

Bentonville City Council
Meeting Minutes
July 22, 2014

The City Council of Bentonville, Arkansas, met in regular session Tuesday, July 22, 2014, at 6:00 p.m., at the Community Development Building, 305 SW A Street, Bentonville, Arkansas.

Present were council members Mary Baggett, John Skaggs, James Smith, Bill Burckart, Burton Head and Jim Grider, with Roger Thomas and Chris Sooter 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 Burckart to approve the minutes of the July 8, 2014 meeting as presented, second by Alderman Baggett. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

Motion was made by Alderman Grider 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 Burckart. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

1. Approval to adopt a resolution to recognize Lieutenant David Green for his twenty-eight years of service to the Bentonville Police Department.

Mayor McCaslin recognized Lieutenant Green and then read the proclamation. Alderman Baggett made a motion to adopt the resolution, second by Alderman Grider. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent. Mayor McCaslin presented Lieutenant Green with a framed proclamation and those in attendance appreciated Lieutenant Green with a round of applause.

- 2a. Ordinance No. 2014-81: Ordinance accepting a property line adjustment of Lot 2 Sunshine School Subdivision to the City of Bentonville, Arkansas.

[Applicant: Alan Cole; Location: 2201 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 (6-0), with Alderman Thomas and Alderman Sooter absent.

- 2b. Ordinance No. 2014-82: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to C-2, general commercial.

[Applicant: Alan Cole; Location: Southeast corner of Southeast 20th Street and Southeast Moberly Lane]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Smith. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

- 2c. Ordinance No. 2014-83: Ordinance accepting a property line adjustment of Lot 1 Woodlands at Creekside to the City of Bentonville, Arkansas.

[Applicant: SJCSJ Properties of NWA, LLC;
Location: Northwest A Street (south of city compost facility)]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Smith. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

3. Approval to install a piece of artwork ("NuPenny's Last Stand" by Randy Regier) in the alley on the east side of Main Street between Central Avenue and Southwest 2nd Street.

Motion to approve by Alderman Grider, second by Alderman Baggett. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

4. Ordinance No. 2014-84: Ordinance vacating a street right of way located adjacent and south of Lot 37 Allencroft Addition to the City of Bentonville, Arkansas, Benton County, Arkansas.

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

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Baggett, second by Alderman Grider. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

5. Resolution No. 7-22-14 A: Resolution setting a public hearing for August 12, 2014 at 6:00 p.m. regarding a petition filed by Russell Schilb (Wildwood Subdivision) requesting a utility easement vacation within the City of Bentonville, Arkansas.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

6. Resolution No. 7-22-14 B: Resolution setting a public hearing for August 12, 2014 at 6:00 p.m. regarding a petition filed by Kevin Sedlacek (Woods Creek South, Phase 3) requesting a utility easement vacation within the City of Bentonville, Arkansas.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Grider, second by Alderman Smith. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

7. Resolution No. 7-22-14 C: Resolution setting a public hearing for August 12, 2014 at 6:00 p.m. regarding a petition filed by Rafael Colberg (The Bluffs Subdivision) requesting a utility easement vacation within the City of Bentonville, Arkansas.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

8. Resolution No. 7-22-14 D: Resolution setting a public hearing for August 12, 2014 at 6:00 p.m. regarding a petition filed by Alan Cole (Sunshine School Subdivision) requesting a utility easement vacation within the City of Bentonville, Arkansas.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Grider, second by Alderman Smith. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

9. Approval to award Bid No. 14-38 to General Construction Solutions in the amount of \$44,440 plus a 10 percent contingency of \$4,444.40, total project cost \$48,888.40, for Southeast C Street sidewalk improvements.

Motion to approve by Alderman Grider, second by Alderman Baggett. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

10. Approval of a budget adjustment in the amount of \$48,888.40 to be used for the Southeast C Street sidewalk improvements.

Motion to approve by Alderman Burckart, second by Alderman Grider. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

11. Approval to award Bid No. 14-36 to Diamond C Construction in the amount of \$68,985.68 to construct pathways at the Legacy Orchards at Orchards Park.

Motion to approve by Alderman Baggett, second by Alderman Burckart. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

12. Ordinance No. 2014-85: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Modern Fence & Supply for repair/replacement of certain gates at City facilities and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Baggett, second by Alderman Grider. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

13. Resolution No. 7-22-14 E: Resolution authorizing the Mayor and City Clerk to enter into an offer and acceptance for the sale of real property to Affordable Arkansas Homes, LLC.

[City facilities in the Southeast 3rd Street campus (9.89 acres), the Head Start facility (1.5 acres), the Price Coffee property (142 acres), and 9.5 acres from the south end of the Tiger Tank property.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Baggett, second by Alderman Grider. There was no

discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

14. Resolution No. 7-22-14 F: Resolution authorizing the Mayor and City Clerk to enter into a lease agreement with Affordable Arkansas Homes, LLC.

[City maintenance facilities, 9.89 acres on Southeast 3rd Street]

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

15. Approval of budget adjustments recognizing \$7,000,000 received from the sale of City facilities and the purchase of Rose property for \$5,200,000.

Motion to approve by Alderman Burckart, second by Alderman Grider. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

16. Resolution No. 7-22-14 G: Resolution authorizing the Mayor and City Clerk to enter into an offer and acceptance for the purchase of real property from Rose Properties, LLC.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Grider, second by Alderman Baggett. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

Alderman Burckart commented that these actions marked a milestone shift for Bentonville, that he appreciated those involved, and was glad to be part of it.

17. Resolution No. 7-22-14 H: Resolution authorizing the Mayor and City Clerk to enter into a development agreement with Cornerstone Aviation, LLC for the construction of public improvements to support hangar development at the Bentonville Municipal Airport.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Burckart, second by Alderman Grider. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

18. Approval to award Bid No. 14-22 to Don Peters Construction in the amount of \$282,688.45 for public improvements associated with the hangar project, approval of a budget adjustment recognizing a grant from the Arkansas State Department of Aeronautics for \$247,126.76.

Motion to approve by Alderman Grider, second by Alderman Smith. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

19. Resolution No. 7-22-14 I: Resolution authorizing the Mayor and City Clerk to enter into a land lease agreement with Cornerstone Aviation, LLC for a hangar site located at the Bentonville Municipal Airport.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Burckart, second by Alderman Grider. There was no discussion. Motion carried (6-0), with Alderman Thomas and Alderman Sooter absent.

Alderman Burckart commented that this marked a dynamic shift for the airport and hopefully was the beginning to an air park in the future.

Motion was made by Alderman Burckart to adjourn the meeting, second by Alderman Grider. There was no discussion. Motion carried (6-0).


Linda Spence, City Clerk


Bob McCaslin, Mayor