

Bentonville City Council

Meeting Minutes

August 8, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, August 8, 2023, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Aubrey Patterson, Cindy Acree, Beckie Seba, Chris Sooter, Gayatri Agnew, Bill Burckart, and Holly Hook. Also present were Mayor Stephanie Orman, City Attorney Andrew Myers, Assistant to the Mayor Karilea Magee, who filled in for City Clerk Kirby Romines, the press, city staff, and the audience. Several members of the city staff and the public attended remotely via Zoom.

Mayor Orman called the meeting to order. Mayor Orman led everyone present in the Pledge of Allegiance, which was followed by a moment of silence in support of our armed forces.

Motion was made by Council Member Acree to approve the minutes of the July 25, 2023, meeting as presented, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

Motion was made by Council Member Sooter to suspend the rules regarding the reading of all ordinances on three separate days and further that all ordinances and resolutions be read by title only, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

[Agenda items 1 through 3 were addressed at the August 7, 2023, Committee of the Whole meeting.]

4. ARPA Update - Gladys Shoemake, Purchasing Manager
5. The Tree and Landscape Advisory Committee has awarded Preacher's Son at 201 NW A St the winner for the July Commercial Landscaping of the Month Award. The property was nominated by the Tree and Landscape Advisory Committee.
6. The Tree and Landscape Advisory Committee has awarded Fred and Diana Kuznia at 30 Meadowbrook Circle the winner for the July Residential Landscaping of the Month Award. The property was nominated by a Bentonville resident.
7. Planning:
 - 7a. Ordinance No. 2023-186: Ordinance accepting a lot split of part of Lots 1 & 2, Block 6 of Deming's Addition; creating new Lots 27, 28, 29, & 30, Block 6 of Deming's Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0037).

[Applicant: Lucatoni LLC;

Location: 411 Northwest C Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).
 - 7b. Ordinance No. 2023-187: Ordinance accepting a property line adjustment of previously unplatted land; creating new Lot 1 of Lay Farm Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0022).

[Applicant: Buck Airport Blvd LP LLC;

Location: Southwest Regional Airport Boulevard and Vaughn Road]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

- 7c. Ordinance No. 2023-188: Ordinance accepting a property line adjustment of the West 39' of Lot 8 and Lots 9 & 10 of East Side 1st Addition, and Lots 11 & 12 of 2nd East Side Addition; creating new Lot 1 of Mason Addition the City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0023).

[Applicant: Market District II LLC;

Location: Southeast 4th Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 7d. Ordinance No. 2023-189: Ordinance accepting a final plat of Been Road Villas to the City of Bentonville, Arkansas; and for other purposes (Project No. FP23-0001).

[Applicant: BBG Property Development LLC;

Location: Been Road and Glen Road]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 7e. Ordinance No. 2023-190: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to

DN-2, Downtown Medium-Density Residential; and for other purposes (Project No. RZ23-0050).

[Applicant: Kirk Starr;

Location: 321 Southwest C Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 7f. Ordinance No. 2023-191: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential; and for other purposes (Project No. RZ23-0054).

[Applicant: Tyanna Properties, LLC;

Location: 805 Northeast A Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 7g. Ordinance No. 2023-192: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-3, Medium-High Density Multifamily Residential; and for other purposes (Project No. RZ23-0055).

[Applicant: RMB Investments, LLC;

Location: Southwest I Street]

Council Member Patterson expressed their opposition to the item. Council Member Hook mentioned that residents have mentioned drainage issues in the area to them. Mayor Orman recognized the applicant, Ali Karr, for public comment. Tyler Overstreet, Director of Planning and Community Development, discussed the project further and addressed concerns by constituents.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (6-2), with Council Member Hook and Council Member Patterson voting no.

Council Member Agnew made comments regarding public transportation.

- 7h. Ordinance No. 2023-193: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-1, Downtown Low-Density Residential; and for other purposes (Project No. RZ23-0056).

[Applicant: Bentonville RE Development, LLC;

Location: 707 Southwest 2nd Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

- 7i. Ordinance No. 2023-194: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-3, Downtown High Density Residential; and for other purposes (Project No. RZ23-0044).

[Applicant: Mark Haney / Laura Olson;

Location: 409 Northwest 5th Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

8. Utility Board:

- 8a. Resolution No. 8-8-23 A: A resolution expressing the willingness of the City of Bentonville to accept financial assistance from Arkansas Natural Resources Commission for improvements, in the amount of ninety-seven million seven hundred fifty-nine thousand three hundred eighty-one dollars (\$97,759,381.00); and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

- 8b. Ordinance No. 2023-195: Ordinance amending the 2023 Budget; authorizing the Mayor and City Clerk to enter into an agreement with Buchi Corporation, for the purchase of a Buchi MultiKjel K-365 Unit for the Bentonville Water Resource Recovery Facility, in an amount not to exceed thirty-nine thousand five hundred six dollars and twenty-three cents (\$39,506.23); waiving the requirement of competitive bidding; providing for the emergency clause; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 8c. Ordinance No. 2023-196: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with USG Water Solutions, for the purchase of a PAX Submersible Active Mixing System, in the amount of thirty-nine thousand nine hundred seventeen dollars (\$39,917.00); waiving the requirement of competitive bidding; providing for the emergency clause; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 8d. Ordinance No. 2023-197: Ordinance amending the 2023 Pay Plan for the City of Bentonville Water Utilities Department to add the position of a Staff Engineer; amending the 2023 Budget to appropriate forty-eight thousand eight hundred thirteen dollars (\$48,813.29) to various payroll accounts; declaring an emergency; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 8e. Resolution No. 8-8-23 B: A resolution awarding bid IFB-23-40 to Humbard Contracting for the purchase and installation of CIIP lining for the City of Bentonville Sewer Department, in the amount of six hundred ninety-seven thousand three hundred forty dollars (\$697,340.00); amending the 2023 Budget to transfer one hundred seventy-two thousand three hundred forty dollars (\$172,340.00) from ARPA funds to Account #401010-47341 - Sewer Line Improvements; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 8f. Resolution No. 8-8-23 C: A resolution to reclassify one (1) Electrician Technician II position to a Journeyman Lineman position; amending the 2023 Budget to appropriate fifteen thousand one hundred seventeen dollars and forty-four cents (\$15,117.44) from Utility Fund Reserves to various accounts; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 8g. Ordinance No. 2023-198: Ordinance amending the 2023 Pay Plan for the City of Bentonville; adding a job family to the Electric Department System Coordinator; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

9. Resolution No. 8-8-23 D: A resolution authorizing the Mayor and City Clerk to enter into Change Order #2 with 81 Construction, Inc., in the amount of one hundred fifteen thousand five hundred six dollars (\$115,506.00), for additional undercut and backfill material for the Southwest Bentonville Trail; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

10. Resolution No. 8-8-23 E: A resolution authorizing the Mayor and City Clerk to enter into Change Order #1 with CEI Engineering, in the amount of forty-seven thousand six hundred seventy-one dollars (\$47,671.00), for installation of an alternative location for the pedestrian bridge over Town Branch Creek for the Bentonville Razorback Greenway; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

11. Resolution No. 8-8-23 F: A resolution setting a Public Hearing for August 22, 2023, for a Drainage Easement Vacation requested for Lot 18 of Rainbow Junction-Bentonville Subdivision (VAC23-0013).

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

12. Resolution No. 8-8-23 G: A resolution awarding bid IFB 23-48 to APAC-Central Inc., for the 2023 Overlay Program for the City of Bentonville Street Department, in the amount of three hundred twenty-nine thousand five hundred five dollars and fifty cents (\$329,505.50); and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

13. Resolution No. 8-8-23 H: A resolution awarding bid IFB 23-49 to Innovative Roadway Solutions, LLC., for the mastic sealing of city streets for the City of Bentonville Street Department, in the amount of four hundred forty-five thousand seven hundred thirty-sixty dollars and seventy cents (\$445,736.70); and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

14. Resolution No. 8-8-23 I: A resolution accepting donations to the Bentonville Public Library, in the total amount of one thousand three hundred dollars (\$1,130.00); adjusting the 2023 Budget to recognize and appropriate the same to various accounts; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Hook. There was no discussion. Motion carried (8-0).

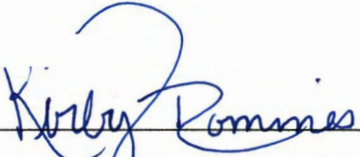
Motion to amend the resolution and correct the amount from \$1,300.00 to \$1,130.00 by Council Member Burckart, second by Council Member Sanchez. Motion carried (8-0).

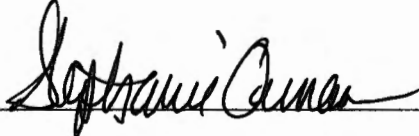
15. Resolution No. 8-8-23 J: A resolution amending the 2023 Budget to reallocate budgeted library funds, in the amount of eight thousand dollars (\$8,000.00), from Account #105050-42520 - Minor Equipment/Computer to Account #105050-44430 - Property Service Repairs/Maintenance Building, for HVAC replacement at the Train Station Building; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Burckart, second by Council Member Sooter.

The next Bentonville City Council meeting will be on August 22, 2023.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

