

Bentonville City Council

Meeting Minutes

May 28, 2024



The City Council of Bentonville, Arkansas, met in regular session Tuesday, May 28, 2024, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Beckie Seba, Cindy Acree, Holly Hook, Chris Sooter, Aubrey Patterson, and Bill Burckart. Also present were Mayor Stephanie Orman, City Attorney Andrew Myers, City Clerk Malorie Marrs, the press, city staff, and the audience. Several members of the city staff and the public attended remotely via Zoom. Council Member Gayatri Agnew was absent.

Mayor Orman called the meeting to order, and led everyone present in the Pledge of Allegiance, which was followed by a moment of silence in support of our armed forces. A Scout was not present.

Motion was made by Council Member Sanchez to approve the minutes of the May 14, 2024, meeting as presented, second by Council Member Acree. There was no discussion. Motion carried (7-0).

A 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 Sanchez. There was no discussion. Motion carried (7-0).

I. New Business

1. Proclamation recognizing May as "ALS Awareness Month."

Mayor Orman read the proclamation pertaining to ALS, and asked visitors in the audience to come forward. Representatives from ALS shared their thanks for reading the proclamation. The speaker, Chair of the Leadership Council from the ALS Association of Arkansas, spoke about his personal and professional gratitude to the City Council for recognizing the significance of this disease. A photo with the Mayor and representatives was taken.

2. Resolution No. 5-28-24 A: A Resolution Authorizing a Ground Lease Transfer at 2550 SW Aviation Suite 6. A resolution approving a ground lease transfer

between Gary Powell on behalf of the Enfield Trust to Josh and Mallory Breeden at 2550 SW Aviation Suite 6. No budget adjustment is needed.

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 (7-0).

3. **Resolution No. 5-28-24 B:** Resolution to Award Bid IFB-24-39 for the Purchase of (2) Police Vehicles from Superior Auto Group. A Resolution awarding bid IFB-24-39 to Superior Auto Group in Siloam Springs, AR in the amount of \$106,734.00 for the purchase of (2) 2024 Chevrolet Tahoes Special Service Vehicles (4WD), as specified. No budget adjustment is needed.

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 (7-0).

4. **Resolution No. 5-28-24 C:** A Resolution Setting Public Hearing for a Drainage Easement Vacation (VAC24-0004). Public Hearing for June 11, 2024 for a Drainage Easement Vacation, located at Outlot A of Been Road Villas Subdivision (VAC24-0004).

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 (7-0).

5. **Resolution No. 5-28-24 D:** A Resolution amending PIIP22-0029, Rainbow Curve - Jacob's PSA Amendment 1. Staff recommends approval of Resolution to amend the original Professional Service Agreement for the Rainbow Curve Intersection Project to account for the addition of Electric relocation design. No budget adjustment is needed.

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 (7-0).

6. **Resolution No. 5-28-24 E:** Resolution Approving RFP-23-47 to Crossland Heavy - for construction on 2 Walton Intersections. Staff recommends Mayor and City Clerk to enter into an agreement with Crossland Heavy Contractors as the General Contractor for the Walton Blvd Intersection Improvement bond projects. No budget adjustment is needed.

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 (7-0).

II. **Utility Board**

1. **Ordinance 2024-78:** An Ordinance Approving a Bid Waiver to Purchase 750 Underground Wire. Approval of an Ordinance to waive competitive bidding to purchase 750 UG Wire from AECL, Unit Prices and estimated quantities attached, plus applicable taxes. Approved by Utility Board 5-0. No budget adjustment is needed.

Council Member Burckart questioned if this is where they are pulling wire from, would it be advantageous to adjust the limit, or wait until the estimates come into place? Travis Matlock indicated that we need to wait since this is underground wire, and no implications on the storm.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Seba. Motion carried (7-0).

City Attorney Andrew Myers read the Emergency Clause: Section Three, the need to make this purchase is immediate and an emergency is hereby declared that the ordinance shall be in full force on the date of its passing and approval.

Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (7-0).

2. **Resolution 5-28-24 F:** A Resolution to Declare Certain L+G Meters as Surplus. With the electric AMI upgrade, there is no longer a need for the City to use L+G Meters. The meters will be declared surplus and submitted for auction. Approved by Utility Board 5-0. No budget adjustment is needed.

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 (7-0).

3. **Resolution 5-28-24 G: A Resolution to Award Bid IFB-24-36 to Stuart Irby Company for Transmission Insulators. Award Bid for transmission insulators to the lowest bidder. Approved by Utility Board 5-0. No budget adjustment is needed.**

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 (7-0).

III. **Planning**

1. **Ordinance 2024-79: Lot Split - Lots 35, 36, 37, & 38 of Limestone Ranch Subdivision - Southwest Ranch Road (LS24-0002).** An Ordinance Accepting A Lot Split Of Lot 32 Of Limestone Ranch Subdivision Creating New Lots 35-38 Of Limestone Ranch Subdivision To The City Of Bentonville, Arkansas; And For Other Purposes. The Planning Commission voted 5-0, recommending approval.

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 (7-0).

2. **Ordinance 2024-80: Lot Split - Lots 31, 32, & 33 of Deming's Addition - 411 Northwest 5th Street (LS24-0018).** An Ordinance Accepting A Lot Split Of Lot 5, Block 6 Of Deming's Addition Creating New Lots 31, 32, And 33 Of Deming's Addition To The City Of Bentonville, Arkansas; And For Other Purposes. The Planning Commission voted 5-0, recommending approval.

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 (7-0).

3. **Ordinance 2024-81: Lot Split - Lots 34, 35, & 36 of Deming's Addition - 409 Northwest 5th Street (LS24-0019).** An Ordinance Accepting A Lot Split Of Lot 4, Block 6 Of Deming's Addition Creating New Lots 34, 35, And 36 Of

Deming's Addition To The City Of Bentonville, Arkansas; And For Other Purposes. The Planning Commission voted 5-0, recommending approval.

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 (7-0).

4. **Ordinance 2024-82: Amendment - Benco 12, LLC for Parc Flex, The Parc at Bentonville (Amendment) - Southwest Regional Airport Boulevard & Southwest Prime Avenue (PUD24-0001).** An Ordinance Amending Ord 2015-004; And For Other Purposes. The Planning Commission voted 5-0, recommending approval.

Council Member Patterson questioned in the staff report, that there were recommendations made, and if these condition needed to be part of the motion. Travis Matlock discussed that there was no need for a special motion, as it is implicit in the wording.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. Motion carried (7-0).

Mayor Orman concluded the voting portion of the agenda.

IV. **Other Business/Announcements/Comments**

1. Fire Chief Justin Scantlin, came forward to discuss, debris and burn ordinance, along with a draft of a new burn ordinance idea to put into temporary place for the purposes of helping alleviate the compost facility during this emergency time.
Chief Scantlin, and his team drafted a new "rule set", to see if it was something the council would back for a few weeks. Fire codes would still be in place.
Council Member Sanchez mentioned the concern for gas leaks. Chief Scantlin stated that the gas leaks have been reported as contained, and no longer an issue. But will confirm again before instituting a new burn ban.
Council Member Acree asked about the limitations. Fire Chief Scantlin stated there would be an announcement from the administration office, along with a public announcement depicting all the information. Acree followed up her question with an ask about how people would gain permits; Chief Scantlin replied, everyday people would have to apply for another permit. Fire Chief

Scantlin stated the department would have dedicated officers to answer phone calls regarding this new burning protocol, and would also offer a light amount of education with each call pertaining to burning debris. Council Member Acree agrees this would be a helpful measure to remove debris. Mayor Orman mentioned, that the City and Fire Department wanted to make Council aware of this, for their support when this comes out. Council Member Hook is concerned with the possibility of complaints of the smoke.

Mayor Orman reminded the council, that the compost is filling up and this would help.

Hook asked if this was working in other areas, Fire Chief mentioned other areas like Springdale have done this and it would only last for two weeks (June 16th).

Council Member Seba, asked if the burn ban would pivot if there were high winds or things similar. Chief Scantlin said they would keep regular fire codes, and they would continue to make sure people get a permit everyday. Mayor Orman stated if they received a lot of complaints we would address it.

Council Member Burckart, described how the fire codes that are in place are well set & safe, but having the volume of debris the city has, this would help alleviate some of the hauling and grinding, and help with costs.

Mayor Orman stated that the Fire Department can authorize this type of change but would like a consensus and backing of council.

Council Member Patterson asked if this would include any and all residential zoning. Chief Scantlin stated, yes it would apply to all zoning, but there are limitations in areas, Burckart further stated how it would be a very small amount of debris.

Council Member Seba and Burckart, asked to see the final draft once it is completed.

Public Comment

1. Destiny Sinclair came up and spoke about the farmer's market. Stated: Arkansas statute 1414107 describing the circulation and procurement of petitions. Sinclair stated that DBI set some new rules, and mentioned some groups did not follow the rules. She would like there to be a difference between protestors and petitioners. She also mentioned how the size of poster were not being followed by protestors, who are not from Arkansas. Stating this group of protestors is trying to "shock the people". She finds these offensive and would like to see a differentiation between protestors and petitioners.

Staff Updates/Comments

1. Travis Matlock gave an update on the post tornado electric situation. When the storm passed 10,100 meters -a third of the systems were out of power. By the end of the day around 6,000 were without power. BBC and Hawkline came along with AACI out of Fayetteville to help on Monday post storm, then had 3,500 meters out of power. More groups from southern AR, OK, and MO brought crews into help. As of council meeting they were down to 2,600 out. The goal being to get everyone back on by end of week, but will depend on the detailed amount of debris on poles etc. Being so intricate can slow down the process. This is ONLY electric spending at \$1.5 million, through this disaster. Carroll Electric had 150 contract crews come in, and SWEPCO had 60 contract crews come in and help. Council commended and applauded the electric department for their hard work. Council member Hook, asked about aid stations, and Travis mentioned places along Tiger Blvd.
Council member Burckart, asked about the availability of generators. Travis mentioned that we don't have a generator that would work at this time for this capacity, but it is in the master plan to gain one. The back up units were hit by the storm. Burckart asked separately about the generators for the wastewater plant. Mike Bender stated I street has capability and so does Beaver, however there can be some struggles with it, but there is generation and on UV equipment for sanitation. Burckart asked about acceleration for full waste water generators, Bender and Matlock discussed that this would be a good idea for the overall plan, just need to take the right precautions and steps.
Council Burckart wanted to make sure that generators be added to the budget to make sure there is adequate back up in the future for all city.
2. Mayor Orman and additional updates from the storm:
 - From Parks and Recreation, there are still parks and trails closed, please do not go on the trails for risk of low hanging limbs.
 - Mayor Orman also stated that we are calling for volunteers, and to make sure to sign up with legitimate group, the form is in the Mayors Office and soon to be online for sign up.
 - The Mayor noted that the Governor came in along with representatives and senators, to declare the area a national disaster. Working to get the numbers together to get the federal assistance (FEMA). Mayor Orman discussed the documentation process to get reimbursement from the government.

Working to get a secondary location for debris, and gain a permit, along with the county trying to find a location. Would be areas for City, County, and Residents.

-Council Member Hook asked if there would be any additional hours. Mike Bender mentioned that there is limited room. Mayor mentioned that they will run the grinder as long as they can, but also needs to be mindful of monitoring and permitting so to get reimbursement correctly with FEMA.

-Burckart asked about allowing a grinder to be dropped into areas that need the most help. Bender mentioned that we must follow all the notes and requirements of FEMA reimbursements. Sooter asked about the expectations of getting debris off the street. Mayor Orman suggested referring to the communication coming from administration, and recommended to get the debris to compost, or put it on the curb, and allow for time for city pick up.

-Council Member Hook asked if the curb is just for residents or if a church in the city is allowed to put on the curb. Mike has always done residential but doesn't have an answer for business. Burckart noted the ideal way to get debris removed is to get a volunteer or team and haul it to the waste department oneself.

- Council Member Seba asked a question regarding various types of waste (fences etc). Mayor Orman and Mike Bender mentioned how construction waste is different than private waste. Burckart mentioned he has trailers, but just needs to know where to go when the new sites open.

-Mayor Orman continued to stress the importance of making sure the city, and removal of debris etc, is in line with the reimbursement policy set forth by FEMA, and that there will be an ton of tedious documentation in place.

-Council Member Patterson asked where people can take commercial wastes like carpets etc, Bender mentioned calling Republic Services, to see their ability, the city just doesn't have any sites. The challenge is just to figure out where to put everything.

-The Mayor was recommended to declare a city disaster, in order to move the process along to a federal disaster.

-Mayor Orman mentioned that reporting numbers is essential to reimbursement, and how there are formulas to use, to make sure appropriate documentation is sent to FEMA and not get flagged.

-The City is using ESERA software to help with documentation (and help from Little Rock on how to utilize), this will be the city's system. There will be two systems people will have to put information into. But make sure that the people effected are talking to their insurance companies.

-Council Member Sanchez thanked everyone for their support and hard work.

- Council Member Seba, mentioned how impressed she is with the city's support, and all the work neighbors are doing to bring everything back together.
- Mayor Orman mentioned FEMA is on the ground, and hopefully will get answers shortly.

Mayor Orman called for adjournment, seconded by Council Member Sanchez.
Motion passed.

Committee Reports

Council Member Sanchez:

-The Library is closed, while they are finishing up their remodel. Expected to open by June 3rd.

-Utility met, and will have more items to speak about, but glad to have the materials in place, as those are needed, thanked council for their approval on the items from this meeting.

Council Member Burckart:

-Finance: First look at the cash flow statement of the year. Working to make sure there's no deficit.

-Wanting to put together a storm relief plan/package with an estimated amount for relief to get approval faster.

Council Member Hook:

-Tree and Landscaping met, went over the tree giveaway and would like feedback. Just kicked off the landscaping award, and the May Yard of the Month is torn up due to the storm, but they are calling for nominees for the month of June. Shelly Curr and Council Member Hook discussed strategies for replacing trees.

Mayor Orman concluded the meeting by saying SBA will be enacted to help support the small businesses that were affected with resources. She echoed Council Member Seba's comment, appreciating the amount of support and

commitment the city and community have for each other.

Mayor Orman stated in one day (with the storm/tornado), there were over 820 calls into emergency dispatch, with over 320 actual dispatches, which deserves an applause.

Council Member Hook asked where its best to report debris related issues. 311 is the best way to get issues into the system, and to the correct departments.

Meeting Adjourned

The next Bentonville City Council meeting will be on June 11, 2024.



Malorie Marrs, City Clerk



Stephanie Orman, Mayor

