

Bentonville City Council

Meeting Minutes

October 24, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, October 24, 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, Bill Burckart, and Holly Hook. Council Member Gayatri Agnew joined via Zoom. Also present were Mayor Stephanie Orman, City Attorney Andrew Myers, 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 Sanchez to approve the minutes of the October 10, 2023, meeting as presented, second by Council Member Seba. 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. New Business:

1. Proclamation Recognizing October 2023 as National Community Planning Month
2. Proclamation Recognizing October 2023 as Code Compliance Month
3. 2024 Budget Update - Patrick Johndrow, Finance Director
Council Member Burckart asked about Ozark Regional Transit in the budget for 2024 and the details for the amount added. The council engaged in further discussion about Ozark Regional Transit fees, rates, and when the agreement details would be finalized.
4. Resolution No. 10-24-23 A: A resolution adopting revisions to the City of Bentonville Fund Balance and Reserve Policy; 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).
5. Resolution No. 10-24-23 B: A resolution adopting revisions to the City of Bentonville Purchasing Policy; 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).
6. Ordinance No. 2023-223: Ordinance adopting Section 5.1 of the City of Bentonville's Purchasing Policy; adopting a local procurement preference; 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).

7. Resolution No. 10-24-23 C: A resolution authorizing the Mayor and City Clerk to enter into Amendment 1 of the Professional Services Agreement with Top Engineering, for additional design services, in the amount of one hundred fifty-four thousand six hundred fifteen dollars (\$154,615.00); and for other purposes.

Council Member Acree asked what caused the price to increase. Dennis Hayes, IT Director, explained the cost adjustments needed and that they are still not over budget for the project and are not asking for additional funds. Council Member Acree asked when the original bid was submitted. Dennis Hayes said that it was passed in May of 2022 and explained the project's timeline since then. Council Member Sanchez asked if the project's scope had increased, and Dennis Hayes explained how it had.

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

8. Reappointment of Mark Slaughter for a 2nd term to the Airport Advisory Board. His current term expires 10/23. Reappointment for a 3-year term that will expire 10/24/2026.

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

9. Council appointment of Rachel Hobert to the Airport Advisory Board, replacing Mike Frost, whose terms expired 10/5/2023. This is Ms. Hobert's first term, which will expire on 10/24/2026.

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

10. Resolution No. 10-24-23 D: A resolution adjusting the 2023 Budget to appropriate twenty-two thousand two hundred thirty-six dollars and seventy cents (\$22,236.70) from General Fund Reserves to pay for a gate repair at the Bentonville Municipal Airport; 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).

Debbie Griffin, Community Relations and Economic Development Director, explained that the funds were grant funds and did not come from the general fund, so when the grant money was received, they could now reimburse the general funds account.

11. Ordinance No. 2023-224: Ordinance vacating utility easements located at Lot 61 of the Farms Subdivision the City of Bentonville, Arkansas, Benton County Arkansas (VAC23-0018).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

Council Member Acree asked what the City of Bentonville does with an easement when it is vacated and if it has to be utilized in another easement for utilities. Mayor Orman stated that it would not be used and that their team approves the easements.

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).

12. Ordinance No. 2023-225: Ordinance amending the 2023 Budget; authorizing the Mayor and City Clerk to enter into an agreement with Trade Pro Construction, not to exceed forty-seven thousand one hundred twenty-five dollars (\$47,125.00), for the purchase

of a Clearspan Fabric Recover Package for the Bentonville Street Department; waiving the requirement of competitive bidding; providing for the emergency clause; and for other purposes.

Council Member Acree asked why there is a need to waive competitive bidding on this item. Street Manager Tony Davis explained that the bidder is the only known source, is the one who built the building and installed the tarp itself, and has built several other facilities for the highway department. Council Member Patterson asked about the insurance deductible and compared using insurance versus the outright price. Council Member Burckart and Tony Davis also discussed when the structure was built and the timeline for getting the structure fixed. Council Member Hook asked if this facility is the standard facility other cities also use. Tony confirmed that it is.

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

13. Ordinance No. 2023-226: Ordinance waiving competitive bidding to process payment, not to exceed forty-four thousand four hundred twenty-four dollars and sixty cents (\$44,424.60), for completed lane markings; 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).

II. Utility Board:

1. Resolution No. 10-24-23 E: A resolution adjusting the 2023 Budget to appropriate sixty-five thousand dollars (\$65,000.00) from Utility Fund Overtime Wages into to various accounts in order to provide for top out checks for the Bentonville Electric Department; 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).

III. Planning:

1. Resolution No. 10-24-23 F: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Residential Estate to Medium-Density Residential; 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).

2. Ordinance No. 2023-227: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to R-2, Medium Density Two Family and Townhome Residential; and for other purposes (Project No. RZ23-0068).

[Applicant: BVR Properties LLC;

Location: 1304 Bella Vista 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).

3. Ordinance No. 2023-228: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to R-2, Medium Density Two Family and Townhome Residential; and for other purposes (Project No. RZ23-0069).

[Applicant: Melvina Lovell Revocable Trust;

Location: 1110 Southeast Walton Boulevard]

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).

4. Ordinance No. 2023-229: 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. RZ23-0070).

[Applicant: Freeman Living Trust;

Location: 218 and 220 Southwest Glover 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).

5. Ordinance No. 2023-230: 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. RZ23-0071).

[Applicant: Pinnacle Villas LLC;

Location: 208 Northwest G 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. 2023-231: 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. RZ23-0072).

[Applicant: Wood Family Trust;

Location: 308 Southwest E Street]

Council Member Hook asked about the public comments for this item at the Planning Commission meeting versus on the staff report. Tyler Overstreet, Director of Planning and Community Development, explained that between the Planning Commission meetings and the staff report public comments can be submitted so they try to include them before the City Council Meeting.

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).

7. Ordinance No. 2023-232: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of PUD, Planned Unit Development to C-2, General Commercial; and for other purposes (Project No. RZ23-0074).

[Applicant: Doaba Investment LLC;

Location: Southwest Regional Airport Boulevard]

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).

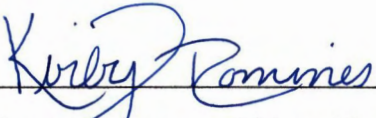
Council Member Patterson asked for an overview of this item. Tyler Overstreet reviewed the item and the surrounding zoning with the council.

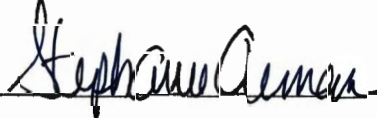
Council Member Sanchez and Debbie Griffin discussed if taxes were added to the total on item 10.

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

Council Member Acree mentioned that they are working on a historic preservation commitment.

The next Bentonville City Council meeting will be on November 14, 2023.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

