

BELLA VISTA CITY COUNCIL REGULAR MEETING

March 25, 2024 6:00 P.M.

Bella Vista District Court, 2483 Forest Hills Boulevard, Bella Vista, AR 72715

MINUTES

Call to Order by Mayor John Flynn at 6:00 PM

Pledge of Allegiance recited

Roll of Council called by Clerk Lepillez Krug. Council Members Snow, Hughes, Wozniak, Wilms, and Fowler present. Honchell absent, arrived at 6:02 pm. Mayor Flynn present.

Public Comment: Two people signed up to speak. Mayor Flynn explained the 3-minute rule and called the first person on the list.

Chris Nelson, 1 Harrington Drive. Chris came to speak against the proposed ordinance regarding campaign contribution disclosure prior to early voting. He thinks Council Member Fowler, who originated the ordinance, has misrepresented facts during the STR discussions, and now regarding campaign contributions. He urges the Council to table the ordinance indefinitely.

Kelly Strand, Mary Ann Ln. Kelly came to thank Council Member Hughes for quickly addressing his street issue. The Streets Department handled the repairs promptly and he and his neighbors are pleased. He voiced his opinions about individual Council members.

Council Reply: Council Member Hughes thanked Mr. Strand for his kind words, and praised the Streets Department for their quick response. Council Member Fowler replied to Mr. Nelson, stating the same residents continue to oppose him, but he knows he has many supporters. He noted the campaign contributions are available for every resident to view and determine their own conclusions. Council Member Wilms thanked the staff for their responsiveness to the Streets repair problem.

Action on the Minutes:

February 26, 2024 – Regular Meeting, Motion made by Council Member Wilms to approve as prepared by Clerk Lepillez Krug, second by Council Member Fowler. Roll Call Vote unanimous to approve. (Ayes: 6/Nays: 0)

Reports:

Mayor Flynn summarized his 2024 State of the City Report and the Financial 2023 Year-end Report. Both can be found on the City website. The operating revenues were more than

expenses by a significant margin. He thanked residents for passing the Police pension. Bella Vista continues to be one of the safest cities in Arkansas. Fire and EMS purchased a new fire truck in 2023, answered 4,339 calls, and completed the new Fire Training Tower. CDS and Planning had 500 new home permits and 9,200 total permits in 2023. The \$7 million Mercy Way Bridge project was completed, with the City paying less than \$100,000. 80% was covered by a federal grant, and 20% covered by the Walton Family Foundation. Tanyard Creek Bridge was completed, and hard surface trails are being extended. Library children's services have expanded to meet increased demand, and the parking lot expansion has been completed. Streets Department had a significant year with 34 miles of slurry and 11 miles of asphalt completed, and 1,418 work orders completed. The Arts Council installed sculptures at the Public Safety Facility and on Bluebird Trail, completed murals at the Library, and accomplished various additional projects. The Mayor and City Council passed 59 Ordinances and 66 Resolutions, with the help of the City Clerk and Staff Attorney. It has been a busy and successful year. Mayor Flynn read the Monarch Pledge Day Proclamation, and cited the importance of remaining a Monarch City USA in light of much growth and construction.

Mayor Flynn asked for a motion to suspend the rules and read all ordinances and resolutions on the agenda by title only. Council Member Snow made a motion to approve, second by Council Member Wilms. **Roll Call Vote was unanimous to approve. (Ayes: 6/Nays: 0)**

Unfinished Business:

ORDINANCE 2024-09: AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO ADOPT A NEW ARTICLE X *OUTDOOR LIGHTING* TO CHAPTER 109 *ZONING* TO PROVIDE FOR OUTDOOR LIGHTING REGULATIONS FOR NEW COMMERCIAL DEVELOPMENTS, AND FOR OTHER PURPOSES *Mayor Flynn read the ordinance for the second reading. Council Member Wilms referred to a needed correction in Section 2 of his additional proposed amendments. Council Member Honchell asked for clarification on status of Ordinance, to which Staff Attorney Kelley affirmed it remains as written in February, unless amended. Mayor Flynn said one part of Council Member Wilms' proposal unduly complicates things. He said the new Ordinance was drafted to address new development only, and believes rightly so. Council Member Honchell thinks the draft Ordinance reads cleanly and should remain as is. Council Members Fowler and Hughes continued the discussion, with clarification from Staff Attorney Kelley and Planning Manager Robertson. Robertson said Bella Vista continues its' project to revamp zoning code and maps with help from outside contractor, and this amendment is meant for new development until a new lighting Ordinance, based on the study, will be written. Council Member Wozniak disagrees with Wilms' proposals on current non-compliance. Council Member Fowler voiced agreement with the original Ordinance as written. Council Member Wilms made a motion to amend, no one seconded. Motion failed. Council*

Member Fowler made a motion to suspend the rules and move to final reading, second by Council Member Wozniak. **Roll Call Vote: (Ayes: 5/Nays:1 Snow) Motion passed.** Mayor Flynn completed the 3rd reading. Council Member Wilms made a motion to approve, second by Council Member Wozniak. **Roll Call Vote unanimous to approve: (Ayes: 6/Nays:0)**

ORDINANCE: REQUIRING CANDIDATES FOR ELECTION TO ANY MUNICIPAL OFFICE OF THE CITY OF BELLA VISTA, IN ADDITION TO ANY OTHER REQUIREMENT OF STATE LAW, TO FILE CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORTS WITH THE BELLA VISTA CITY CLERK IN SUFFICIENT TIME FOR VOTERS TO MAKE USE OF SUCH INFORMATION PRIOR TO THE BEGINNING OF EARLY VOTING, AND FOR OTHER PURPOSES Mayor Flynn read the ordinance for the second reading. Council Member Fowler reaffirmed his reasons for proposing this ordinance, and his willingness to wait on the State Attorney General's opinion. Council Members Hughes and Snow voiced disagreement with the ordinance. Council Member Snow is concerned that Staff Attorney Kelley voiced caution, as well as the Municipal League. He sees potential litigation as affecting tax payers' money. Motion to table the ordinance made by Council Member Snow, second by Council Member Hughes. Discussion arose from Council Member Wilms, clarification came from Staff Attorney Kelley. Council Member Fowler voiced objection to Council Member Snow's comments, and reaffirmed his opinion that this ordinance "just makes sense." **Roll Call Vote: (Ayes: 3 Snow, Hughes, Wozniak /Nays: 3 Wilms, Fowler, Honchell) Motion fails 3-3. Mayor Flynn declined voting to break the tie. Ordinance goes to 3rd reading in May.**

New Business: See meeting packet for complete ordinances and resolutions.

ORDINANCE 2024-10: AMENDING SECTION 107-380 LAND ALTERATION REQUIREMENTS OF CHAPTER 107 SUBDIVISIONS AND OTHER DEVELOPMENTS OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO MODIFY DRIVEWAY GRADE REQUIREMENTS, AND FOR OTHER PURPOSES Mayor Flynn read the ordinance. Council Members Fowler and Hughes voiced support for and clarification of this ordinance. Council Member Wozniak voiced disagreement with this ordinance, stating the responsibility lies with the home owner, not the City. Mayor Flynn, Council Member Hughes, and Council Member Wilms expressed reasons for City involvement, including unscrupulous contractors, online buyers, houses sitting empty, and safety concerns. Council Member Fowler stated Building Ordinances are put in place to protect the consumer, the public. Motion to approve Council Member Fowler's amendment made by Council Member Honchell, second by Council Member Hughes. **Roll Call Vote: (Ayes: 4 Hughes, Wilms, Fowler, Honchell/Nays: 1 Wozniak/Abstain: 1 Snow) Motion passed 4-1, with 1 Abstain.** Council Member Snow voiced concern for lots and homes in Bella Vista that may require administrative authority for variances from CDS. Mayor Flynn referred to the amended ordinance language, as an example of the way CDS is working to address this very issue. Planning Manager Robertson explained this ordinance has increased administrative authority built into it, in the event of hardships.

*Discussion followed. Council Members referred to visiting different driveways with CDS Director Tapp. Mayor Flynn suggests moving to 3rd and final with this ordinance, and wait on Council Member Wilms additional draft amendment until later. Staff Attorney Kelley clarified the additional draft amendment brought up a second topic, driveway drainage, and could not be used for this Ordinance. Council Member Wilms withdrew his proposed draft amendment. Motion to suspend the rules and move to 3rd and final made by Council Member Fowler, second by Council Member Wilms. **Roll Call Vote: (Ayes: Hughes, Wilms, Fowler, Honchell/Nays: Wozniak/Abstain: 1 Snow) Motion passed 4-1, with 1 Abstain.** Mayor Flynn read the Ordinance for the 3rd time. Motion to approve made by Council Member Wilms, second by Council Member Fowler. **Roll Call Vote: (Ayes: Hughes, Wilms, Fowler, Honchell/Nays: Wozniak/Abstain: Snow) Motion passed 4-1, with 1 Abstain.***

RESOLUTION R2024-17: AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH SUPERIOR AUTOMOTIVE GROUP IN THE TOTAL AMOUNT OF \$53,742.00, FOR THE PURCHASE OF ONE (1) CHEVROLET TAHOE SPECIAL SERVICE VEHICLE FOR USE BY THE FIRE DEPARTMENT *Mayor Flynn read the resolution. Council Member Wilms made a motion to approve, second by Council Member Fowler. **Roll Call Vote unanimous to approve: (Ayes: 6/Nays: 0)***

RESOLUTION R2024-18: AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH TATUM MOTOR COMPANY OF ANDERSON, MISSOURI IN THE TOTAL AMOUNT OF \$47,950.00 FOR THE PURCHASE OF ONE (1) MAHINDRA 6065 CAB TRACTOR WITH LOADER FOR USE BY THE FIRE DEPARTMENT *Mayor Flynn read the resolution. Council Member Wilms made a motion to approve, second by Council Member Wozniak. **Roll Call Vote unanimous to approve. (Ayes: 6/Nays: 0)***

RESOLUTION R2024-19: AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH FTG LTD. IN THE AMOUNT OF \$58,980.00 FOR MOWING AND LANDSCAPING SERVICES FOR CITY FACILITIES *Mayor Flynn read the resolution. Council Member Wozniak made a motion to approve, second by Council Member Wilms. **Roll Call Vote unanimous to approve. (Ayes: 6/Nays:0)***

RESOLUTION R2024-20: AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH PROCESS HEATING COMPANY, INC. OF SEATTLE, WASHINGTON IN THE AMOUNT OF \$61,371.00 FOR THE PURCHASE OF ONE (1) SLIP-IN ASPHALT HOT BOX FOR USE BY THE STREET DEPARTMENT *Mayor Flynn read the resolution. Council Member Wozniak made a motion to approve, second by Council Member Wilms. Council Member Wilms explained this is a capital expenditure and will help the Street Department become more efficient in their*

processing and repair of streets. Roll Call Vote unanimous to approve: (Ayes: 6/Nays: 0)

RESOLUTION R2024-21: 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 FOUR (4) 2024 DODGE DURANGO ALL-WHEEL DRIVE PURSUIT VEHICLES, IN AN AMOUNT NOT TO EXCEED \$160,000.00, FOR THE POLICE DEPARTMENT *Mayor Flynn read the resolution. Council Member Snow made a motion to approve, second by Council Member Wozniak. Roll Call Vote unanimous to approve: (Ayes: 6/Nays: 0)*

RESOLUTION R2024-22: AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH STRONGHOLD DATA, LLC, PURSUANT TO AN OMNIA PARTNERS COOPERATIVE PURCHASING AGREEMENT IN AN AMOUNT NOT TO EXCEED \$89,000.00, FOR THE PURCHASE OF IT INFRASTRUCTURE FOR THE POLICE DEPARTMENT, WITH ASSOCIATED SERVICES (ON-SITE OPTION) *Mayor Flynn read the resolution. Council Member Wozniak made a motion to approve, second by Council Member Snow. Roll Call Vote unanimous to approve: (Ayes: 6/Nays: 0)*

RESOLUTION R2024-23: AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH TURN-KEY MOBILE, INC., THROUGH A NASPO COOPERATIVE PURCHASING AGREEMENT, IN THE TOTAL AMOUNT OF \$84,722.34, FOR THE PURCHASE OF TWENTY-THREE (23) MOBILE COMPUTERS (TOUGHBOOKS) *Mayor Flynn read the resolution. Council Member Wozniak made a motion to approve, second by Council Member Snow. Roll Call Vote unanimous to approve: (Ayes: 6/Nays: 0)*

RESOLUTION R2024-24: AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH RAYMOND JAMES & ASSOCIATES, INC. TO SERVE AS A MUNICIPAL FINANCIAL ADVISOR TO THE CITY *Mayor Flynn read the resolution. Motion to approve by Council Member Wozniak, second by Council Member Snow. Roll Call Vote unanimous to approve. (Ayes: 6/Nays: 0)*

RESOLUTION R2024-25: APPROVING THE MAYOR'S APPOINTMENT OF BARBARA KAY PELTON TO THE BELLA VISTA ARTS COUNCIL TO FILL AN UNEXPIRED TERM ENDING APRIL 22, 2024, RESULTING FROM THE RESIGNATION OF J.B. PORTILLO, AND FURTHER APPROVES MAYOR'S APPOINTMENT OF HER TO FILL A FULL TERM THEREAFTER ENDING APRIL 22, 2027 *Mayor Flynn read the resolution. Mayor Flynn introduced Ms. Pelton, who was in the audience. Council Member Wilms thanked Ms. Portillo for her service in the past and welcomed Ms. Pelton to the Arts Council. Council Member Fowler cited the wonderful work of the Arts Council in the city. Motion to approve by Council Member Wilms, second by Council Member Fowler. Roll Call Vote unanimous to approve. (Ayes: 6/Nays: 0)*

RESOLUTION R2024-26: APPROVING THE MAYOR'S APPOINTMENTS OF TIM HULL AND JAMES SCHLANKEY TO THE BELLA VISTA BOARD OF CONSTRUCTION APPEALS *Mayor Flynn read the resolution. Motion to approve by Council Member Snow, second by Council Member Wilms. Roll Call Vote unanimous to approve. (Ayes: 6/Nays: 0)*

RESOLUTION R2024-27: AMENDING THE 2024 CITY BUDGET TO RE-APPROPRIATE UNSPENT DONATION REVENUE TO VARIOUS DEPARTMENTS FROM 2023 *Mayor Flynn read the resolution. Motion to approve by Council Member Wozniak, second by Council Member Fowler. Roll Call Vote unanimous to approve. (Ayes: 6/Nays: 0)*

RESOLUTION: EXPRESSING THE OPINION OF THE CITY COUNCIL, A NON-PARTISAN BODY, THAT CITIZENS SHOULD BE HIGHLY VIGILANT REGARDING THE INFLUENCE OF PARTISAN AND SPECIAL INTEREST GROUP CAMPAIGN CONTRIBUTIONS DURING BELLA VISTA NON-PARTISAN MUNICIPAL ELECTIONS *Mayor Flynn read the resolution. Council Member Fowler voiced his belief that any decisions made on a city level should not be based on ideology, partisanship, or special interests, but chooses to table this tonight to wait for the related ordinance. Motion to table by Council Member Fowler, second by Council Member Honchell. Roll Call Vote unanimous to approve. (Ayes: 6/Nays: 0) Motion tabled.*

ANNOUNCEMENTS: *Mayor Flynn read through the upcoming meeting schedule.*

- Next City Council Work Session: 5:30 pm Monday, April 15, 2024 at Bella Vista Police Training Room
- Next City Council Regular Meeting: 6:00 pm Monday, April 22, 2024 at Bella Vista District Court
- Planning Commission Work Session: 4:30 pm Thursday, March 28, 2024 at Bella Vista District Court
- Planning Commission Regular Meeting: 4:30 pm Monday, April 8, 2024 at Bella Vista District Court
- Board of Construction Appeals: 3 pm Tuesday, April 9, 2024 if necessary, at Fire Station #4 Conference Rm, 1639 Forest Hills Blvd.

Mayor Flynn reminded everyone of Litter Awareness 6 for 60 at Allen's parking lot the following Saturday morning, and adjourned the meeting at 7:40 p.m.

Wanda Lepillez Krug

City Clerk Wanda Lepillez Krug



John D. Flynn

Mayor John D. Flynn