

Bentonville City Council

Meeting Minutes

September 12, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, September 12, 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. Several members of the city staff and the public attended remotely via Zoom.

Mayor Orman called the meeting to order. Pandora Frizell, a Girl Scout from Troop 5279, 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 Sanchez to approve the minutes of the August 22, 2023, meeting as presented, second by Council Member Burckart. 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).

I. Old Business:

1. Resolution No. 9-12-23 A: A resolution amending resolution 9-13-22D to include reimbursable expenses for the Station 3 Project,

in the approximate amount of two thousand nine hundred fifty-two dollars and seventy-three cents (\$2,952.73); 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).

II. New Business:

1. August Commercial Landscaping Award

Recognition by the City Council of the landscaping on commercial property located at 3109 N Walton Blvd, home of Bentonville Smiles. The property was selected by the Tree & Landscape Advisory Committee and is the August 2023 Commercial Landscaping of the Month award winner.

2. August Residential Landscaping Award

Recognition by the City Council of the landscaping on residential property located at 811 NW A St. The property was selected by the Tree & Landscape Advisory Committee and is the August 2023 Residential Landscaping of the Month award winner.

3. Resolution No. 9-12-23 B: A resolution declaring certain property belonging to the City of Bentonville Fire Department as surplus property; authorizing for its disposal; 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).

4. Resolution No. 9-12-23 C: A resolution authorizing the Mayor and City Clerk to enter into an agreement to add Merchant Processing Services, for the Bentonville Animal Services Department, with Automated Merchant Systems, LLC; 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 Patterson. There was no discussion. Motion carried (8-0).

5. Resolution No. 9-12-23 D: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Windcrest LLC, for the purchase of additional range equipment, in the amount of eighty-four thousand twenty-seven dollars and fifty cents (\$84,027.50); 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 Patterson. There was no discussion. Motion carried (8-0).

6. Ordinance No. 2023-206: Ordinance adopting an amendment to the Personnel Policy for the City of Bentonville, Arkansas; 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 Acree. 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 Acree, second by Council Member Hook. There was no discussion. Motion carried (8-0).

7. Resolution No. 9-12-23 E: A resolution adjusting the 2023 Budget to appropriate fifty-eight thousand nine hundred eighty-three dollars and ten cents (\$58,983.10) from Account #253020-49150 -

Transfer Out-Utility into Account #503020-39192 - Transfer In-Impact/Capacity; 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 Acree. There was no discussion. Motion carried (8-0).

8. Resolution No. 9-12-23 F: A resolution authorizing a property tax levy for the City of Bentonville, Arkansas for the year 2023 to be collected in the year 2024.

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).

9. Resolution No. 9-12-23 G: A resolution setting a public hearing for September 26, 2023, for a Utility Easement Vacation located at Lot 18 of Harmon Grove at Central Park Addition Phase 3 (VAC23-0014).

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).

10. Resolution No. 9-12-23 H: A resolution setting a public hearing for September 26, 2023, for a Utility Easement Vacation located at Lot 15 of Highland Park Subdivision (VAC23-0015).

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. 9-12-23 I: A resolution amending Resolution No. 8-8-23 E; changing the contracting party name from CEI Engineering to Milestone Construction; 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 Acree. There was no discussion. Motion carried (8-0).

12. Resolution No. 9-12-23 J: A resolution authorizing the Mayor and City Clerk to enter into an amended GMP with Flintco, in the amount of fifteen million five hundred eighty-six thousand three hundred twenty dollars (\$15,586,320.00), for construction of the A Street Promenade Project; accepting a grant from the Walton Family Foundation, in the amount of fifteen million nine hundred ninety-six thousand three hundred twenty dollars (\$15,996,320.00), to fund said project; adjusting the 2023 Budget to recognize and appropriate these funds; 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. 9-12-23 K: A resolution authorizing the Mayor and City Clerk to enter into a contract amendment with Design Workshop, in the amount of two hundred thirty-five thousand five hundred dollars (\$235,500.00), for construction observation of the A Street Promenade Project; 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 Acree. There was no discussion. Motion carried (8-0).

14. Resolution No. 9-12-23 L: A resolution authorizing the Mayor and City Clerk to enter into an agreement with GTS, Inc., in the amount of sixty-seven thousand six hundred ninety-one dollars (\$67,691.00), for Geotech testing and inspection of the A Street Promenade Project; 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).

15. Resolution No. 9-12-23 M: A resolution authorizing the Mayor and City Clerk to enter into an amended GMP with Nabholz, in the amount of seventeen million ninety-five thousand one hundred dollars (\$17,095,100.00), for construction of Phillips Park; recognizing a contribution from Visit Bentonville, in the amount of three million dollars (\$3,000,000.00); adjusting the 2023 Budget to recognize and appropriate funds for this project; 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).

16. Resolution No. 9-12-23 N: A resolution authorizing the Mayor and City Clerk to enter into an agreement with GTS, Inc., in the amount of forty-five thousand three hundred dollars (\$45,300.00), for Geotech testing and inspection for Phillips Park; 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).

David Wright, Parks & Recreation Director, mentioned that the Phillips Park groundbreaking ceremony was set for Thursday, September 21, 2023, at 5:00 p.m.

III. Utility Board:

1. Resolution No. 9-12-23 O: A resolution awarding bid IFB-23-51 to the lowest responsive bidders, for electric materials, in an

approximate amount of three hundred forty thousand forty-four dollars and eight cents (\$340,044.08), plus applicable taxes; and for other purposes.

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

2. Resolution No. 9-12-23 P: A resolution amending the 2023 Budget; appropriating one hundred ninety-two thousand eighty-six dollars and twenty cents (\$192,086.20) from Utility Fund Reserves into Account #503020-44450 - Public Works by Project Maintenance; authorizing the Mayor and City Clerk to enter into an amended agreement with Calcon, Inc. and Sy Con Excavation and Utilities; 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).

Council Member Sanchez mentioned that the Utility Board discussed the benefits of this item, including efficiency and cost.

IV. Planning:

1. Ordinance No. 2023-207: Ordinance accepting a property line adjustment of existing Lot 12, Block 6 of Railroad Addition; creating new Lots 15 and 16, Block 6 of Railroad Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0038).

[Applicant: Nick Rumancik/Heather & William Ayers;

Location: 207 Southeast B 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).

2. Ordinance No. 2023-208: 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. RZ23-0058).

[Applicant: O'Malley Family Trust;

Location: 901 Northeast 2nd 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).

3. Ordinance No. 2023-209: 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. RZ23-0060).

[Applicant: Bryan & Laura Brewer;

Location: 107 Lake Street]

City Attorney Andrew Myers read the ordinance by title only. The physical ordinance had an error in the title and read DN-3 instead of DN-2. Motion to amend and correct the physical ordinance to DN-2 as laid out in the agenda by Council Member Burckart, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

Motion to approve as amended by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

4. Ordinance No. 2023-210: 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. RZ23-0061).

[Applicant: Bryan Brewer and Laura McDonald;

Location: 960 North Main 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).

5. Ordinance No. 2023-211: 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. RZ23-0062).

[Applicant: Bryan Brewer and Laura McDonald;

Location: Northeast Monroe 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).

6. Ordinance No. 2023-212: 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. RZ23-0063).

[Applicant: Bryan Brewer;

Location: Northeast Monroe 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).

7. Ordinance No. 2023-213: 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. RZ23-0064).

[Applicant: Bentonville, LLC;

Location: 807 Northeast 2nd 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. Ordinance No. 2023-214: Ordinance accepting a property line adjustment of existing Lot 1 of Lincoln and Rice Addition; creating new Lots 5, 6, and 7 of Lincoln and Rice Addition to the City of Bentonville, Arkansas; and for other purposes

(Project No. LS23-0045).

[Applicant: Bentonville, LLC;

Location: 807 Northeast 2nd 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).

9. Ordinance No. 2023-215: Ordinance amending Bentonville Municipal Code Ch. 76 - Property Maintenance Code, Ch. 94-VI - Parking, and Appendix A - Zoning to regulate on-street and off-street parking in residential areas; 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 Patterson. There was no discussion. Motion carried (8-0).

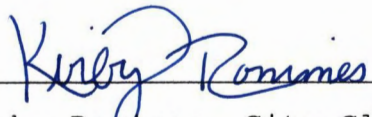
Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Burckart, second by Council Member Sanchez.

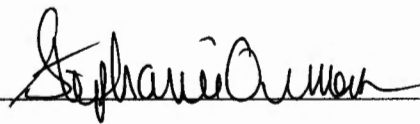
Dennis Birge, Transportation Director, provided an update on the Greenhouse Road project.

Mayor Orman reminded those in attendance about the Arkansas Municipal League 2024 Winter Conference, the Fall Square to Square event, and Bike to Work Day.

Council Member Burckart and Mayor Orman discussed if there is a city emergency disaster plan in place. Mayor Orman explained that each department has a plan in place, and Council Member Burckart asked if there could be a later discussion on an overall emergency disaster plan. Council Member Acree asked the city to consider conducting a city-wide accessibility study.

The next Bentonville City Council meeting will be on September 26, 2023.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

