

Bentonville City Council

Meeting Minutes

September 24, 2024



The City Council of Bentonville, Arkansas, met in regular session Tuesday, September 24, 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. Council Member Gayatri Agnew was absent. 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 Scout Stefan Hattingh 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 September 10 regular council meeting as presented, second by Council Member Burckart. 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).

Council Member Seba, motioned to move Mr. Powers public comment up to the beginning of meeting, seconded by Council Member Sanchez, motion carried.

Mr. Powers spoke about the draft ordinance of the public transportation committee that is later in the agenda. He thanked the prompt turn around on getting the committee going, and read a letter from his neighbor, Alania Owens. Owens was involved in a biking accident while 8 months pregnant, with a toddler in tow. Mr. Powers proposed an amendment to the project regarding collisions. He asked for the Transportation committee, or a subcommittee be formed to analyze vehicle on pedestrian crashes, and document design features that contribute to a collision.

I. New Business - Public Comment to be Heard with Agenda Item

1. Proclamation Declaring September 2024 as Childhood Cancer Awareness Month Proclamation:

A proclamation to declare September 2024 as Childhood Cancer Awareness Month in Bentonville, Arkansas. Mayor Orman read the proclamation out loud.

2. Proclamation Declaring September 22- 29, 2024 as Frontotemporal Degeneration Awareness Week Proclamation Revised Agenda:

A proclamation to declare September 22 - 29, 2024, as Frontotemporal Degeneration (FTD) Awareness Week in Bentonville, Arkansas. Mayor Orman read the proclamation out loud, and noted that the organization was having their major event at time of council so could not be present.

3. Proclamation Recognizing October 2024 as National Community Planning Month Proclamation:

A proclamation designating October 2024 as Community Planning Month in Bentonville, Arkansas. Mayor Orman sited that this proclamation will be presented in October, with planning present.

4. Appeal of a Planning Commission Denial of the NW 7th Street Townhomes Large-Scale Development:

An appeal of a Planning Commission denial of the NW 7th Street Townhomes Large-Scale Development. No budget adjustment is needed.

Various members of the neighborhood/community spoke regarding the issues surrounding, a large-scale development project coming into their neighborhood. Neighbors discussed issues with, flooding, traffic flow, curbs, walking safety, bus routes. The community indicated that they are for smart growth but want to be mindful of their neighborhood issues. When asked to speak with the developer Schubert Mitchell, they indicated the company would not communicate with them.

Online Luke Aitken discussed how he would like to see townhomes in Downtown Bentonville, as an affordable option. He is in favor of this development.

Bonnie Bridges discussed the law side of the code, and Tyler Overstreet further discussed the discrepancies with the vernacular within the code, and how this

does probably need to be retooled, and looked at to state more clearly, what can and cannot be built, and allowing for less gray area in the legal wording. Needs to be more definitive.

Dan, city planning, came in to continue with the discussion of this development, and answered councils & the mayor's questions regarding drainage issues/study, ditches, parking.

Council members discussed zoning and what that looks like for the city alongside the developers, and what that also means for the people in these areas, specifically DN 2, as it is a rather broad zoning classification. Council discussed not wanting to set a precedence, by changing the plan of the developer, but also noted that hearing from the people in the community is very important.

Mayor Orman stated that moving forward, they will work to make sure the wording is more definitive, in case other matters come up.

Council Member Acree proceeded with a motion to deny the appeal meaning the large-scale development would not proceed accordingly, seconded by Council Member Hook. Motion is denied, 6 yes, 1 no-Council Member Seba. (6-1).

5. Resolution 9-24-24 A: Resolution Requesting Approval to Declare Various Items as Surplus Resolution:

Resolution to declare various items as surplus, to be sold via public Online Auction or disposed of properly at a later date. 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 Sooter. There was no discussion. Motion passed (7-0).

6. Resolution 9-24-24 B: Resolution Setting Public Hearing for Alley Right of Way Vacation (VAC24- 0008):

Approve Resolution to set Public Hearing for October 8, 2024 for Alley Right of Way Vacation located at Lot 1B, Block 2 of Banks Addition (VAC24-0008).

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 passed (7-0).

7. Resolution 9-24-24 C: Resolution Setting a Public Hearing for Sewer Utility Easement Vacation (VAC24-0009):

Approve Resolution to set Public Hearing for October 8, 2024 for two Sewer Utility Easement Vacations located at Lot 4 of Bentonville Plaza Add PH2 (VAC24-0009).

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 passed (7-0).

8. Informational: Street Thermoplastic Striping List:

Informing of the attached proposed pavement markings and road striping list for 2024. This is a 2024 budgeted item. No budget adjustment is needed.

9. Resolution 9-24-24 D: Resolution to Approve Bentonville Sidewalks Improvements Design Agreement with Olsson Inc.

A Resolution authorizing the Mayor and City Clerk to enter into an agreement with Olsson, Inc. to provide design services for sidewalk improvements and infill through 2025. This firm was selected following the City's Purchasing Policy for professional services. 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 Seba. There was no discussion. Motion passed (7-0).

10. Resolution 9-24-24 E: Resolution Approving a Budget Adjustment to Reallocate Funds for the Library Expansion Project:

A Resolution approving a budget adjustment for Bentonville Public Library to reallocate funds for the expansion project. A budget adjustment is needed to allocate funds from interest earned on money market funds to spend on capital facility and furniture expenditures.

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 passed (7-0).

11. Resolution 9-24-24 F: Resolution accepting Bid Award IFB-24- 51 for Carpeting at the Bentonville Community Center:

A Resolution to award bid IFB-24-51 to Continental Flooring Company, in the amount of \$36,380.00, plus applicable taxes, for the replacement of approximately 4,650 square feet of fitness floor carpet at the Bentonville Community Center. 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 Sooter. There was no discussion. Motion passed (7-0).

12. Resolution 9-24-24 G: A Resolution to Enter into an Agreement with Progressive Trail Design for Trail Repair Work:

A Resolution authorizing the Mayor and City Clerk to enter into an agreement with Progressive Trail Design in the amount of \$497,707.71, plus applicable taxes, through participation in the Sourcewell Cooperative contract, for trail repair work caused by the May 26 storm. A budget adjustment is needed.

Council Member Burckart indicated that this was a state bid, stating that it is imperative to do both tree removal and fixing the trail at the same time.

Jennifer Campbell spoke regarding the need to fix the trails. She sees that there is a lot of work going on but would like to see the trails more attention focused on the trail clean ups.

Council Member Sooter indicated that he understands where she is coming from, but with FEMA there's a lot of red tape to get through behind the scenes. And that they want to get the trails fixed rapidly, but also be mindful of the needs of FEMA to ensure that the city gets money back.

Holland spoke as the formal pro adoption manager. Regarding the trails, she spoke about how they are largely maintained by volunteers, and there is a major need to have a point person within the city activating volunteers to maintain these world class trails.

Council Member Hook clarified the organization being used, and David indicated that they are on the state bid, allowing for the city to move forward without a formal bid process so additional clean up resources will start quicker.

David with Parks and Recreation spoke about how, they did not realize how much time and manpower was going to be needed to clean up these trails. He further

stated that his team, and so many others just kept going forward to clean up to the best of their ability, while continuing to do their city jobs. Looking back, it would have been a good idea, as mentioned by the community, to have more outward communication, however at the time they were just trying to get everything done to the best of their ability. Having this group, who has helped build the trails before, will really continue to clean the trails in a faster and more effective way.

Scott spoke stating he was in favor of the PDE contract, and further indicated that it would be beneficial to have someone helping David manage PR from a parks and recreation side.

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 passed (7-0).

13. Informational: Draft Ordinance Creating an Active Transportation Advisory Board:

For discussion, the final draft ordinance creating an active transportation advisory board. This is an informational item only.

Council Member Acree mentioned that she would like to see a member of the disabled community represented.

Council Member Sanchez mentioned stating it as the ACTIVE council in the language of the ordinance.

Council Member Patterson, stated how pleased she was with the term system etc. David with Parks stated that this was modeled after the parks board ordinance.

Council Member Hook stated that she appreciated all Parks and Recreation were doing to take this on.

Council Member Sanchez questioned if this committee should include public transportation. Council Member Acree stated that public transportation is active transportation item, and alternative transportation should be included within the scope of the committee.

Caleb Holland spoke about his approval of the active transportation committee.

14. Ordinance 2024-133: Ordinance to Amend Article 94-VI Parking to Regulate Parking in Front of Mailboxes:

An ordinance amending Bentonville Municipal Code Article 94-VI Parking by adding a regulation regarding parking in front of mailboxes. This regulation was originally established with Ord. No. 2005-157, however, was inadvertently excluded with the adoption of Municode in 2019. This ordinance is to ensure this regulation is added to Municode. 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. There was no discussion. Motion passed (7-0).

15. Appointment: Tim Stachowiak to the Ozark Regional Transit Board of Directors:

Mayor Stephanie Orman is recommending the appointment of Tim Stachowiak to the Ozark Regional Transit Board of Directors. Mr. Stachowiak's term will expire in October of 2028.

Mayor Orman stated that Tim actually applied for the board, but has served on it before. Council was grateful to have him on the board

Council Member Burckart motioned to approve his appointment, seconded by Council Member Hook. Appointment approved (7-0)

16. Resolution 9-24-24 I: Resolution Approving the Creation of a Temporary Debris Removal Policy: Resolution Approving a temporary debris removal policy to address existing debris piles in the City left from the May 26, 2024 severe weather event. A budget adjustment is needed.

Mayor Orman indicated that there is debris on private roads that the city cannot pick up because it is not within their jurisdiction to get FEMA reimbursement. The challenge is right now there's no good way to pick up these private areas.

Council asked if the \$5K was a cap, Mayor Orman stated this was the starting point from a verbal conversation had with people, and that she went off that conversation, but would like to get everyone on the same page with this.

Council Member Sanchez remarked that the City of Bentonville has done a great job, to attend to the needs regarding the storm, and debris removal, and wanted

to ask if this was enough funds to finish up everything. Council Member Burckart stated that this would be plenty.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Seba. There was no discussion. Motion passed (7-0).

II. Utility Board

1. Resolution 9-24-24 H: Resolution for a Design Agreement for Utility Relocations with ARDOT Project Hwy 102 Widening:

Staff request the Mayor and City Clerk to enter into an agreement with Halff Engineering to perform the design services for the utility adjustments required for ARDOT Project 090646 (Hwy 102 Widening). The contract amount is \$828,569.65. A portion of the engineering fees will be reimbursed by ARDOT as determined by the reimbursement ratio. Halff Engineering was selected following the city's standard SOQ selection process. Utility Board Approved 3- 0. A budget adjustment is needed.

Council Member Burckart indicated that the final adjustment amount was not on the finance committees CIP, including electric and widening project. Finance discussed about getting the cash flow on the CIP.

Council Member Sooter asked if this was funded by ARDOT or the City, Mayor Orman indicated the city has sent a letter, at this point we don't know who will front it. This is just to get the engineering cost, the city has sent a letter stating they will be requesting for reimbursement. ARDOT has done it before on a previous project.

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 passed (7-0).

2. Ordinance 2024-134: An Ordinance Waiving Competitive Bidding to Order 3ph Transformers:

Ordinance to waive competitive bidding to purchase 3ph transformers from AECl, Unit Prices and estimated quantities attached, plus applicable taxes. Due to market volatility and lead times related to these products, it would be neither practical or feasible to solicit competitive bids. Award is based on the low

responsive quote per line item, for estimated totals: AECl in the estimated amount of \$157,262.00 plus applicable taxes. Approved by Utility Board 3-0. No budget adjustment is needed.

City Attorney Andrew Myers read the Ordinance by title only. Motion to approve by Council Member Acree, second by Council Member Sanchez. There was no discussion. Motion passed (7-0).

City Attorney Andrew Myers read the emergency clause. Motion to approve by Council Member Sanchez, seconded by Council Member Sooter. Motion passed (7-0).

3.Ordinance 2024-135: An Ordinance Updating the Bentonville Electric Utility Department Construction Specifications:

The Bentonville Electric Utility Department Construction Requirements are being updated and replace Ordinance 2019-90. Approved by Utility Board 3-0. No budget adjustment is needed.

Council Member Acree asked about the process regarding the updates. Mayor Orman indicated that this specific Ordinance went through utility board. Mayor Orman also stated that often, there is an internal code review board.

Council Member Sanchez also stated that the updates were not significant enough to go to the internal code review board.

Council Member Burckart spoke in favor of the Ordinance but would like to see items regarding changes to code, have more time for discussion, and to view the actual data.

City Attorney Andrew Myers read the Ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion passed (7-0).

City Attorney Andrew Myers read the emergency clause. Motion to approve by Council Member Sanchez, seconded by Council Member Seba. Motion passed (7-0).

III. Planning

1. Ordinance 2024-136: An Ordinance Accepting A Lot Split Of Lot 3, Vivian Farms Subdivision, Phase 2 Creating New Lots 5 And 6 To The City Of Bentonville, Arkansas; And For Other Purposes.

Lot Split - Lots 5 & 6 Vivian Farms Subdivision, Phase 2 - South Vaughn Road (LS22-0055) 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 Burckart. There was no discussion. Motion passed (7-0).

2. Ordinance 2024-137: An Ordinance Accepting A Lot Split Of Lots 4 And 5 Of McKeehan's 2nd Addition Creating New Lots 7, 8, And 9 Of McKeehan's 2nd Addition To The City Of Bentonville, Arkansas; And For Other Purposes.

Lot Split - Lots 7, 8 & 9 of McKeehan's 2nd Addition - 907 Northwest 9th Street (LS24-0028) 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 Burckart. There was no discussion. Motion passed (7-0).

3. Ordinance 2024 -138: An Ordinance Accepting A Property Line Adjustment Of Lot 7 Of Manor Heights Subdivision Creating New Lot 19 Of Manor Heights Subdivision To The City Of Bentonville, Arkansas; And For Other Purposes.

Property Line Adjustment - Lot 19 Manor Heights Subdivision - 410 Northwest H Street (PLA24-0008). 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 Burckart. There was no discussion. Motion passed (7-0).

4. Ordinance 2024-139: An Ordinance Accepting A Final Plat Of Lots 1 Through 35 Of McKissic Springs Subdivision To The City Of Bentonville, Arkansas; And For Other Purposes.

Final Plat - McKissic Springs Subdivision - 4800 South Vaughn Road (FP24-0006)
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 Burckart. There was no discussion. Motion passed (7-0).

5. Ordinance 2024-140: 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-2, Downtown Medium-Density Residential; And For Other Purposes.

Rezoning - Milligan - R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium Density Residential - 105 Northwest 6th Street (RZ24-0033)
The Planning Commission voted 6-0, recommending approval.

Council Member Sanchez indicated that this property was very close to the property discussed earlier, and this could be a potential problem in the future.

Council stated there's no objections to the rezoning.

Mayor Orman indicated that the issue was in the verbiage with the MAY and SO within the code, and what the intent is. This will be something that city will have to work though.

Council Member Sooter stated there's already townhomes on NW A, and that is a totally different discussion than the area earlier in the meeting.

City Attorney Andrew Myers read the Ordinance by title only. Motion to approve by Council Member Burckart, second by Council Member Sanchez. There was no discussion. Motion passed (7-0).

6. Ordinance 2024-141: 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-2, Downtown Medium-Density Residential; And For Other Purposes.

Rezoning - Friendly Inn LLC - R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium Density Residential - 504 Northwest A Street (RZ24- 0034)
The Planning Commission voted 6-0, recommending approval.

Council Member Seba discussed End of Block conversation. Tyler Overstreet stated that this is medium density residential. DN-2 was established to be compatible with scale.

Council Member Acree clarified that the area is all medium density residential.

City Attorney Andrew Myers read the Ordinance by title only. Motion to approve by Council Member Burckart, second by Council Member Sanchez. There was no discussion. Motion passed (7-0).

7. Ordinance 2024-142: 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.

Rezoning - Huffner - R-1, Low-Density Single-Family Residential to DN-1, Downtown Low Density Residential - 704 Northwest 7th Street (RZ24-0035) The Planning Commission voted 6-0, recommending approval.

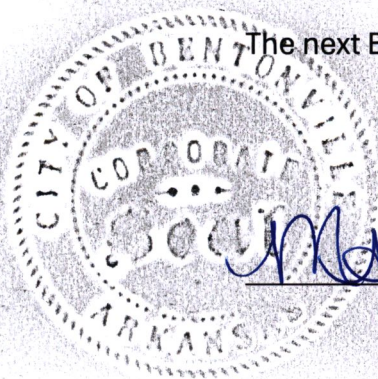
City Attorney Andrew Myers read the Ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion passed (7-0).

Motion to adjourn by Council Member Sanchez, Seconded by Council Member Burckart

Mayor Orman discussed about have a junior member on the transportation committee, and council agreed in support of finding a student.

**IV. Other Business/Announcements/Comments Adjournment Public Comments
Concerning Matters of City Related Business**

The next Bentonville City Council meeting will be on Tuesday October 8th, 2024.



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A blue ink signature, likely of Stephanie Orman, written over a horizontal line.

Malorie Marrs, City Clerk

Stephanie Orman, Mayor