



Bella Vista City Council Special Meeting Agenda

Date/Time: August 4, 2025
6:00 PM

Location: Bella Vista District Court
2483 Forest Hills Blvd.

Mayor:
John D. Flynn

City Clerk:
Wanda Lepillez Krug

Staff Attorney:
Jason Kelley

Council Members:
Ward 1, Position 1 - Travis Harp
Ward 1, Position 2 - Wendy Hughes
Ward 2, Position 1 - Shea Newport
Ward 2, Position 2 - Larry Wilms
Ward 3, Position 1 - Anna Isbell
Ward 3, Position 2 - Craig Honchell

I. Call to Order

This meeting has been given public notice in accordance with Section 25-19-106 of the Arkansas Freedom of Information Act in such form that will apprise the public and news media of subject matter presented for consideration and action.

II. Roll Call

III. New Business

See meeting packet for complete ordinances and resolutions. (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.)

- A. **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 AND REFINANCING THE COSTS 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.
- B. **RESOLUTION:** A RESOLUTION OF INTENT REGARDING CAPITAL IMPROVEMENTS

IV. Adjournment

SPECIAL NOTICES TO THE PUBLIC: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. To request this service, contact City Clerk prior to each meeting at 479-876-1255.



MEETING DATE	PREPARED BY	LEGISLATIVE TITLE
August 4, 2025	Wanda Krug, City Clerk	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 AND REFINANCING THE COSTS 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.

AGENDA ITEM # III.A

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 AND REFINANCING THE COSTS 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.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. ORD Special Elections 1% Sales Tax

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 AND REFINANCING THE COSTS 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 in need of the following capital improvements of a public nature:

(a) renovations and improvements to the city offices and fire station #1 at the fire and city administration complex and any furnishings, equipment and parking, lighting, street and utility improvements related thereto (the "Fire and City Administration Complex Improvements");

(b) facilities and apparatus for the fire department, including particularly, without limitation, a new fire station (fire station #5), a new fire truck and upgrades to existing ambulances, and any land acquisition, furnishings, equipment and parking, lighting, street and utility improvements related thereto (the "Fire Improvements");

(c) improvements to existing streets and any curb, gutter and drainage improvements related thereto and equipment for the street department (the "Street Improvements"); and

(d) facilities, vehicles and apparatus for the police department, including particularly, without limitation, communication facilities and equipment and new police cars (the "Police Improvements"); and

WHEREAS, pursuant to a special election held March 3, 2020, the City issued and has outstanding its Sales and Use Tax Bonds, Series 2020 (the "2020 Bonds"); and

WHEREAS, the 2020 Bonds are secured by and payable from collections of a 1% City-wide sales and use tax levied pursuant to Ordinance No. 2019-11 of the City adopted November 18, 2019 (the "Existing Tax"); and

WHEREAS, the City Council has determined that the Fire and City Administration Complex Improvements, the Fire Improvements, the Street Improvements and the Police Improvements (collectively, the "Improvements") can be financed without a tax increase if the 2020 Bonds are refunded; and

WHEREAS, the City Council has determined that it would be in the best interest of the City to refund the City's outstanding Capital Improvement Revenue Bond, dated November 12, 2024 (the "2024 Bond"); and

WHEREAS, the City Council proposes to finance all or a portion of the costs of the refunding of the 2020 Bonds (the "2020 Refunding"), the refunding of the 2024 Bond (the "2024 Refunding") and the 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: (a) \$8,000,000 in maximum aggregate principal amount for the Fire and City Administration Complex Improvements; (b) \$6,000,000 in maximum aggregate principal amount for the Fire Improvements; (c) \$6,100,000 in maximum aggregate principal amount for the Street Improvements; (d) \$3,000,000 in maximum aggregate principal amount for the Police Improvements; (e) \$6,175,000 in maximum aggregate principal amount for the 2020 Refunding and (f) \$5,120,000 in maximum aggregate principal amount for the 2024 Refunding; and

WHEREAS, the City can pay the principal of and interest on the Bonds from the proceeds of a City-wide 1% sales and use tax to be levied under the authority of the Authorizing Legislation that will replace the Existing Tax; and

WHEREAS, the purpose of this Ordinance is to submit to the electors of the City the questions of issuing the Bonds for the Improvements, the 2020 Refunding and the 2024 Refunding 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, using, distributing 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.) (collectively, the "2025 Tax" or 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 November 18, 2025, 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 accomplishing the 2020 Refunding, the 2024 Refunding and the Improvements in the maximum aggregate 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 of

the purposes is approved by the voters; provided, however, that no Bonds will be issued unless the issuance of the Bonds for the 2020 Refunding is approved. The effective date of the 2025 Tax will be the day following the date the Existing Tax expires. 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:

The bonds described below that are approved may be combined into a single issue or may be issued in series from time to time. If the bonds for one or more of the purposes are approved and one of such purposes is the 2020 Refunding Bonds, there will be levied 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, will be used solely to retire the bonds and obligations of the City with respect thereto. The tax will replace the City's existing 1% sales and use tax levied pursuant to Ordinance No. 2019-11, adopted November 18, 2019, for the sole purpose of retiring bonds. The effective date of the new tax will be the day following the date the existing tax expires. The rate of taxation will be 1% even if bonds for more than one purpose are approved. No bonds will be issued for any purpose unless the 2020 Refunding Bonds are also 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.

2020 REFUNDING BONDS

Bonds of the City of Bella Vista in the maximum aggregate principal amount of \$6,175,000 for the purpose of refunding the City's outstanding Sales and Use Tax Bonds, Series 2020 and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

FOR..... ☐

AGAINST ☐

2024 REFUNDING BONDS

Bonds of the City of Bella Vista in the maximum aggregate principal amount of \$5,120,000 for the purpose of refunding the City's outstanding Capital Improvement Revenue Bond, dated November 12, 2024, and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

FOR..... ☐

AGAINST ☐

FIRE AND CITY ADMINISTRATION COMPLEX IMPROVEMENT BONDS

Bonds of the City of Bella Vista in the maximum aggregate principal amount of \$8,000,000 for the purpose of financing all or a portion of the costs of renovations and improvements to the city offices and fire station #1 at the fire and city administration complex and any furnishings, equipment and parking, lighting, street 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 ☐

FIRE IMPROVEMENT BONDS

Bonds of the City of Bella Vista in the maximum aggregate principal amount of \$6,000,000 for the purpose of financing all or a portion of the costs of facilities and apparatus for the fire department, including particularly, without limitation, a new fire station (fire station #5), a new fire truck and upgrades to existing ambulances, and any land acquisition, furnishings, equipment and parking, lighting, street 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 ☐

STREET IMPROVEMENT BONDS

Bonds of the City of Bella Vista in the maximum aggregate principal amount of \$6,100,000 for the purpose of financing all or a portion of the costs of improvements to existing streets and any curb, gutter and drainage improvements related thereto and equipment for the street department and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

FOR..... ☐

AGAINST ☐

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POLICE IMPROVEMENT BONDS

Bonds of the City of Bella Vista in the maximum aggregate principal amount of \$3,000,000 for the purpose of financing all or a portion of the costs of facilities, vehicles and apparatus for the police department, including particularly, without limitation, communication facilities and equipment and new police cars 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 his 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 filed with the Benton County Clerk at least 70 days prior to the date of the special election. A copy of this Ordinance shall be 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. Following adoption, this Ordinance shall be posted in the following public places in the City: City Hall, City Library, Fire Station #2, Fire Station #3 and Public Safety Building.

Section 9. If the Bonds for the 2020 Refunding are approved by the voters and if such Bonds are issued, the Existing Tax shall be abolished at the proper time so that the Existing Tax and the 2025 Tax are not in effect at the same time. Collections of the Existing Tax received after the date the Bonds are issued shall be used, if necessary or appropriate, to provide for the payment of the Bonds.

Section 10. 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 11. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: August 4, 2025.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

CERTIFICATE

The undersigned, City Clerk of Bella Vista, Arkansas hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. _____, passed at a special session of the City Council of Bella Vista, Arkansas, held at the regular meeting place of the City Council at 6:00 o'clock p.m., on the 4th day of August, 2025, and that the Ordinance is of record in Ordinance Record Book No. _____, Page _____ now in my possession.

GIVEN under my hand and seal this 4th day of August, 2025.

City Clerk

(SEAL)



MEETING DATE	PREPARED BY	LEGISLATIVE TITLE
August 4, 2025	Wanda Krug, City Clerk	RESOLUTION: A RESOLUTION OF INTENT REGARDING CAPITAL IMPROVEMENTS
AGENDA ITEM # III.B		
RESOLUTION: A RESOLUTION OF INTENT REGARDING CAPITAL IMPROVEMENTS		
BACKGROUND		
RECOMMENDATION		
FISCAL IMPACT		
ATTACHMENTS		

1. Resolution of Intent Capital Improvements

RESOLUTION NO. _____

A RESOLUTION OF INTENT REGARDING CAPITAL IMPROVEMENTS

WHEREAS, the City Council of the City of Bella Vista, Arkansas (the "City") has determined that the City is in need of the following capital improvements of a public nature:

(a) renovations and improvements to the city offices and fire station #1 at the fire and city administration complex and any furnishings, equipment and parking, lighting, street and utility improvements related thereto (the "Fire and City Administration Complex Improvements");

(b) facilities and apparatus for the fire department, including particularly, without limitation, a new fire station (fire station #5), a new fire truck and upgrades to existing ambulances, and any land acquisition, furnishings, equipment and parking, lighting, street and utility improvements related thereto (the "Fire Improvements");

(c) improvements to existing streets and any curb, gutter and drainage improvements related thereto and equipment for the street department (the "Street Improvements"); and

(d) facilities, vehicles and apparatus for the police department, including particularly, without limitation, communication facilities and equipment and new police cars (the "Police Improvements"); and

WHEREAS, pursuant to a special election held March 3, 2020, the City issued and has outstanding its Sales and Use Tax Bonds, Series 2020 (the "2020 Bonds"); and

WHEREAS, the City issued and has outstanding its Capital Improvement Revenue Bond, dated November 12, 2024 (the "2024 Bond"); and

WHEREAS, the City Council has determined that the City should refund the 2020 Bonds and the 2024 Bond; and

WHEREAS, the City Council proposes to finance all or a portion of the costs of the refunding of the 2020 Bonds (the "2020 Refunding"), the refunding of the 2024 Bond (the "2024 Refunding"), the Fire and City Administration Complex Improvements, the Fire Improvements, the Street Improvements and the Police Improvements by the issuance of capital improvement bonds (the "Bonds") in the maximum aggregate principal amount of \$34,395,000 allocated as follows:

(a) \$8,000,000 in maximum principal amount for the Fire and City Administration Complex Improvements;

(b) \$6,000,000 in maximum principal amount for the Fire Improvements;

- (c) \$6,100,000 in maximum principal amount for the Street Improvements;
- (d) \$3,000,000 in maximum principal amount for the Police Improvements;
- (e) \$6,175,000 in maximum principal amount for the 2020 Refunding; and
- (f) \$5,120,000 in maximum principal amount for the 2024 Refunding; and

WHEREAS, the issuance of the Bonds is subject to approval by the voters at an election to be held on November 18, 2025; and

WHEREAS, the purpose of this Resolution is for the City to declare its "official intent" for the reimbursement of certain expenditures from the proceeds of the Bonds, within the meaning of the United States Treasury Regulation § 1.150-2 (the "Regulation");

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

Section 1. The City hereby expresses its official intent under the Regulation to advance its own funds to pay the costs of the Fire and City Administration Complex Improvements, the Fire Improvements, the Street Improvements and the Police Improvements prior to the issuance of the Bonds and to reimburse itself from proceeds of the Bonds for such expenditures.

Section 2. Proceeds of the Bonds will be applied to reimburse the City for any expenditures made before the Bonds are issued within eighteen (18) months after the later of (a) the date of the expenditure or (b) the date on which the particular improvement is placed in service and, in any event, within three (3) years after the date of the expenditure.

PASSED: August 4, 2025.

APPROVED:

By: _____
Mayor

ATTEST:

City Clerk

(SEAL)

CERTIFICATE

The undersigned, City Clerk of the City of Bella Vista, Arkansas (the "City"), hereby certifies that the foregoing is a true and compared copy of a resolution passed at a special session of the City Council of the City, held at the regular meeting place of the Council at 6:00 o'clock p.m. on the 4th day of August, 2025.

City Clerk

(SEAL)