

Bentonville City Council
Meeting Minutes
April 8, 2014

The City Council of Bentonville, Arkansas, met in regular session Tuesday, April 8, 2014, at 6:00 p.m., at the Community Development Building, Planning Commission meeting room, 305 SW A Street, Bentonville, Arkansas.

Present were council members Mary Baggett, Chris Sooter, Roger Thomas, Leah Williams, Bill Burckart, Burton Head and Jim Grider, with Shane Perry absent. Also present were Mayor Bob McCaslin, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

Mayor McCaslin called the meeting to order at 6:00 p.m. The Mayor led everyone present in the pledge of allegiance followed by a moment of silence in support of our armed forces.

Motion was made by Alderman Baggett to approve the minutes of the March 25, 2014 meeting as presented, second by Alderman Burckart. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

Motion was made by Alderman 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 Alderman Grider. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

- 1a. Ordinance No. 2014-41: Ordinance accepting a property line adjustment of Lot 23 Block 23 Deming's Second Addition to the City of Bentonville, Arkansas.

[Applicant: C&L NWA Properties; Location: Northeast A Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

- 1b. Ordinance No. 2014-42: Ordinance accepting a lot split of Lots 1 and 2 Block 6 Railroad Addition to the City of Bentonville, Arkansas.

[Applicant: Heather and William Ayers;
Location: 207 Southeast B Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Williams. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

- 1c. Ordinance No. 2014-43: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to C-2, general commercial.

[Applicant: John Pak; Location: 2309 Southeast Moberly Lane]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

- 1d. Ordinance No. 2014-44: Ordinance accepting a property line adjustment of Lot 8 Block B Orchard Addition to the City of Bentonville, Arkansas.

[Applicant: Danit Alexandra Ross Marquardt;
Location: 508 Southeast C Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Sooter. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

2. Approval of a reconciliation change order for the Downtown Bentonville Improvement project because the project cost came in \$1,612.65 less than the currently contracted amount of \$286,970.73.

Motion to approve by Alderman Grider, second by Alderman Baggett. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

3. Resolution No. 4-8-14 A: Resolution expressing the willingness of the City of Bentonville to utilize Federal-Aid funds for the following Bentonville project: US 71B and 12th Street/Tiger Intersection Improvements.

City Attorney Spence read the resolution by title only.

Alderman Thomas asked about the term "expressing the willingness" and why it was being used in the resolution. George Spence,

City Attorney, stated though he was not involved in the preparation of this ordinance this was a standard term used in this type of contract.

Motion to pass the resolution by Alderman Grider.

Alderman Thomas asked about the Arby's losing some of its corner and some parking and the business across from Arby's also losing its corner and some parking. Mike Churchwell, Transportation Director, stated that the map from the traffic study was just a concept of the possibility for that.

Alderman Williams expressed her concerns with the narrowness of the intersection. Mr. Churchwell stated this project would address those concerns and improve the intersection overall.

Alderman Sooter asked about a time frame for the project. Mr. Churchwell stated it may be next year for the project and that passing the resolution was the first step. He also added that though this was a small project and it was challenging, it was much needed.

Second by Alderman Sooter. Motion carried (7-0), with Alderman Perry absent.

4. Resolution No. 4-8-14 B: Resolution authorizing the Mayor and Clerk to enter into an agreement with Osmose for pole testing and engineering services for the Bentonville Electric Department.

City Attorney Spence read the resolution by title only.

Alderman Thomas asked if these funds would be in addition to the 2013 budget. Travis Matlock, Engineering Director, stated that this was budgeted money and would be funded from Engineering Services.

Motion to pass by Alderman Baggett, second by Alderman Williams. Motion carried (7-0), with Alderman Perry absent.

5. Resolution No. 4-8-14 C: Resolution authorizing the Mayor and Clerk to enter into an agreement with Clinard Construction for construction management services for the preconstruction phase of Fire Station No. 6.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Williams, second by Alderman Baggett. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

6. Approval of a budget adjustment in the amount of \$170,000 to complete the construction of Fire Station No. 6.

Alderman Thomas asked if this was money in addition to the budgeted amount. Denise Land, Director of Finance and Administration, stated this was additional money and would come out of fund balance.

Motion to approve by Alderman Baggett, second by Alderman Sooter. Motion carried (7-0), with Alderman Perry absent.

7. Approval to award Bid No. 14-14 which would approve all bids for the construction of Fire Station No. 6.

Motion to approve by Alderman Sooter, second by Alderman Grider. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

8. Approval to award Bid No. 14-21 in the amount of \$21,780 for the Fire Department to purchase five Scott 75, 4500 psi airpacks.

Motion to approve by Alderman Baggett, second by Alderman Grider.

Alderman Burckart asked about the reason for purchasing the airpacks at this time. Larry Horton explained that if purchased now they would be like what the City already has and less expensive due to changing regulations.

Motion carried (7-0), with Alderman Perry absent.

9. Resolution No. 4-8-14 D: Resolution authorizing the Mayor and Clerk to enter into an agreement with BKD for auditing services for the City of Bentonville.

City Attorney Spence read the resolution by title only.

Alderman Thomas asked if this was a budgeted item. Mrs. Land stated that it was. Alderman Thomas also inquired whether BKD was a nationally known company. Mrs. Land stated that it was, as required by bond covenants. He also asked about the 5 percent

increase in fees and whether it had occurred in the past. Mrs. Land indicated that the fees increase over time with inflation.

Motion to pass by Alderman Williams, second by Alderman Head.
Motion carried (7-0), with Alderman Perry absent.

Mayor McCaslin recognized George Spence, City Attorney. Mr. Spence reported that it had come to the Mayor and staff's attention that the City's four wards have become a little out of balance in terms of population. Accordingly, it was thought that it would be appropriate to adjust the ward boundaries.

Mr. Spence stated that the Northwest Arkansas Planning Commission has done this type of work for other cities and school districts and that it was intended to ask them to draw new boundaries using the 2010 census numbers. Mr. Spence also stated that the Council has the authority to change ward boundary lines when appropriate to equalize the population. Mr. Spence noted that the Mayor had directed going forward on this on behalf of the Council and that the matter would be brought before Council at a later date.

Mayor McCaslin noted that this would have no impact on the election this November and would be for the 2016 election cycle.

Alderman Burckart asked if he was correct that this would not be as impactful since the voting for alderman was done at large rather than by ward. Mr. Spence confirmed that he believed that the redistricting did not need to be as precise since the wards were administrative only, and that each Council member was elected by the city at large. Accordingly, it was the desire to continue past practice in drawing ward lines and keep along familiar boundary lines.

Alderman Grider asked about the cost and Mr. Spence indicated that his recollection was that there was no charge when it was done for the school district.

Alderman Burckart asked about using the information from the Planning Department. Troy Galloway, Community Development Director, indicated there had been some internal discussions and that it was agreed the population figures should be used instead of the information the Planning Department kept about households. Accordingly, the intent to look to the Northwest Arkansas Planning Commission.

Mayor McCaslin then noted that the year-to-date financial numbers had been presented to them and indicated Denise Land was present to answer any questions. He noted the staff was adhering to the budget as adopted.

Alderman Baggett moved to adjourn the meeting, second by Alderman Grider. Motion carried (7-0).

Linda Spence
Linda Spence, City Clerk

Bob McCaslin
Bob McCaslin, Mayor