



BELLA VISTA
A place to call home

MEETING: **REGULAR CITY COUNCIL MEETING**
DATE AND TIME: **Monday, November 18, 2019 – 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 John Flynn, Linda Lloyd, James Wozniak, Larry Wilms, Doug Fowler and Steven Bourke
 - 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.*
 - III. **COUNCIL REPLY:** *Council members will have the opportunity to reply to the comments and concerns raised during the Citizen Input period. This will be limited to comments and will not be a discussion period.*
- IV. **APPROVAL OF MINUTES:** October 28, 2019 City Council Minutes
November 12, 2019 City Council Minutes
- V. **REPORTS:** Monthly Financial Report September 2019.
- VI. **MOTION TO SUSPEND RULES:** and read all proposed ordinances and resolutions on the agenda by title only.
- VII. **OLD BUSINESS:**
 1. **ORDINANCE-** AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF BELLA VISTA, ARKANSAS ON THE QUESTIONS OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COST OF CAPITAL IMPROVEMENTS; LEVYING A ONE PERCENT (1%) SALES AND USE TAX FOR THE PURPOSE OF RETIRING SUCH BONDS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO. ***(Second Reading)***

2. **R2019-RESOLUTION R2019-** 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 August Meeting)*

NEW BUSINESS:

- A. **R2019-RESOLUTION** SUPPORTING HOUSE JOINT RESOLUTION 1018 OF 2019 (HJR 1018 OF 2019) PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CONTINUE A LEVY OF A ONE-HALF PERCENT SALES AND USE TAX FOR STATE HIGHWAYS AND BRIDGES; COUNTY ROADS, BRIDGES, AND OTHER SURFACE TRANSPORTATION; AND CITY STREETS, BRIDGES, AND OTHER SURFACE TRANSPORTATION AFTER THE RETIREMENT OF THE BONDS AUTHORIZED IN ARKANSAS CONSTITUTION AMENDMENT 91, AS SPECIAL REVENUE TO BE DISTRIBUTED UNDER THE ARKANSAS HIGHWAY REVENUE DISTRIBUTION LAW.
- B. **R2019-RESOLUTION** SETTING THE MEETING SCHEDULE OF THE BELLA VISTA CITY COUNCIL FOR CALENDAR YEAR 2020.
- C. **R2019-RESOLUTION** ESTABLISHING RESIDENTIAL AND COMMERCIAL RATES FOR SOLID WASTE (TRASH) COLLECTION IN THE CITY.
- D. **R2019-RESOLUTION** AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A FIVE YEAR LEASE AGREEMENT ADDENDUM WITH VANCON PROPERTIES, LLC FOR OFFICE SPACE FOR THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT.

MEETINGS AND ANNOUNCEMENTS:

- The next City Council Work Session will be Monday December 9, 2019 at 5:30PM in the Bella Vista City Hall Conference Room.
- The next Regular meeting of the City Council, Monday December 16, 2019 at 6:30 PM at the Bella Vista District Court Building.
- Planning Commission Work Session will be Thursday November 21, 2019 at 4:30PM in the Bella Vista District Court Building.
- Planning Commission Regular Meeting will be December 9, 2019 at 6:30PM in the Bella Vista District Court Building.
- Board of Zoning Adjustment will be November 19, 2019 at 5:30PM in the Bella Vista District Court Building.
- Board of Construction Appeals will be December 10, 2019 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.

BELLA VISTA CITY COUNCIL REGULAR MEETING MINUTES – OCTOBER 28, 2019

Call to Order- Mayor Christie called the meeting to order at 6:30PM

Pledge of Allegiance was recited by all present.

Roll of Council was called by City Clerk Jertson; Council members Wozniak, Flynn, Lloyd, Fowler, Wilms and Bourke were present.

Citizen Input; Alice Smith, 33 Dannocho Drive Bella Vista spoke about her property being one of those getting a lien placed on it. She feels that the amount for the clean-up is too high and feels that she should not have to pay that amount.

Approval of Minutes for the City Council meeting on September 23, 2019. *Council Member Wilms pointed out that in Resolution 2019-40 there was an error in that it said bids in reference to choosing Bond Counsel. It should have said RFQ's. Clerk Jertson will make that correction. Larry Wilms then moved to approve the minutes, it was seconded by John Flynn. Approved by voice vote of 6-0.*

Approval of the Minutes for City Council Special Meeting held on October 1, 2019. *Motion to approve by John Flynn, second by Doug Fowler. Approved by voice vote of 6-0.*

Financial Report for August 2019. Mayor Christie spoke about the report and asked if there were any questions. Copies were available for those who wanted them.

Mayor Christie talked about an incident that the Fire Department was involved in while assisting the White Rock, MO Fire Department on October 21st in dealing with a Propane fire. This was a very dangerous situation with a 30 thousand gallon propane tank that was handled very professionally and disaster was averted. The Mayor publicly recognized the Bella Vista firefighters that were involved in this incident. Several were present and were given a standing ovation after being introduced.

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

ORDINANCE 2019- AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF BELLA VISTA, ARKANSAS ON THE QUESTIONS OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COST OF CAPITAL IMPROVEMENTS; LEVYING A ONE PERCENT (1%) SALES AND USE TAX FOR THE PURPOSE OF RETIRING SUCH BONDS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

Mayor Christie then gave an overview of the reasons for this sales tax Bond Issue. He discussed the various parts of this bond issue and the issues that it would solve for Bella Vista and its residents. He discussed the Public Safety building that will house the Police Department and the Bella Vista Court. In addition he talked about the new Fire Station on the West side of Bella Vista that will replace a very outdated Fire Station 3. The new station will be built on land that the City already owns. Another element is the Fire training center that will allow the continuous training of our Fire Department personnel without having to leave Bella Vista to obtain this required training. Mayor Christie then asked Fire Chief Sims to come forward and talk more about that

these additions will do to improve our Fire Department and its ability to serve our residents.

Chief Sims then spent quite a bit of time going over all the aspects of the new Fire Station 3 and the Fire Training facility and the benefits that it will provide. He talked about the ratings that the Fire Department receives when it is graded for ISO Ratings. He explained the way the department is rated and the points received for each aspect of the process. The fire training facility will not only have training but will also have 2 pumper trucks at that site which will assist in deployment to that portion of Bella Vista. He talked quite a bit about how important this training aspect is in retaining firefighters in the department. The goal is to strive to be the best department possible so that we can serve the community in any given situation. He talked about the land that has been selected for this fire training site. He cited many positives about this property and how it will serve this need. There are some water issues presently on the property but can be easily corrected. This site will also be available for use by the Police Department for tactical training. Chief Sims answered several questions from the council.

At this point the council heard from Daniel Allen from Raymond James on the financial aspect of the bond issue and from Ryan Bowman from Friday, Eldredge & Clark, Bond Counsel who answered several questions from council about the bond issue and how it's structured. Many questions were asked about the contingency and how it was arrived at. The timeline that is involved is the driving force of the contingency and its need. After much discussion the recommendation was to leave the issue as written with two issues on the ballot. The Public safety complex as one and the Fire station and training center as the other. Many additional questions were asked and answered and the decision was to leave the Ordinance as is and move to second reading at the November meeting.

R2019-43 RESOLUTION APPROVING THE MAYOR'S RE-APPOINTMENT OF CHRISTOPHER ESTILL TO THE BELLA VISTA BOARD OF ZONING ADJUSTMENT FOR A THREE (3) YEAR TERM EXPIRING OCTOBER 1, 2022. *Motion to approve by Larry Wilms, seconded by Doug Fowler. Ayes: 6, Nays: 0. Approved.*

R2019-44 RESOLUTION APPROVING AMOUNTS OF LIENS TO BE CERTIFIED TO THE BENTON COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTIES AS A RESULT OF GRASS CUTTING EXPENSES AND ABATEMENT OF OTHER NUISANCES BY THE CITY OF BELLA VISTA. *PUBLIC HEARING was opened by the Mayor and there was no input so the Public hearing was closed and a motion to approve was made by Doug Fowler, second by Linda Lloyd. Roll call vote was held and carried 6-0.*

R2019-45 RESOLUTION AMENDING RULE 2-SPECIAL MEETINGS OF THE RULES OF ORDER AND PROCEDURE OF THE BELLA VISTA CITY COUNCIL. *Motion to approve by Linda Lloyd, second by John Flynn. Roll Call vote Ayes: Lloyd, Flynn, Wilms, Fowler and Bourke. Nays: Wozniak. Approved.*

R2019-46 RESOLUTION ACCEPTING A STORM CLEAN-UP GRANT FOR THE CITY TRAIL SYSTEM IN THE AMOUNT OF \$25,000.00 FROM THE WALTON FAMILY FOUNDATION AND AMENDING THE 2019 CITY BUDGET TO RECOGNIZE THE REVENUE AND AUTHORIZE EXPENDITURE. *Motion to approve by John Flynn, second by Doug Fowler. Ayes: 6, Nays: 0 Approved.*

R2019-47 RESOLUTION APPROVING A GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION IN THE AMOUNT OF \$4,908,000.00 FOR THE CONSTRUCTION OF TWO RAZORBACK GREENWAY EXTENSION PROJECTS, INCLUDING THE NEW MERCY WAY BRIDGE AND A BLOWING SPRINGS TO METFIELD GREENWAY CONNECTION. *Motion to approve by Doug Fowler, second by Linda Lloyd. Ayes: 6, Nays: 0 Approved.*

R2019-48 RESOLUTION ACCEPTING THE FINANCIAL AUDIT REPORT PRESENTED BY THE LANDMARK, PLC FOR THE YEAR ENDING DECEMBER 31, 2018. Motion to approve by Linda Lloyd, second by John Flynn. Ayes: 6, Nays: 0 Approved.

MEETINGS AND ANNOUNCEMENTS:

- The next City Council Work Session will be Tuesday November 12, 2019 at 5:30PM in the Bella Vista District Court Building.
- The next Regular meeting of the City Council, Monday November 18, 2019 at 6:30 PM at the Bella Vista District Court Building.
- Planning Commission Work Session will be Thursday November 21, 2019 at 4:30PM in the Bella Vista District Court Building.
- Planning Commission Regular Meeting will be December 9, 2019 at 6:30PM in the Bella Vista District Court Building.
- Board of Zoning Adjustment will be November 19, 2019 at 5:30PM in the Bella Vista District Court Building.
- Board of Construction Appeals will be November 12, 2019 in the Bella Vista District Court Building.

ADJOURNMENT Meeting adjourned at 8:49PM.

City Clerk Wayne Jertson

Mayor Peter Christie

BELLA VISTA CITY COUNCIL SPECIAL MEETING MINUTES – NOVEMBER 12, 2019

Call to Order; Mayor Christie called the meeting to order at 5:00PM.

Clerk Jertson called the roll of Council; Council Members Wozniak, Lloyd, Bourke, Fowler and Wilms were present. Council member Flynn was unable to attend due to a prior commitment.

Business:

R2019-RESOLUTION APPROVING CHANGE ORDER NO. 1 TO A CONTRACT WITH APAC-CENTRAL, INC. IN THE AMOUNT OF \$41,275.00 FOR ADDITIONAL STREET CONSTRUCTION RELATED TO THE US 71 LEFT TURN LANE AND ADDITIONAL PAVING AT THE KINGSLAND/US 71 TRAFFIC SIGNAL
Mayor Christie introduced the reasons for this resolution. He explained that the change order is to be able to use the company that is already here doing a job in Bella Vista and can do this job while they are here. This will save some time on completing the traffic signal project. A few questions were asked and answered and then Larry Wilms made a motion to approve the resolution, second by Jim Wozniak. Roll call vote was taken; Ayes: 5 Nays: 0

R2019-RESOLUTION APPROVING A HEALTH INSURANCE AND BENEFIT PLAN FOR CITY EMPLOYEES TO BEGIN JANUARY 1, 2020. *The Mayor introduced HR Director Glenda Kelderman who then explained the benefit plans and the changes from 2019 to 2020. She went over the different parts of the plans available for the employees. She answered several questions from the council concerning elements of the plans. Jim Wozniak made a motion to approve the resolution, seconded by Linda Lloyd. Roll Call vote was taken and was supported unanimously. Ayes: 5 Nays: 0*

The Mayor adjourned the meeting at 5:23PM.

City Clerk Wayne Jertson

Mayor Peter Christie

ORDINANCE NO. _____

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF BELLA VISTA, ARKANSAS ON THE QUESTIONS OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COST OF CAPITAL IMPROVEMENTS; LEVYING A ONE PERCENT (1%) SALES AND USE TAX FOR THE PURPOSE OF RETIRING SUCH BONDS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Bella Vista, Arkansas (the "City") has determined that the City is greatly in need of:

(1) facility improvements for the fire department, including particularly, without limitation, a replacement fire station to replace current station #3 and a new fire complex that will be used for training purposes and to house fire equipment and apparatus and any necessary land acquisition, furnishings and equipment and parking, lighting, road and utility improvements related thereto (the "Fire Improvements"); and

(2) a new public safety facility to house the police department, a police and fire dispatch center and a courtroom and any necessary furnishings and equipment and parking, lighting and utility improvements related thereto (the "Public Safety Improvements"); and

WHEREAS, the City Council proposes to finance all or a portion of the costs of the Fire Improvements and the Public Safety Improvements (collectively, the "Capital Improvements") by the issuance of capital improvement bonds (the "Bonds") under the authority of Amendment No. 62 to the Constitution of the State of Arkansas ("Amendment 62") and Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation"), allocated as follows: \$5,500,000 in maximum principal amount for the Fire Improvements; and \$18,800,000 in maximum principal amount for the Public Safety Improvements; and

WHEREAS, the City can pay the principal of and interest on the Bonds from the proceeds of a city-wide one percent (1%) sales and use tax to be levied under the authority of the Authorizing Legislation; and

WHEREAS, the City is not currently levying a sales and use tax under the authority of the Authorizing Legislation; and

WHEREAS, the purpose of this Ordinance is to submit to the electors of the City the questions of issuing the Bonds for the Capital Improvements under Amendment 62 and the Authorizing Legislation at a special election to be called for that purpose and to levy a sales and use tax at the rate of one percent (1%) on the receipts from the sales at retail within the City of all items which are subject to taxation under the Arkansas Gross Receipts Act of 1941, as amended

(A.C.A. §§26-52-101, et seq.), and the receipts from storing, distributing, using or consuming within the City tangible personal property under the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. §§26-53-101, et seq.) (the "Sales and Use Tax");

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bella Vista, Arkansas:

Section 1. There is hereby called a special election to be held on March 3, 2020, at which election there shall be submitted to the electors of the City the questions of issuing the Bonds under Amendment 62 and the Authorizing Legislation to pay all or a portion of the costs of the Capital Improvements in the maximum principal amounts described above, to be payable from collections of the Sales and Use Tax remaining after deduction of the administrative charges of the State of Arkansas and required rebates.

Section 2. In order to provide for the payment of the principal of and interest on the Bonds and all obligations of the City in connection therewith, there is hereby levied the Sales and Use Tax. The levy of the Sales and Use Tax shall not become effective until the special election called in Section 1 above has been held and the issuance of the Bonds for one or more purposes is approved by the voters. The Sales and Use Tax shall be levied and collected on the gross receipts, gross proceeds or sales price in the maximum amount allowed from time to time by Arkansas law, subject to rebates and limitations as from time to time required by Arkansas statutes for certain single transactions.

Section 3. The questions of issuing the Bonds shall be placed on the ballot for the election in substantially the following form:

If bonds for one or more purposes are approved, there will be levied within the City a new 1% sales and use tax, the net collections of which remaining after deduction of the administrative charges of the State of Arkansas and required rebates, shall be used solely to retire the bonds and obligations of the City with respect thereto. The rate of taxation will not exceed 1% even if more than one purpose is approved. The 1% sales and use tax will expire after the bonds have been paid or provision is made therefor in accordance with Arkansas statutes. The bonds described below may be combined into a single issue or the bonds may be issued in series from time to time.

FIRE IMPROVEMENT BONDS

Bonds of the City of Bella Vista in the maximum principal amount of \$5,500,000 to finance all or a portion of the costs of facility improvements for the fire department, including particularly, without limitation, a replacement fire station to replace current station #3 and a new fire complex that will be used for training purposes and to house fire equipment and apparatus and any necessary land acquisition, furnishings and equipment and parking, lighting, road and utility improvements related thereto and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

FOR
AGAINST

PUBLIC SAFETY IMPROVEMENT BONDS

Bonds of the City of Bella Vista in the maximum principal amount of \$18,800,000 to finance all or a portion of the costs of a new public safety facility to house the police department, a police and fire dispatch center and a courtroom and any necessary furnishings and equipment and parking, lighting and utility improvements related thereto and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

FOR
AGAINST

Section 4. The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for municipal elections unless otherwise provided in the Authorizing Legislation and only qualified voters of the City shall have the right to vote at the election.

Section 5. The results of the election shall be proclaimed by the Mayor, and the Proclamation shall be published one time in a newspaper having a general circulation in the City, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication.

Section 6. A copy of this Ordinance shall be (a) filed with the Benton County Clerk at least 70 days prior to the date of the special election and (b) given to the Benton County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

Section 7. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

Section 8. The provisions of this Ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of this Ordinance.

Section 9. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: _____, 2019.

ATTEST:

City Clerk

(SEAL)

APPROVED:

Mayor

CERTIFICATE

The undersigned, City Clerk of the City of Bella Vista, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. _____, passed at a _____ session of the City Council of the City of Bella Vista, Arkansas, held at _____ o'clock p.m., on the _____ day of _____, 2019, and that the Ordinance is of record in Ordinance Record Book No. _____, Page _____, now in my possession.

GIVEN under my hand and seal this _____ day of _____, 2019.

City Clerk

(SEAL)

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

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

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 expresses its intent 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. Said Memorandum of Understanding is attached to this Resolution and incorporated herein as if set out word for word.

ADOPTED THIS _____ DAY OF _____, 2019.

APPROVED:

PETER CHRISTIE
MAYOR

ATTEST:

WAYNE JERTSON
CITY CLERK

Requested by: Council Member John Flynn
Prepared by: Jason Kelley, Staff Attorney

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas *As Engrossed: H2/21/19*

2 92nd General Assembly

3 Regular Session, 2019

HJR 1018

4

5 By: Representatives Wardlaw, Shepherd, Berry, Brown, Christiansen, Coleman, Crawford, M. Davis,

6 Holcomb, Hollowell, Kelly, Ladyman, Lynch, McNair, Richmond, Rye, Slape, B. Smith, Wooten

7 By: Senators L. Eads, Bledsoe, Bond, E. Cheatham, L. Chesterfield, J. Cooper, J. English, J. Hendren,

8 Hickey, K. Ingram, B. Johnson, M. Johnson, M. Pitsch, Rice, G. Stubblefield

9

10

HOUSE JOINT RESOLUTION

11

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CONTINUE

12

A LEVY OF A ONE-HALF PERCENT SALES AND USE TAX FOR

13

STATE HIGHWAYS AND BRIDGES; COUNTY ROADS, BRIDGES,

14

AND OTHER SURFACE TRANSPORTATION; AND CITY STREETS,

15

BRIDGES, AND OTHER SURFACE TRANSPORTATION AFTER THE

16

RETIREMENT OF THE BONDS AUTHORIZED IN ARKANSAS

17

CONSTITUTION, AMENDMENT 91, AS SPECIAL REVENUE TO BE

18

DISTRIBUTED UNDER THE ARKANSAS HIGHWAY REVENUE

19

DISTRIBUTION LAW.

20

21

22

Subtitle

23

TO CONTINUE A LEVY OF A ONE-HALF PERCENT

24

SALES AND USE TAX FOR THE STATE'S HIGHWAY

25

SYSTEM, COUNTY ROADS, AND CITY STREETS.

26

27

28 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL

29 ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL

30 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

31

32 That the following is proposed as an amendment to the Constitution of
33 the State of Arkansas, and upon being submitted to the electors of the state
34 for approval or rejection at the next general election for Representatives
35 and Senators, if a majority of the electors voting thereon at the election
36 adopt the amendment, the amendment shall become a part of the Constitution of



1 the State of Arkansas, to wit:

2
3 SECTION 1. The Arkansas Constitution is amended to read as follows:

4 § 1. Intent of amendment.

5 (a) Arkansas Constitution, Amendment 91, levies a one-half percent
6 sales and use tax to provide additional funding for the state's four-lane
7 highway system, county roads, and city streets.

8 (b) The one-half percent sales and use tax under Arkansas
9 Constitution, Amendment 91, shall be abolished when there are no bonds
10 outstanding to which tax collections are pledged as provided in this
11 amendment.

12 (c) Notwithstanding Arkansas Constitution, Amendment 91, § 8, it is
13 the intent of this amendment that the sales and use tax levied under Arkansas
14 Constitution, Amendment 91, continue after the retirement of the bonds
15 authorized in Arkansas Constitution, Amendment 91, to provide special revenue
16 for use of maintaining, repairing, and improving the state's system of
17 highways, county roads, and city streets.

18
19 § 2. Excise tax.

20 (a)(1) Except for food and food ingredients, an additional excise tax
21 of one-half percent (0.5%) is levied on all taxable sales of tangible
22 personal property, specified digital products, a digital code, and services
23 subject to the tax levied by the Arkansas Gross Receipts Act of 1941,
24 Arkansas Code § 26-52-101 et seq.

25 (2) The tax shall be collected, reported, and paid in the same
26 manner and at the same time as is prescribed by law for the collection,
27 reporting, and payment of all other Arkansas gross receipts taxes.

28 (b)(1) Except for food and food ingredients, an additional excise tax
29 of one-half percent (0.5%) is levied on all tangible personal property,
30 specified digital products, a digital code, and services subject to the tax
31 levied by the Arkansas Compensating Tax Act of 1949, Arkansas Code § 26-53-
32 101 et seq.

33 (2) The tax shall be collected, reported, and paid in the same
34 manner and at the same time as is prescribed by law for the collection,
35 reporting, and payment of Arkansas compensating taxes.

36

§ 3. Disposition of revenue.

(a) The revenue from the taxes levied under § 2 of this amendment shall be distributed to the State Highway and Transportation Department Fund, the County Aid Fund, and the Municipal Aid Fund in the percentages provided in sections § 27-70-201 and § 27-70-206 of the Arkansas Highway Revenue Distribution Law.

(b) No revenue derived from the taxes levied under § 2 of this amendment shall be used to secure bonds issued by the State Highway Commission.

§ 4. Effective date.

(a) If the Chief Fiscal Officer of the State determines that a written statement under Arkansas Constitution, Amendment 91, § 8(b), has been filed with the Chief Fiscal Officer of the State before June 1, 2023, the tax under § 2 of this amendment shall be levied and collected on and after July 1, 2023.

(b) If a written statement under Arkansas Constitution, Amendment 91, § 8(b), has not been filed with the Chief Fiscal Officer of the State before June 1, 2023, the tax under § 2 of this amendment shall not be levied and collected until the first day of the first calendar quarter beginning more than thirty (30) days after a written statement under Arkansas Constitution, Amendment 91, § 8(b), is filed with the Chief Fiscal Officer of the State.

SECTION 2. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

(1) The title of this Joint Resolution shall be the ballot title; and

(2) The popular name shall be “An Amendment to the Arkansas Constitution Continuing a One-Half Percent (0.5%) Sales and Use Tax for State Highways and Bridges; County Roads, Bridges and Other Surface Transportation; and City Streets, Bridges, and Other Surface Transportation After the Retirement of the Bonds Authorized in Arkansas Constitution, Amendment 91”.

/s/Wardlaw

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

SUPPORTING HOUSE JOINT RESOLUTION 1018 OF 2019 (HJR 1018 OF 2019) PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CONTINUE A LEVY OF A ONE-HALF PERCENT SALES AND USE TAX FOR STATE HIGHWAYS AND BRIDGES; COUNTY ROADS, BRIDGES, AND OTHER SURFACE TRANSPORTATION; AND CITY STREETS, BRIDGES, AND OTHER SURFACE TRANSPORTATION AFTER THE RETIREMENT OF THE BONDS AUTHORIZED IN ARKANSAS CONSTITUTION AMENDMENT 91, AS SPECIAL REVENUE TO BE DISTRIBUTED UNDER THE ARKANSAS HIGHWAY REVENUE DISTRIBUTION LAW

WHEREAS, Arkansas Constitution, Amendment 91, levies a one-half percent sales and use tax to provide additional funding for the state’s four-lane highway system, county roads, and city streets; and

WHEREAS, the one-half percent sales and use tax under Arkansas Constitution, Amendment 91, is due to expire on June 30, 2023, unless a new constitutional amendment is passed; and

WHEREAS, HJR 1018 proposes that the sales and use tax levied under Arkansas Constitution, Amendment 91, be continued to provide special revenue for use of maintaining, repairing, and improving the state’s system of highways, county roads, and city streets; and

WHEREAS, without continuation of this sales and use tax the state will be unable to meet the severe and pressing needs to maintain and improve the state’s system of state highways, county roads, and city streets; and

WHEREAS, the continuation of the one-half percent sales and use tax will ensure future investment in the state highway system, county roads, and city streets; and

WHEREAS, this investment will create jobs, aid in economic development, improve quality of life and provide additional transportation infrastructure, including specifically, a four-lane highway construction plan designed to connect all regions of the state; and

WHEREAS, it is beneficial for all municipalities to support HJR 1018 as a necessary funding mechanism for our travel-infrastructure and will serve as an economic boon for the state;

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 supports the legal proposals found in HJR 1018 of 2019, as well as its adoption by the people of the State of Arkansas at the next general election.

ADOPTED THIS _____ DAY OF _____, 2019.

APPROVED:

PETER CHRISTIE
MAYOR

ATTEST:

WAYNE JERTSON
CITY CLERK

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



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

The following dates for work sessions and regular meetings of the City Council are set for the 2020 calendar year:

Regular Meetings will be in the Bella Vista Court Room

Work Session Date- 5:30PM	Regular Meeting Date- 6:30PM
1/21/2020 Tuesday	1/27/2020
2/18/2020 Tuesday	2/24/2020
3/16/2020	3/23/2020
4/20/2020	4/27/2020
5/11/2020	5/18/2020
6/15/2020	6/22/2020
7/20/2020	7/27/2020
8/17/2020	8/24/2020
9/21/2020	9/28/2020
10/19/2020	10/26/2020
11/9/2020	11/16/2020
12/7/2020	12/14/2020

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**SETTING THE MEETING SCHEDULE OF THE
BELLA VISTA CITY COUNCIL FOR CALENDAR YEAR 2020**

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 2020, 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 _____, 2019.

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, 2020.

Residential Customers:

Curbside collection \$14.50 per month, plus applicable sales tax.

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.	\$47.11	\$95.69	\$144.26	\$192.82	\$30.30	\$.90	Applicable Rate	\$.50 per pickup
4 cu. Yd.	\$89.50	\$180.75	\$271.70	\$362.94	\$54.44	\$.90	Applicable Rate	\$.50 per pickup
6 cu. Yd.	\$126.00	\$217.24	\$344.70	\$435.94	\$78.89	\$.90	Applicable Rate	\$.50 per pickup
8 cu. Yd.	\$162.50	\$302.31	\$466.25	\$606.06	\$103.02	\$.90	Applicable Rate	\$.50 per pickup

Additional Charges:

Dumpster changes/deliveries on established accounts: \$48.57

Extra yardage fees on dumpsters: \$14.43/yd.

ADOPTED THIS _____ DAY OF _____, 2019.

APPROVED:

Peter Christie, Mayor

ATTEST:

Wayne Jertson
City Clerk

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

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

MEETING DATE: November 12, 2019

AGENDA ITEM:

ITEM TITLE: 614-616 W. Lancashire Blvd. Lease Renewal

SUBMITTED BY: Doug Tapp, Director

SUMMARY EXPLANATION: The lease at 614-616 W. Lancashire Blvd. is due for renewal. The administration has negotiated a five (5) year renewal of said lease at the current rate of \$2,200.00 per month, or \$26,400.00 annually. This lease would be valid 12/1/2019 through 11/30/2024.

ATTACHMENT: ORDINANCE RESOLUTION OTHER

RECOMMENDATION: Staff is recommending approval of the lease renewal.

ACTION REQUESTED:

Motion to adopt

Vancon Properties, LLC
701 NW McNelly Road, Suite 21
Bentonville, AR 72712

Lease Addendum

November 5, 2019

City of Bella Vista
614 - 616 W. Lancashire Blvd.
Bella Vista, AR 72715

Mayor Christie;

Please sign below to confirm a Five (5) year lease renewal to be effective dated 12/01/2019 through 11/30/2024 as an addendum to the Commercial Lease Agreement dated September 15, 2015, by and between Larry Vandevour of Vancon Properties, LLC and the City of Bella Vista.

This addendum acknowledges that all terms and conditions of the above referenced lease will remain unchanged except: the monthly rental rate will be Two Thousand Two Hundred Dollars and No/100 (\$2,200.00).

Vancon Properties, LLC
Lessor

City of Bella Vista
Lessee

Larry Vandevour, Member

Peter A. Christie, Mayor

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A FIVE YEAR LEASE AGREEMENT ADDENDUM WITH VANCON PROPERTIES, LLC FOR OFFICE SPACE 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 five (5) year lease agreement addendum with Vancon Properties, LLC for office space for the Community Development Services Department at a rate of \$2,200.00 per month. A copy of the Addendum is attached and incorporated into this Resolution as if set out word for word herein.

ADOPTED THIS _____ DAY OF _____, 20_____.

APPROVED:

PETER CHRISTIE
MAYOR

ATTEST:

WAYNE JERTSON
CITY CLERK

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