

BELLA VISTA CITY COUNCIL REGULAR MEETING

July 22, 2024 6:00 PM

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

MINUTES

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

Pledge of Allegiance recited.

Roll Call of Council called by Clerk Lepillez Krug. Council Members Jerry Snow, Wendy Hughes, Larry Wilms, James Wozniak, Doug Fowler, Craig Honchell present. Mayor Flynn present.

Citizen Input

Four people signed up to speak. Mayor Flynn explained the 3-minute rule and called the people on the list.

Chris Nelson, 1 Herrington Drive. He came to speak against the proposed ordinance regarding candidates filing campaign contributions prior to the beginning of early voting. He believes filing is best handled through the County Clerk's office.

Amy Darpinian, 6 Lerwick Lane. She came to voice concerns regarding the safety of the temporary Highway 71 route for hikers and bikers. This alternative route installed due to bridge wash-out over Sugar Creek does not feel safe, especially the section by the highway. She would like the City to install concrete barriers by August 14 to protect staff, students, and families who use this route to Cooper Elementary School.

Maribel Childress, 75 Rath Drive. She came to introduce herself to the Mayor and Council members, as the newly appointed principal of Cooper Elementary School. She has 33 years of experience in education, including 27 years in administration. She thanked the City for their wonderful partnership with Cooper Elementary, particularly the Law Enforcement and School Resource Officer, and First Responders and Fire Department. She hopes that Cooper Elementary and the City will be mutually beneficial.

Frosty Merriott, 30 Bosworth Circle. He came to introduce himself as a relatively new resident of Bella Vista. He cited his City government involvement in Colorado, which included three terms as Town Trustee of Carbondale. He served on the Chamber of Commerce Executive Board, and the Planning and Zoning Commission. He worked on issues connected with city growth and development. He cited numerous challenges in Bella Vista related to current growth, and would like to see flashing signs to warn of speeding and frequent deer crossings.

Council Member Reply

Council Member Hughes thanked each of the four citizens for coming forward to speak and acknowledged each one's concerns. She looks forward to collaborating with Maribel Childress, Principal of Cooper Elementary School this upcoming school year. She welcomed Mr. Merriott to Bella Vista and thanked him for his service to his community.

Council Member Wilms thanked Maribel Childress for coming tonight to introduce herself as the new principal at Cooper Elementary School. He addressed the safety concerns for bikers on the 71 corridor, stating the city has applied for a DOT study grant. Highway 71 is Bella Vista's main commuter travel route and the traffic speed cannot be compromised for the many workers who use it on a daily basis. The study is looking at ways to enhance side lanes for bikers and create a safer, more attractive, central thoroughfare.

Council Member Fowler addressed the Highway 71 traffic safety issues and shares the concern. He welcomed Maribel Childress as the new Cooper Elementary principal, and recognized her as an outstanding educator and administrator in our community. He acknowledged the deer crossing problem, having recently sustained a costly car accident from hitting a deer.

Mayor Flynn thanked everyone for coming to speak tonight.

Action on the Minutes

Council Member Wilms questioned whether the review of city meetings needs to be included in the announcements section of the Minutes, since it takes up one half page of space. City Attorney Kelley stated the Minutes have always included a list of the upcoming meetings, and he feels it is best to leave them as is.

Approval of Minutes - June 2024 Regular Meeting

Council Member Wilms made a motion to approve, seconded by Council Member Hughes. **Roll Call Vote: (Ayes: 5/Nays: 0/Abstain: 1 Fowler) Passed**

5-0.

Reports

Monthly Financial Report - May 2024 Mayor Flynn addressed the May 31, 2024 Financial Report. He noted total Operating Revenue is up 3.8% compared with last year, County Sales Tax is up 2.6%, and City Sales Tax is up 6.8%. The County increase is quite modest, and being monitored for trends. Total Operating Expenses are \$602,000 below budget, and City financials continue to be positive. The City has a healthy reserve balance of cash. Revenues are up, but we have a sharp eye out due to ongoing capital expenditures.

(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 Wozniak made a motion to approve, seconded by Council Member Fowler. **Roll Call Vote unanimous to approve: (Ayes: 6/Nays: 0)**

Unfinished Business

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 *3rd reading, tabled from May 2024 Regular Meeting Mayor Flynn read the ordinance for the third and final time. Council Member Fowler reviewed why he proposed this ordinance in February 2024, citing an article in the Weekly Vista by Bennett Horne after city elections in early December 2022. He researched state statutes concerning election campaign fund reporting and consulted with Staff Attorney Kelley. He concluded the time is right to provide disclosure of campaign fund sourcing to residents who participate in early voting. He referenced the stringent compliance required by the Arkansas FOIA (Freedom of Information Act) on behalf of all Arkansas citizens. Some of the Council asked to first seek the opinion of State Attorney General Tim Griffin. Recently, the Attorney General's response came back, stating this proposed ordinance does not conflict with or violate any current Arkansas law concerning campaign finance or ethics.*

Council Member Hughes asked Attorney Kelley a clarifying question, then explained why she is opposed to this ordinance. She believes it represents government overreach, and doesn't think the city is the right governing body to do it. She thinks there is a lot to learn about candidates, and finances are one piece only.

Council Member Wozniak thinks residents concerned about a candidate's financial contributions can wait for disclosures, and still vote eight or nine days early.

Council Member Snow is opposed to this ordinance. He finds it unnecessary, thinks it duplicates a state document, and would be an unreasonable requirement.

Council Member Honchell thanked Council Member Fowler for his research and work on this ordinance. For him, this is a simple matter of transparency. He would be proud to be part of the "first draft" of an ordinance like this in our state. As elections get bigger and more complicated, he believes that whatever can be done to promote transparency is a good idea.

Council Member Fowler addressed each of the comments, and reaffirmed his commitment to transparency for his constituents.

Council Member Wilms addressed the negative reaction of the Arkansas Municipal League, which he does not find unusual, considering our state has over 500 cities and towns. Many have populations under 5,000 and would likely have no issues. He feels Bella Vista is unique in that it has 38,000 lots owned by individuals, but in some cases multiple or many lots are owned by investors. This unique factor could evolve and become problematic. He supports the ordinance.

Mayor Flynn thinks elections should be run by the state and county, and not by the city. He asked for a motion and a second to vote. Council Member Honchell made a motion to approve, seconded by Council Member Fowler. **Roll Call Vote: (Ayes: 3 Wilms, Fowler, Honchell/Nays: 3 Snow, Hughes, Wozniak) Mayor Flynn declined to vote. Motion failed 3-3.**

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 Tabled from May 2024 Regular Meeting Mayor Flynn read the resolution. Council Member Wozniak made a motion to approve, seconded by Council Member Fowler.

Council Member Fowler explained the resolution in detail. Council Member Hughes disagreed with the resolution. She is not in favor of highlighting financial contributions when there are dozens of factors for voters to consider. **Roll Call Vote: (Ayes: 4 Wozniak, Wilms, Fowler, Honchell/Nays: 2 Snow, Hughes) Motion passed 4-2.**

New Business

RESOLUTION: AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH LEO M ELLEBRACHT COMPANY OF WENTZVILLE, MISSOURI, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, IN

THE AMOUNT OF \$63,999.34 FOR THE PURCHASE OF TURN-OUT GEAR FOR THE FIRE DEPARTMENT Mayor Flynn read the resolution. Motion to approve by Council Member Snow, seconded by Council Member Hughes. **Roll Call Vote unanimous to approve: (Yays: 6/Nays: 0) Motion passed 6-0.**

Announcements

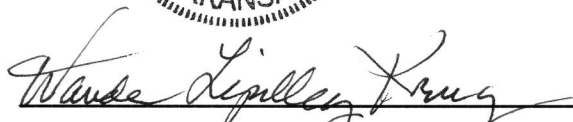
Mayor Flynn read through the upcoming meeting schedule.

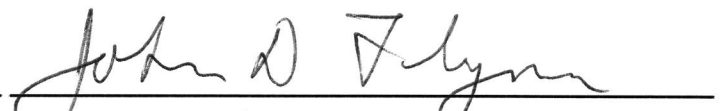
- City Council Work Session: Monday, August 19, 2024, 5:30 pm at Bella Vista Police Training Room - - City Council Regular Meeting: Monday, August 26, 2024, 6:00 pm at Bella Vista District Court
- Planning Commission Work Session: Thursday, August 1, 2024, 4:30 pm at Bella Vista District Court
- Planning Commission Regular Meeting: Monday, August 12, 2024, following BZA (4:30 pm) at Bella Vista District Court
- Board of Construction Appeals: Tuesday, August 13, if necessary, at Fire Station #4 Conference Rm, 1639 Forest Hills Blvd.

Adjournment

Mayor Flynn adjourned the meeting at 6:56 pm.




City Clerk Wanda Lepillez Krug


Mayor John D. Flynn