

Bentonville City Council
Meeting Minutes
November 14, 2017

[A Committee of the Whole meeting was held on Monday, November 13th, 2017. In addition to reviewing agenda items, the 2018 budget was discussed and a consent agenda approved.]

The City Council of Bentonville, Arkansas, met in regular session Tuesday, November 14th, 2017, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Stephanie Orman, Chad Goss, Tim Robinson, Chris Sooter, Bill Burckart, Octavio Sanchez and Jim Webb. Also present were Mayor Bob McCaslin, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

At 6:00 p.m., prior to calling the meeting to order, Mayor McCaslin invited public comments pertaining to items on the agenda. The Mayor recognized Dale Sacco. Mr. Sacco expressed his concerns regarding Item 6c, approval of a final plat for McClain Place Addition.

Motion was made by Council Member Robinson to allow speakers to speak on an item not on the agenda prior to the meeting, second by Council Member Sanchez. The motion passed (7-0).

Mayor McCaslin recognized Erica Edwards and Sara McGuigan who expressed their support, along with that of others in the audience, for the City to construct its own animal shelter.

The Mayor then invited questions or comments from the Council about items on the agenda and there were none.

Thereafter, Mayor McCaslin called the meeting to order. The Mayor then led everyone present in the pledge of allegiance followed by a moment of silence in support of our armed forces.

Motion was made by Council Member Burckart to approve the minutes of the October 24, 2017 meeting as presented, second by Council Member Sanchez. There was no discussion. Motion carried (7-0).

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 (7-0).

1. Declaring a vacancy for Ward 3, Position 1 held by Thomas Hoehn.

Motion to declare a vacancy for Ward 3, Position 1 by Council Member Burckart, second by Council Member Goss. There was no discussion. Motion carried (7-0).

Mayor McCaslin stated the options before the Council were to select a replacement at the next regularly scheduled meeting, which would be in two weeks on the 28th of November, or to call for a special election to select the replacement.

Mayor McCaslin asked City Attorney Spence to update the Council regarding holding a special election. Mr. Spence explained the State laws regarding special elections. He noted that the earliest the election could be held appeared to be March 13, 2018, meaning the new council member would not take his/her seat until the second meeting in March. The filing period for the position would be from December 1 through noon on December 22. Mr. Spence also noted the other option remained, which would be to select a new council member at the next meeting after giving public notice.

Resolution No. 11-14-17 A: Resolution calling for a special election for the vacant position of Council Member, Ward 3, Position 1.

City Attorney Spence read the resolution by title only.

Motion to pass by Council Member Burckart, second by Council Member Robinson. There was no further discussion. Motion carried (7-0).

2. Ordinance No. 2017-175: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville and assigning same to wards. [Michael Payne, DEB Farmland Adventures]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Robinson. There was no discussion. Motion carried (7-0).

3. Ordinance No. 2017-176: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville and assigning same to wards. [Shelby Elzey]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Webb. There was no discussion. Motion carried (7-0).

4. Ordinance No. 2017-177: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville and assigning same to wards. [Tommy and Robin Stracener]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Webb. There was no discussion. Motion carried (7-0).

5. Ordinance No. 2017-178: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville and assigning same to wards. [Clay Carlton and Mike Lamberth]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by

Council Member Robinson. There was no discussion. Motion carried (7-0).

- 6a. Ordinance No. 2017-179: Ordinance accepting a lot split of Lots 1 and 2 Featherston Valley Subdivision to the City of Bentonville, Arkansas.

[Applicant: Martin Elzey;
Location: Lots 1 and 2 Featherston Valley Subdivision]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Webb. There was no discussion. Motion carried (6-1), with Council Member Burckart abstaining.

- 6b. Ordinance No. 2017-180: Ordinance accepting a property line adjustment of Lot 13, Block 26 Deming's Addition to the City of Bentonville, Arkansas.

[Applicant: Berry Jones;
Location: 204 Northwest 7th Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Robinson, second by Council Member Sooter. There was no discussion. Motion carried (7-0).

- 6c. Ordinance No. 2017-181: Ordinance accepting a final plat of McClain Place Addition to the City of Bentonville, Arkansas.

[Applicant: LRRB Land Development, Inc.;
Location: 700 McClain Road]

Council Member Orman asked about the issue of the construction trucks on an access easement mentioned during public comments before the meeting. Shelli Kerr, Planning Services Manager, stated the City had noise regulations that would control the decibel levels with regard to all activity and that those would apply.

Council Member Burckart referred to the easement and right-of-way on a projected map and asked if that was where the trucks were traversing the property. Larry Grelle of Morrison Shipley indicated the trucks were in fact only entering the property across platted driveways and roads.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Burckart, second by Council Member Sanchez. There was no further discussion. Motion carried (7-0).

- 6d. Ordinance No. 2017-182: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of R-1, single family residential to C-2, general commercial.

[Applicant: Word of Life Fellowship;
Location: 404 Southwest Regional Airport Boulevard]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

- 6e. Ordinance No. 2017-183: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of R-1, single family residential to DN-1, downtown low-density residential.

[Applicant: James and Mary Hall;
Location: 701 East Central Avenue]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (7-0).

11. Resolution No. 11-14-17 B: Resolution setting a public hearing for November 28, 2017, on a petition filed by Kensington Square, LLC, requesting a utility and drainage easement vacation within the City of Bentonville, Arkansas.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Robinson, second by Council Member Webb. There was no discussion. Motion carried (7-0).

- 12a. Resolution No. 11-14-17 C: Resolution authorizing the Mayor and Clerk to enter into an agreement with Garver Engineers for engineering services associated with the wastewater bio-solids dewatering upgrades.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Webb. There was no discussion. Motion carried (7-0).

Consent Agenda - Items 7, 8, 9, 10, 12b, 15 and 18

7. Approval for the installation of artwork titled "Sassy the Sasquatch" by artist Amanda Wilshire in Park Springs Park.
8. Approval for reappointment of Rick Rogers to the Board of Adjustment for a five-year term, said term to expire January 1, 2023.
9. Approval to appoint Ralph Weber to the Tree and Landscape Advisory Committee, said term to expire November 10, 2018.
10. Approval for reappointment of Scott Eccleston on the Tree and Landscape Advisory Committee, said term to expire on November 14, 2020.
- 12b. Approval of a budget adjustment in Wastewater Utilities for a professional services contract with Garver LLC in an amount not to exceed \$265,000.
15. Approval to award a three-year bid to Bill's Electric, Inc. for street light installation.

18. Approval of a change order for Parks and Recreation in the amount of \$1,000 for extra work by CEI Engineering at the Citizens Park tennis complex.

Motion to approve items on the consent agenda by Council Member Burckart, second by Council Member Sooter. There was no discussion. Motion carried (7-0).

Continuation of Agenda

13. Ordinance No. 2017-184: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Hutchens Construction for paving and striping the employee parking lot at the new City maintenance facility and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Robinson. There was no discussion. Motion carried (7-0).

14. Ordinance No. 2017-185: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Woodcraft, Inc. for the purchase and installation of cabinets and cabinet tops at the new City maintenance facility and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Burckart, second by Council Member Sanchez. There was no discussion. Motion carried (7-0).

16. Resolution No. 11-14-17 D: Resolution declaring certain property belonging to the City of Bentonville as surplus property. [excess topsoil at the Bentonville municipal complex]

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

17. Ordinance No. 2017-186: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Fochtman Enterprises for concrete work related to underground electric and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Webb, second by Council Member Sanchez. There was no discussion. Motion carried (7-0).

Mayor McCaslin provided a handout to the Council related to staffing challenges currently going on with the Planning Department. He described the contents of the handout noting that the deficiencies in staffing due to absences, the transfer of a staff member and the illness of another staff member were not new and that plans were already being executed to clarify the lines of responsibility to address the problem. The Mayor noted that the Planning Department had also been seeking temporary help and a permanent replacement in the building inspection department. The Mayor suggested patience to allow the staffing issues to be addressed in the normal course rather than resorting to making changes to the budget which would be more permanent. Council Member Robinson indicated that he appreciated the Mayor's comments. Council Member Burckart stated that he knew all those involved were working hard.

At the Mayor's request, City Attorney Spence addressed some concerns he had about the Council respecting its role. Mr. Spence stated that in addition to making laws, the Council's role is to consider the budget both broadly and in detail, as well as to exercise oversight of the spending approved. He noted he thought some of the comments from the budget meeting at the Committee of the Whole meeting the previous night went beyond that role in seeming to want to determine individual staff positions without any request from the Mayor or staff and that there had even been suggestions made about putting the proposed new employee in a cubicle. He just asked the Council to be cognizant of their role.

Mayor McCaslin asked about the need for a Committee of the Whole meeting before the second November meeting for additional review of the budget. None of the Council members expressed any need for an

additional Committee of the Whole session and Mr. Burckart stated he thought he would be able to address his questions, if any, outside the meeting or at the regular meeting on Tuesday. Mayor McCaslin indicated that accordingly, there would not be a Committee of the Whole meeting on the 27th.

Motion to adjourn by Council Member Burckart, second by Council Member Webb. Motion carried (7-0).

Linda Spence
Linda Spence, City Clerk

Bob McCaslin
Bob McCaslin, Mayor