

Bentonville City Council

Meeting Minutes

July 9, 2024



The City Council of Bentonville, Arkansas, met in regular session Tuesday, July 9, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Gayatri Agnew, Beckie Seba, Cindy Acree, Holly Hook, Chris Sooter, and Bill Burckart. Council Member Aubrey Patterson, joined via zoom 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.

Mayor Orman called the meeting to order, and two scouts (Gavin Neal & his brother from troop 36) 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 June 25th regular council meeting as presented, second by Council Member Hook. There was no discussion. Motion carried (8-0).

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 (8-0).

I. New Business

- 1. Ordinance 2024-96: Reid Annexation.** 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. (Reid Annexation) No budget adjustment is needed.

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

2. **Ordinance 2024-97: Poore Annexation.** 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. (Poore Annexation) No budget adjustment is needed.

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

3. **Resolution 7-9-24 A: Resolution to Enter into an Agreement with Selectron to Renew IVR services.** Authorizing an agreement for professional services with Selectron Technologies to renew IVR services for Fire & Utility Billing. The agreement protects pricing for five years. The first year cost of \$51,610.00 has been budgeted in 2024 between both Utility Billing and Fire. The five-year total cost is \$201,948.00 which will be budgeted over the five-year period by the respective departments. No budget adjustment is required.

Council Member Agnew shared a brief statement from finance committee, recommending this item 6 and Item 1 and 2 under Utility Board recommended to table.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion carried (8-0).

4. **Resolution 7-9-24 B: Resolution requesting a Budget Adjustment to pay for Emergency Repairs to City Fiber.** A resolution for a budget adjustment to pay for emergency repairs made to City Fiber Cabinet at S Walton & 28th Street on 6/19/2024. The repairs were caused by a traffic accident. A Police report has been submitted and the city will be perusing compensation from the insurance company. Repair costs are estimated to be \$55,000.00 including labor and materials. A 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 Agnew. Motion carried (8-0). No discussion.

5. **Resolution 7-9-24 C: Resolution Setting a Public Hearing for a Utility Easement Vacation (VAC24- 0005).** Approve Resolution to set Public Hearing for July 23, 2024 for a Utility Easement Vacation located at Lot 16, Block 15 of Deming's 2nd Addition (VAC24-0005).

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

6. **Resolution 7-9-24 D: Resolution to Award Bid IFB-24-15 for the Street Department Building Expansion.** Resolution to award bid IFB-24-15 Bentonville Street Department Addition to Kinco Constructors in the amount of \$1,437,000.00. Kinco Constructors was the lowest bidder. This is a budgeted item and 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 Agnew. Motion carried (8-0). No discussion.

II. Utility Board

1. **Resolution 7-9-24 E: Resolution authorizing an Agreement for Water and Wastewater Rate Analysis and Financial Plan.** A resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with Raftelis Financial Consultants, Inc. (Raftelis) in an amount not to exceed \$115,620.00 to perform a water and wastewater rate analysis and financial plan for the Water Utility. The water department and wastewater department each budgeted \$60,000.00 for a combined \$120,000.00. Utility Board Approval 4-0. No budget adjustment is needed.

Council Member Burckart discussed, how he would like to see all other past reports come before all members of Council, for everyone to be

aware of the challenges ahead of everyone. He would like to have everyone utilize the information, and have an open discussion, from previous rate analysis plans before moving on to the new one. Utilize the information and best knowledge of the staff on what needs to be discussed. Council Member Burckart had a difficulty that some information was not included in the original rate study from the previous year, and the report was approved 4 months by council, he would like to see all the reports presented to this body, for open discussion.

Preston clarified that Olson is doing a study on our collection system and they are working with the studies to identify infiltration and inflow into our system. Those projects have not been identified yet but will push to get them as soon as possible, so they can include it within the rate analysis. Olson has projected to know by end of year.

Council Member Burckart mentioned that the previous study proposed setting back a depreciation amount, and that we need to be putting over a million dollars a year into maintenance. Which has not been put into place in the past few years.

Council Member Sanchez discussed the impact fees, and the growth capacity, they discussed with the city and departments during the utility board meeting, along with the consultants. The rate analysis has a cost of \$116K and the capacity fee has a cost of \$60K. The utility board believes with this study that it is significantly valuable for the city to invest those dollars and recommended to move forward with the current study.

Council Member Burckart, discussed how moving forward with the current capacity study that we are currently paying for, and paying for another one to start before gaining the report of the current capacity study is a poor decision. Noting that is way they've recommended tabling it. Burckart also stated we don't have a cash flow model, or a rate study, or a collection information study. He mentioned that he would like to finish everything, to gain the data, before starting it again.

Preston stated that the impact fee study of the previous year, was to remove the water and sewage portion of the study, and bring that back to look at again. Finance department budgeted \$60K for the impact study, to

have a consultant come in do a capacity study. It was also looked into finding a consultant who could do a waste water rate analysis and capacity fee at the same time, for the same information and take advantage of the efficiencies of their capacities.

Council Member Agnew stated that there is not a concern with the study, just the need to add some more information, and there is a concern with the timeline with the study. There is a concern with stacking the studies as proposed, we would have some good information, and some dated information. But this is understood that there will never be “perfect” information, just something necessary to wait until there is better and more complete information from the current study before moving forward with another study.

Council Member Sanchez asked if postponing the new study would be detrimental to anything. Preston does not believe it to be detrimental to put it off.

Council Member Burckart stated that efficiencies should be brought to council, and a year ago it was passed to move forward as is without the efficiencies currently presented, which now we want to spend again, and does not see this as an effective efficient way to handle this. He also mentioned his worry about the housing costs, that there have been no multi-family buildings started, that it is more difficult to build here than in 2023, and there are some issues currently we need to work through. Council Member Acree pointed out that we do need to be diligent. While Burckart mentioned we need to review the revenue model.

Preston mentioned that he will do whatever the Council wishes to do.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion carried (8-0).

- 2. Resolution authorizing an Agreement for Water and Wastewater:** A resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with Raftelis Financial Consultants, Inc. (Raftelis) in

an amount not to exceed \$59,600.00 to perform a water and wastewater capacity fee analysis for the Water Utility. Utility Board Approved 4-0. No budget adjustment is needed.

Council Member Acree motioned to table; Council Member Agnew seconded. Mayor stated that the reason for tabling, was to bring the Olson study for discussion to the body. Motion carried (8-0).

Item tabled for a later date

- 3. Ordinance 2024-98: Ordinance Updating Bentonville Net Metering Requirements.** The Bentonville Net Metering Requirements are being updated and will replace Ordinance 2019-116. Approved by Utility Board 4-0. No budget adjustment is needed.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion carried (8-0).

III. **Planning**

- 1. Ordinance 2024-99: Final Plat - Will Moore Subdivision Phase 3 - Tunbridge Drive (FP24-0002).** An Ordinance Accepting A Final Plat Of Will Moore Subdivision Phase 3 To The City Of Bentonville, Arkansas; And For Other Purposes. The Planning Commission voted 6-0, recommending approval.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Acree. Motion carried (8-0).

- 2. Ordinance 2024-100: Final Plat - Nelagoney Glen Subdivision - Northwest C Street (FP24-0004).** An Ordinance Accepting A Final Plat Of Nelagoney Glen Subdivision To The City Of Bentonville, Arkansas; And For Other Purposes. The Planning Commission voted 6-0, recommending approval.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion carried (8-0).

3. Ordinance 2024-101: Rezoning - Perry - R-1, Low-Density Single-Family Residential to DN-1, Downtown Low Density Residential - 212 Southwest E Street (RZ24-0023).

An 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. The Planning Commission voted 6-0, recommending approval.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Acree. Motion carried (8-0).

4. Ordinance 2024-102: Property Line Adjustment - Lot 26, Block 18 of Deming's 2nd Addition - 609 Northwest C Street and Northwest 7th Street (PLA24-0015).

An Ordinance Accepting A Property Line Adjustment Of Lots 22, 23, And 24, Block 18 Of Deming's 2nd Addition Creating New Lot 26, Block 18 Of Deming's 2nd Addition To The City Of Bentonville, Arkansas; And For Other Purposes. The Planning Commission voted 6-0, recommending approval.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion carried (8-0).

IV. Other Business/Announcements/Comments

1. Public Comments

- a. Ron Sanders-spoke about how he would like to keep his term/position on Planning Commission.

2. Committee Reports

- a. Council Member Sanchez: Library in July, discussed the sorter has been positive, and the expansion is moving forward well. Utility Board met, and discussed the items on tonight's agenda that were passed or delayed.
- b. Council Member Acree: Traffic & Signage Met. Had a request by the Orchards Subdivision for traffic calming devices. Discussed having the POA purchase some, and discussed how they'll have the police monitor

that as well. Angel Falls asked for some no through traffic signs. The committee scheduled and approved races from August through September, 13th Annual Tri Fest, A Friendship 5k, BHS Homecoming parade, ALS Run, Lighting of the Square. Council Member Acree also mentioned about reserved parking spaces, and how that is setting a precedence and would like to work through that.

- c. Council Member Sooter: Parks and Recreation met, toured Lawrence Plaza Promenade.
- d. Council Member Agnew: Finance met, and report was during council session.
- e. Council Member Hook: Acree had a question regarding the legacy tree ordinance. Hook stated she would check with Shelli and report back to council. Mayor stated they are doing a tree canopy study currently.

3. Additional Speakers

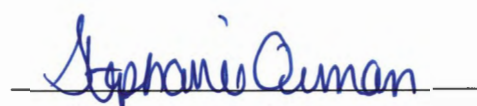
- a. Maria Zazycki & Karl Shibayama discussed the impact of the storm on their house. They had previously installed four rain gardens in 2018 due to a current water flow issue at that time and were working to install drains with the city. However, it was postponed due to the budget. Currently they are not able to use their house due to the water issues.

Meeting Adjourned

The next Bentonville City Council meeting will be on July 23, 2024.




Malorie Marrs, City Clerk


Stephanie Orman, Mayor