.00</u>
TRADE ALLOWANCE	<u>0</u>
TRADE DIFFERENCE	<u>28,546.00</u>

PAYOFF TO:

NAME _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 ACCT # _____ PAYOFF GOOD UNTIL _____
 PAYOFF AMOUNT \$ _____

SALES TAX IS CUSTOMER'S RESPONSIBILITY

TOTAL CASH PRICE	\$ <u>28,546.00</u>
TRADE-IN	\$ _____
LESS PAY-OFF	\$ _____
NET ALLOWANCES	\$ _____
EST TAX	\$ _____
OTHER FEES	\$ _____
DOCUMENTATION FEES	\$ <u>129.00</u>
REBATE	\$ _____
CASH DUE ON DELIVERY	\$ <u>28,675.00</u>
TOTAL DOWN PAYMENT	\$ _____
UNPAID BALANCE	\$ _____

THE FOLLOWING PARTS AND/OR ACCESSORIES THAT HAVE BEEN INSTALLED ON YOUR VEHICLE ARE NOT SUPPLIED, APPROVED OR WARRANTED BY CHRYSLER CORP.

CUSTOMER'S SIGNATURE _____

NON-CHRYSLER SERVICE CONTRACT

You are purchasing a service agreement from a company other than Chrysler Corporation. Chrysler does not stand behind it. If you need repairs that are not covered by your Chrysler warranties, you should contact the company that provided this service contract before contacting Chrysler.

"A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE CHARGED TO BUYERS FOR HANDLING DOCUMENTS AND PERFORMING SERVICES RELATING TO THE CLOSING OF SALE. THIS NOTICE IS REQUIRED BY LAW."

I UNDERSTAND THIS LIMITATION

DELIVERY OF THIS AUTOMOBILE IS ACCEPTED BY PURCHASER SUBJECT TO CREDIT APPROVAL BY FINANCING INSTITUTION AND IN THE EVENT OF A CREDIT REPORT UNACCEPTABLE TO THE FINANCING INSTITUTION THE PURCHASER WILL RETURN THE AUTOMOBILE HEREIN DESCRIBED IMMEDIATELY TO THE DEALER.

Buyer assumes responsibility for any difference in pay off in excess of amount shown above and will pay such difference in cash on demand. If not so paid, buyer authorizes dealer, at dealer's option, to increase monthly payments of contract balance to cover the difference and finance charges herein.

INSURANCE AGENT (CONTACT PERSON) _____
 STREET ADDRESS, CITY, STATE, ZIP _____
 PHONE NO. _____
 INSURANCE COMPANY _____
 POLICY NO. _____
 EFFECTIVE DATE _____ EXPIRATION DATE _____

The selling dealer hereby expressly disclaims all warranties either expressed or implied, including any implied warranties of merchantability or fitness for particular purpose, and neither assumes or authorizes any other person to assume for it any liability in connection with the sale of this vehicle. Buyer shall not be entitled to recover from the selling dealer any consequential damages, damages to property, damages for loss of use, loss of time, loss of profit or income or any other incidental.

THIS ORDER IS NOT VALID UNLESS SIGNED AND ACCEPTED BY AN OFFICER OF THIS COMPANY

REMARKS: _____

I hereby agree to purchase from you under the terms and conditions specified above.

Date 10/12/2020

Purchaser's Signature _____

Seller [Signature]

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**SETTING THE MEETING SCHEDULE OF THE
BELLA VISTA CITY COUNCIL FOR CALENDAR YEAR 2021**

WHEREAS, City Ordinance requires the City Council to conduct a regular session at least once monthly at a time and place designated by the Mayor/Council; and

WHEREAS, there is no requirement that work sessions be conducted at any regular interval;

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

SECTION 1: For calendar year 2021, work sessions and regular sessions of the Bella Vista City Council shall be held on the dates reflected on the attached exhibit, which is incorporated into this Resolution as if set out word for word herein.

ADOPTED this _____ day of _____, 2020.

APPROVED:

Mayor Peter Christie

Attest:

City Clerk Wayne Jertson

Requested by Mayor Christie
Prepared by Jason Kelley, Staff Attorney



BELLA VISTA
A place to call home

Wayne Jertson, City Clerk
101 Town Center
Bella Vista, AR 72714
479-876-1255

The dates for work sessions and regular meetings of the City Council for the 2021 calendar year are as follows:

Meeting Locations will be announced.

Work Session Date- 5:30PM	Regular Meeting Date- 6:30PM
1/19/2021 Tuesday	1/25/2021
2/16/2021 Tuesday	2/22/2021
3/15/2021	3/22/2021
4/19/2021	4/26/2021
5/17/2021	5/24/2021
6/21/2021	6/28/2021
7/19/2021	7/26/2021
8/16/2021	8/23/2021
9/20/2021	9/27/2021
10/18/2021	10/25/2021
11/8/2021	11/15/2021
12/13/2021	12/20/2021

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

APPROVING THE APPOINTMENT OF ASHLEY JONES TO A FIVE (5) YEAR TERM ON THE PUBLIC LIBRARY ADVISORY BOARD TO BEGIN JANUARY 1, 2021, REPLACING CALEB ELLICOTT

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

SECTION 1: The appointment of Ashley Jones to a five (5) year term on the Public Library Advisory Board to begin January 1, 2021, replacing Caleb Ellicott, is hereby approved.

ADOPTED THIS _____ DAY OF _____, 2020.

APPROVED:

Mayor Peter Christie

Attest:

City Clerk Wayne Jertson

Requested by Mayor Christie
Prepared by Jason Kelley, Staff Attorney

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

APPROVING THE RE-APPOINTMENT OF MARIANNE FARNER TO A FIVE (5) YEAR TERM ON THE PUBLIC LIBRARY ADVISORY BOARD TO BEGIN JANUARY 1, 2021

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

SECTION 1: The re-appointment of Marianne Farner to a five (5) year term on the Public Library Advisory Board to begin January 1, 2021, is hereby approved.

ADOPTED THIS _____ DAY OF _____, 2020.

APPROVED:

Mayor Peter Christie

Attest:

City Clerk Wayne Jertson

Requested by Mayor Christie
Prepared by Jason Kelley, Staff Attorney

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

AMENDING THE 2020 CITY BUDGET TO APPROPRIATE \$750,000 IN RESTRICTED MUNICIPAL FIRE IMPROVEMENT BOND REVENUE TOWARD QUALIFIED FIRE IMPROVEMENT PROJECT EXPENDITURES AND TO APPROPRIATE \$250,000 IN RESTRICTED MUNICIPAL PUBLIC SAFETY IMPROVEMENT BOND REVENUE TOWARD QUALIFIED PUBLIC SAFETY IMPROVEMENT PROJECT EXPENDITURES

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 hereby amends the 2020 City Budget to appropriate \$750,000 in restricted municipal fire improvement bond revenue toward qualified fire improvement project expenditures and to appropriate \$250,000 in restricted municipal public safety improvement bond revenue toward qualified public safety improvement project expenditures.

ADOPTED THIS _____ DAY OF _____, 2020.

APPROVED:

Mayor Peter Christie

Attest:

City Clerk Wayne Jertson

Requested by Mayor Christie
Prepared by Jason Kelley, Staff Attorney

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

ESTABLISHING RESIDENTIAL AND COMMERCIAL RATES FOR SOLID WASTE (TRASH) COLLECTION IN THE CITY

WHEREAS, the current solid waste collection contract with Allied Waste Services of Bella Vista d/b/a Republic Services of Bella Vista provides for a renegotiation of rates; and

WHEREAS, adjustment to rates charged to customers is necessary related to new contractual rates charged by the provider to the City;

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

Section 1: Based on the newly negotiated rates with Republic Waste, the following monthly rates are hereby established for the period beginning January 1, 2021.

Residential Customers:

Curbside collection \$14.60 per month, plus applicable sales tax. (\$12.60rate+\$2.00street)

Commercial Customers:

Size	1x/week	2x/week	3x/week	4x/week	Extra PU	Billing Admin Costs	Sales Tax	Costs with Street Repair Ord. 2012-16
2 cu. Yd.	\$50.01	\$100.04	\$150.08	\$200.10	\$31.21	\$.90	Applicable Rate	\$.50 per pickup
4 cu. Yd.	\$93.69	\$187.67	\$281.34	\$375.32	\$56.07	\$.90	Applicable Rate	\$.50 per pickup
6 cu. Yd.	\$131.27	\$225.25	\$356.53	\$450.51	\$81.26	\$.90	Applicable Rate	\$.50 per pickup
8 cu. Yd.	\$168.86	\$312.87	\$481.73	\$625.74	\$106.11	\$.90	Applicable Rate	\$.50 per pickup

Additional Charges:

Dumpster changes/deliveries on established accounts: \$50.03

Extra yardage fees on dumpsters: \$14.86/yd.

ADOPTED THIS _____ DAY OF _____, 2020.

APPROVED:

Peter Christie, Mayor

ATTEST:

Wayne Jertson
City Clerk

Requested by: Mayor
Prepared by: Jason B. Kelley, Staff Attorney