

BELLA VISTA CITY COUNCIL REGULAR MEETING

January 27, 2025 6:00 PM

**Bella Vista District Court
2483 Forest Hills Blvd.**

MINUTES

Call to Order by Mayor Flynn at 6:00 pm.

Pledge of Allegiance

Roll Call called by Clerk Krug. Council Members Harp, Hughes, Newport, Wilms, Isbell, and Honchell present. Mayor Flynn present.

Mayor Flynn introduced the newly elected Council Members: Travis Harp, Shea Newport, and Anna Isbell. He explained the new seating arrangement that places Council Members in Wards 1, 2, and 3 from left to right.

Citizen Input Four citizens signed up to speak. Mayor Flynn explained the 3-minute rule and called the first person on the list.

Matthew Sanders, 7 Nantwich Circle. He came to speak about new home construction standards. He purchased a new construction house for \$515,000 in July 2024, and currently has over \$100,000 of structural damage to his house due to shoddy contractors. He begged the Council to take action to stop contractors from predatory building practices, and hold them accountable. He stated that the Home Inspector from Bella Vista failed, and the contractor who built his home was unresponsive to his calls.

Larry Kelly, 12306 Collier, Bentonville. He came to speak against J. Resolution regarding Construction Appeals fee. He said as a real estate broker, and as a member of the Board of Realtors, he is concerned about everything affecting new construction.

Marla Barina, 4 Terrington Circle. She came to speak about Carroll Electric and vegetation management. She researched other towns: Hot Springs Village, Eureka Springs, and Maumelle, and they reported never having these problems with Carroll Electric. When she called the state, she was assured that Carroll Electric functions within state law. She thinks the City and Carroll Electric are making decisions about neighborhood vegetation management in haphazard ways, and those decisions affect the aesthetic beauty of our community.

Brian Cooper, 20 Clevedon Cir. He came to thank Council Member Honchell for coming out to listen to him and his neighbors regarding a serious criminal matter in their neighborhood. They had been disappointed by a lack of action from the City departments, but are now hopeful that with cooperation and

communication, progress will be made to ensure the safety of the neighborhood.

Council Member Reply Council Member Hughes spoke to each citizen, thanking them for coming to speak, and recognizing their issues. She explained that Carroll Electric systematically rotates the tree trimming throughout Bella Vista, which may seem haphazard. Council Member Honchell spoke about Brian Cooper's neighborhood situation and believes they are getting clarification as they follow the process toward resolution. He addressed Marla, stating that he met with Mayor Flynn, Communications Director Lapp, and Carroll Electric to discuss a partnership and come to a suitable conclusion. He told Matthew to reach out to him if he needed further help with his housing construction concerns. Council Member Wilms shared his thoughts about the construction problems. Most certified and licensed inspectors are to follow a state code in terms of standards of construction, materials used, etc. Our City department uses the same book, Vol. 3 of the Arkansas Construction Code. He would like to learn more about Matthew's particular housing problems, and feels badly for him. He explained the Board of Construction Appeals process and said he felt ambivalent about the proposed fee. He described past ice storms in Bella Vista that created power outages due to downed trees. Carroll Electric creates corridors along their power line systems to mitigate and minimize the potential of losing power during ice storms. Surveys indicate the majority of citizens support this methodology. Mayor Flynn thanked the citizens who came to speak, saying their presence helps the Council and the City better understand and address problems.

Action on the Minutes

Approval of Minutes - December 16, 2024, Regular Meeting

Council Member Wilms made a motion to approve, seconded by Council Member Harp. **Roll Call Vote: (Ayes: 6/Nays: 0) Passed 6-0.**

Reports

Monthly Financial Report - November 2024: Mayor Flynn highlighted the report ending November 30, 2024. The Operating Revenue total was up 1.8%, quite modest when compared to last year. The City Sales Tax was up 7.9%, and County Sales Tax was up 1.4% compared to last year. Operating Expenses are \$1.2 million below budget. He reported the financial situation continued to be good.

2024 Planning and Development Highlights: Planning Director Taylor Robertson summarized the 2024 Planning and Development Highlights presented last week to the Council during the Work Session. She directed the public to these documents in the Agenda Packet. She brought attention to the one-year and five-year comparisons of issued permits, noting the significant and rapid increases. All Planning Reviews have been

over a 100% increase in the last five years. The work load for Planning and Development has increased exponentially as a result. She went over updates concerning Septic and Sewer. According to Benton County data, Bella Vista has 13,708 known septic systems within the city limits, more than any city or Benton County unincorporated in our county. Known residential units on Village Wastewater are around 3,703. Out of the 2024 residential building applications received (810), only 89 were designated as sewer lots. Currently, Bella Vista makes up 48% of total Benton County permits. The map showing septic systems is included in the report on the website. She also noted the recognitions Bella Vista received at state and 4-state Planning Conferences, as well as the \$81,000 grant for Active Transportation Education and Awareness to be used in 2025. The Planning Department has spent the year 2024 writing Chapters 107 and 109 of the Code from scratch, as well as working on the Zoning Map. The hope is to bring this before the Council in Spring 2025. The Planning and Development Department oversees the Planning Commission, Board of Zoning Adjustment, Active Transportation Advisory Board, Tree Advisory Board, and has hosted related special events. Mayor Flynn thanked Director Robertson for her hard work, and that of her hard-working staff, especially over the past few years.

Election of Mayor Pro Tempore Mayor Flynn announced the election of a Mayor Pro Tempore. Staff Attorney Kelley explained this is a special once-a-year election and he read the ruling. Council Member Wilms nominated Council Member Honchell for the position. Council Member Isbell nominated Council Member Hughes for the position. She read a statement about Council Member Hughes' involvement in the city as President of Cooper Elementary PTO, sitting on various City Boards including the Library Advisory Board, and her engagement with residents, which she believes qualifies her for the position. Council Member Honchell asked the Council to consider the time he spends on community involvement and the 10+ years experience he had on the Planning Commission in Bella Vista and Fayetteville. He sponsored three passed Ordinances and currently leads the Youth Council. He said it would be a great honor and personal milestone to serve in this position. **Roll Call Vote: (Hughes: 4 Harp, Hughes, Newport, Isbell/Honchell: 2 Wilms, Honchell)** Mayor Flynn announced Wendy Hughes as the 2025 Mayor Pro Tempore.

(The Chair will entertain a motion to suspend the rules of order and procedure to allow all ordinances on the agenda to be read by title only.) Council Member Wilms made a motion to approve, seconded by Council Member Newport. **Roll Call Vote: (Yays: 6/Nays: 0) Passed 6-0.**

Unfinished Business

New Business

ORDINANCE: AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO INCREASE PROCUREMENT AUTHORITY WITHOUT SOLICITING

COMPETITIVE BIDS FROM \$35,000 TO \$42,921 TO CONFORM WITH STATE LAW CHANGES PROVIDING FOR INDEXING SAID AMOUNTS TO INFLATION, AMENDING SECTIONS FOR PURPOSES OF CONFORMITY THEREWITH, AND FOR OTHER PURPOSES Mayor Flynn read the ordinance for the first time. He said this is our local proposal for the state law that changes the dollar amount every five years due to inflation. Council Member Harp encouraged those who are spending the taxpayers' money to keep it within the state, or as local as possible. Council Member Wilms said that this method helps to avoid the cost of formal bidding. Mayor Flynn stated this ordinance moves to second reading next month.

ORDINANCE: AMENDING SECTION 2-140 CODE ENFORCEMENT OFFICERS OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PROVIDE FOR DEVELOPMENT COMPLIANCE OFFICERS, DEFINING THEIR AUTHORITY, AND FOR OTHER PURPOSES Mayor Flynn read the ordinance for the first time. Planning and Development Director Robertson summarized, saying this proposal re-establishes authority to cite back to the Planning and Development Department, as well as share it with the Police Department. The intent of this is so traditional Code Enforcement can focus on traditional situations like tall grass, unsightly trash, etc. and development issues can be handled from beginning to end with Planning and Development. This will streamline the process. Council Member Harp voiced his opinion, stating that he is struggling to understand this from the Planning point of view and reached out to 7 cities to find out how they dealt with Code Enforcement. Director Robertson addressed his concern with examples and further explanation. Chief Graves added that he supports this proposed Ordinance because it cuts out duplication between Planning and Police. When someone needs to write a citation, they must be ready to go all the way to court and testify to the entire investigation. Police and Planning use different systems for documentation and much time was lost going between the two. He believes this is a much more efficient way to address violations. After a bit of discussion between Council Members, Mayor Flynn said for the record that he tried it the other way during his first year, but it simply didn't work well. Council Member Hughes asked clarifying questions which Chief Graves addressed. Chief Graves sees this as a perfect fix, and allows each department to focus on the specific items they should focus on. Council Members Isbell and Harp asked clarifying questions, which were answered by Director Robertson. She explained that education is always the first goal, over citation. Mayor Flynn interjected, saying many mayors are reluctant to put code enforcement under police because it looks too mean. Our City has more criticism of being too nice, than of being too mean. One other thought he imparted was to explain his management style of getting good people and giving them space to do their job, not micro-managing them. Department Heads know much more about the details and demands of

their work than he does, or will ever know. He was a bit concerned that some Council Members are trying to micromanage Department Heads who are very successful and knowledgeable. This ordinance moves to second reading next month.

ORDINANCE: WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZING A CONTRACT WITH SUPERIOR AUTOMOTIVE GROUP IN AN AMOUNT NOT TO EXCEED \$247,640.00 FOR THE PURCHASE OF FOUR (4) 2024 DODGE DURANGO POLICE PURSUIT VEHICLES FOR USE BY THE POLICE DEPARTMENT **Staff requests third and final reading** Mayor Flynn read the ordinance for the first time. Council Member Honchell asked if consideration has been given to refitting police cars to save money. Chief Graves said police cars are driven so hard, that multiple failures occur at a certain age. He has tried to stick with the same models, so some of the equipment can be re-used or recycled. Council Member Harp made a motion to suspend the rules and move to third and final reading, seconded by Council Member Wilms. **Roll Call Vote: (Yays: 6/Nays: 0) Passed 6-0.** Mayor Flynn read the ordinance for the third and final time. Council Member Wilms made a motion to approve, seconded by Council Member Harp. **Roll Call Vote: (Yays: 6/Nays: 0) Passed 6-0.**

ORDINANCE: WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZING A CONTRACT WITH SUPERIOR AUTOMOTIVE GROUP IN AN AMOUNT NOT TO EXCEED \$46,575.00 FOR THE PURCHASE OF ONE (1) 2024 CHEVROLET TRAVERSE WITH POLICE EQUIPMENT FOR USE BY THE POLICE DEPARTMENT **Staff requests third and final reading** Mayor Flynn read the ordinance for the first time. Council Member Wilms asked about the difference in platform and Chief Graves responded. Council Member Newport made a motion to suspend the rules and move to third and final reading, seconded by Council Member Harp. **Roll Call Vote: (Yays: 6/Nays: 0) Passed 6-0.** Mayor Flynn read the ordinance for the third and final time. Council Member Wilms made a motion to approve, seconded by Council Harp. **Roll Call Vote: (Yays: 6/Nays: 0) Passed 6-0.**

RESOLUTION: AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH BLUE GUYS I.T. IN THE TOTAL AMOUNT OF \$73,504.20, FOR THE PURCHASE OF TODAYL SECURITY SOLUTION TO ENHANCE CITY CYBERSECURITY EFFORTS Mayor Flynn read the resolution. Council Member Wilms made a motion to approve, seconded by Council Member Hughes. **Roll Call Vote: (Yays: 6/Nays: 0) Passed 6-0.**

RESOLUTION: APPROVING THE MAYOR'S APPOINTMENTS OF JOHN NUTTALL AND RICK HEAD TO POSITIONS ON THE BELLA VISTA BOARD OF CONSTRUCTION APPEALS Mayor Flynn read the resolution. Council Member Hughes made a motion to approve, seconded by Council Member Newport. **Roll Call Vote: (Yays: 6/Nays: 0) Passed 6-0.**

RESOLUTION: CREATING A FEE FOR FILING APPLICATIONS TO THE BOARD OF CONSTRUCTION APPEALS Mayor Flynn read the resolution. Chief Sims explained the reason behind this proposal was to reinstate a fee on the Board of Construction Filing Application that existed in the past to cover the cost of the filing. Director Robertson added that all other requests for appeals in Planning come with a fee, as well, and are consistent in price with this fee. Council Member Harp presented an amendment to this resolution and made a motion to approve the amendment. There was no second. Council Member Wilms made a motion to approve the resolution, seconded by Council Member Newport. **Roll Call Vote: (Yays: 4/Nays: 3 Harp, Hughes, and Isbell) Mayor Flynn cast the final vote. Passed 4-3.**

RESOLUTION: AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A FOURTH AMENDED TRAIL MAINTENANCE AGREEMENT WITH BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, INC. Mayor Flynn read the resolution. Director Robertson summarized that due to a decrease in the private investment in maintenance of the trail, the POA and the City is planning for that by increasing their budget for future improvement. She answered questions posed by Council Member Wilms. Council Member Wilms made a motion to approve, seconded by Council Member Newport. **Roll Call Vote: (Yays: 6/Nays: 0) Passed 6-0.**

RESOLUTION: AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO RESTATED LIMITED TERMINABLE LICENSE AGREEMENT WITH BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, INC., FOR PURPOSES OF FACILITATING AN ADDITION TO THE PUBLIC RECREATIONAL TRAIL SYSTEM THROUGHOUT THE CITY Mayor Flynn read the resolution. Director Robertson summarized what she covered at the Work Session. She added that this is reinstating the portion that was previously dedicated in 2015, because licensing agreements are only good for so many years. All the trails on this document will be licensed for 25 years, instead of the City maintaining several staggered licenses for 104 miles of trails. Council Member Wilms made a motion to approve, seconded by Council Member Isbell. Council Member Harp asked if the POA and City have more shared financial agreements. Staff Attorney Kelley responded yes, there are multiple shared financial agreements. Council Member Wilms added there are times we need to share things because we serve the same population. **Roll Call Vote: (Yays: 6/Nays: 0) Passed 6-0.**

RESOLUTION: AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH VLP AN EQUIPMENTSHARE COMPANY, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, FOR THE PURCHASE OF ONE (1) NEW CASE BACKHOE IN THE AMOUNT OF \$140,000.00 FOR USE BY THE STREET DEPARTMENT Mayor Flynn read the resolution. Streets Superintendent Hunt explained this can be purchased with a Sourcewell

Purchasing Agreement using our Capital Funds. Council Member asked if this is in addition to our fleet and Supt. Hunt replied yes. Council Member Wilms made a motion to approve, seconded by Council Member Isbell. **Roll Call Vote: (Yays: 6/Nays: 0) Passed 6-0.**

RESOLUTION: AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH RIGGS CAT, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, FOR THE PURCHASE OF ONE (1) NEW CATERPILLAR PAVING AND COMPACTION ROLLER IN THE AMOUNT OF \$57,788.80 FOR USE BY THE STREET DEPARTMENT Mayor Flynn read the resolution. Superintendent Hunt explained this as similar to the backhoe request, also pursuant to a Sourcewell Agreement, to purchase a new paving and compaction roller. This is within the Streets Capital Budget for 2025. Council Member Harp made a motion to approve, seconded by Council Member Newport. **Roll Call Vote: (Yays: 6/Nays: 0) Passed. 6-0.**

RESOLUTION: EXPRESSING SUPPORT AND PARTICIPATION OF THE CITY OF BELLA VISTA IN THE FEDERAL "ADVANCE EFFECTIVE, ACCOUNTABLE POLICING AND CRIMINAL JUSTICE PRACTICES TO ENHANCE PUBLIC TRUST AND PUBLIC SAFETY" PROGRAM Mayor Flynn read the resolution and called Chief Graves forward for details, who explained that the City's investment in this free government equipment is to travel to pick it up. The City has received over a million dollars worth of used equipment over the past several years. Attorney Kelley mentioned that Federal regulations are changing quite rapidly, but by adopting this the City will be ready to go, regardless of changes. Council Member Wilms made a motion to approve, seconded by Council Member Harp. **Roll Call Vote: (Yays: 6/Nays: 0) Passed 6-0.**

RESOLUTION: AUTHORIZING BUDGETARY FUNDING TRANSFERS BETWEEN DEPARTMENTS IN THE 2024 ANNUAL CITY BUDGET Mayor Flynn read the resolution. Council Member Wilms made a motion to approve, seconded by Council Member Harp. **Roll Call Vote: (Yays: 6/Nays: 0) Passed 6-0.**

RESOLUTION: DESIGNATING AUTHORIZED DISBURSING OFFICERS AND MUNICIPAL DEPOSITORY BOARD FOR THE CITY OF BELLA VISTA FOR CALENDAR YEAR 2025 Mayor Flynn read the resolution. He explained this is set up so John Flynn and Kim Hall are the first signers, then Mayor Pro Temp, then the City Clerk, then Chief Graves, and then Council Member Larry Wilms. The Municipal Depository Board is set up for Council Member Wilms to be the third member, along with Mayor Flynn and Finance Director Hall. Council Member Hughes made a motion to approve, seconded by Council Member Newport. **Roll Call Vote: (Yays: 6/Nays: 0) Passed 6-0.**

Announcements

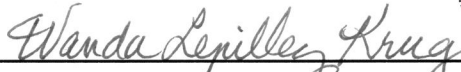
- Next City Council Work Session: 5:30 pm Tuesday, February 18, at Bella

Vista Police Training Room

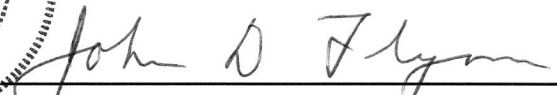
- Next City Council Regular Meeting: 6:00 pm Monday, February 24, at Bella Vista District Court
- Planning Commission Work Session: 4:30 pm Thursday, January 30, at Bella Vista District Court
- Planning Commission Regular Meeting: 4:30 pm, or immediately following BZA, Monday, February 10, at Bella Vista District Court
- Board of Construction Appeals: 3:00 pm Tuesday, February 11, if necessary, at Fire Station #4 Conference Rm, 1639 Forest Hills Blvd.

Adjournment

Mayor Flynn adjourned the meeting at 7:50 pm.


City Clerk Wanda Lepillez Krug




Mayor John D. Flynn