

1. Agenda

Documents:

[AUGUST 11, 2015 CITY COUNCIL FULL AGENDA.PDF](#)

2. Short Agenda

Documents:

[AUGUST 11, 2015 CITY COUNCIL SHORT AGENDA.PDF](#)



BENTONVILLE CITY COUNCIL AGENDA

**Committee of the Whole
Community Development
Planning Commission Meeting Room**

**Tuesday, August 11, 2015 6:00 p.m.
305 SW "A" Street**

**Regular City Council Meeting
Community Development
Planning Commission Meeting Room**

**Tuesday, August 11, 2015 6:00 p.m.
305 SW "A" Street**

**Public Comments on Tonight's Agenda Items (Limited Public Forum)
Questions, Comments and Discussion from Alderman on Tonight's Agenda
Call to Order
Pledge of Allegiance
Moment of Silence – For our Military Forces
Roll Call
Approval of Minutes: July 28, 2015**

AGENDA

1. An 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. (Jamal Parker) **(Pages 5-9)**
2. Planning:
- 2a. **Food Hub NWA, LLC: Property Line Adjustment, Lot 1 Food Hub, NWA Addition, Southeast 8th Street, Zoned C-2, General Commercial.** **(Pages 12-15)**
The planning commission voted 6-0 recommending approval.

The applicant has submitted a property line adjustment for property located along Southeast 8th Street that resides in the C-2, General Commercial zoning district. The plat as provided by the applicant indicates 1 new lot being created from 3 tracts of land that have never been platted. The new lot will be known as Lot 1 of Food Hub, NWA Addition and will consist of 9.40 acres. Right-of-way is being dedicated along Southeast 8th Street per the master street plan and utility and drainage easements are being dedicated to serve the new lot. Water and sewer services are available to this location.

- 2b. **First Assets Holding, LLC: Final Plat, Cornerstone Ridge Phase IV, Southwest Regional Airport Boulevard & Southwest Rainbow Farms Road, Zoned R-1, Single Family Residential.**

(Pages 16-19)

The planning commission voted 6-0 recommending approval.

Cornerstone Ridge Phase IV consists of 4 acres and includes a total of 13 lots, all of which are buildable. The plat shows the dedication of right of way along Southwest Regional Airport Boulevard and Southwest Rainbow Farms Road as well as 22 feet of dedicated right-of-way for a public alley. The plat also dedicates utility easements throughout the subdivision to serve each lot. Stormwater runoff will be collected in an existing regional detention pond located to the south of the subdivision. No lot within the subdivisions shall have direct access onto Southwest Regional Airport Boulevard.

- 2c. **Roni & Mat Lewis, Dinesh Pirisingula, RLP Developments, LLC: Informal Plat, Lots 52, 53, 54 & 56 Willowbrook Farms Subdivision, Phase I.**

(Pages 20-23)

The planning commission voted 6-0 recommending approval.

The applicant has submitted an Informal Plat for existing lots 14 through 17 and lot 51 of Willowbrook Farms Subdivision Phase 1. The plat indicates the adjustment of the northern lot lines of lots 14 through 17 and the southern lot line of lot 51 to create what will be known as Lots 52, 53, 54, 55 & 56 of Willowbrook Farms Subdivision Phase 1. Lot 52 is non-buildable. A utility easement is being dedicated along Southwest Shell Road. Both Water and Sewer service are available to these lots.

- 2d. **Jim Keeling: Rezoning Request from C-2, General Commercial to I-1, light Industrial, Southwest 28th Street.**

(Pages 24-27)

The planning commission voted 6-0 recommending approval.

The rezoning request is for a proposed office/warehouse.

- 2e. **Roddey Residential Properties: Land Use Map Amendment, Roddey Residential Properties, LLC, 909 North Main Street, Zoned R-1, Single Family Residential**

(Pages 28-31)

The planning commission voted 6-0 recommending approval.

The applicants have request a Voluntary General Plan Map Amendment from Low Density Residential to Downtown Mixed Use Residential.

- 2f. **Carlson, Davisson, MSB Holdings LLCL, & Drummond Industries: Land Use Amendment, 204 & 206 Northwest 3rd Street & 301 Northwest 'A' Street, Zoned R-1, Single Family Residential.**

(Pages 32-36)

The planning commission voted 6-0 recommending approval.

The applicants have requested a Land Use Map Amendment from Low Density Residential to Downtown Mixed Use Residential, for Demings Addition lots 8-9 & 10 Block 9.

2g. **Jim Keeling: Property Line Adjustment, Southwest 28th Street, Zoned C-2, General Commercial.**

(Pages 37-40)

The planning commission voted 6-0 recommending approval.

The applicant has submitted a property line adjustment for property located along Southwest 28th Street in the Keeling Subdivision that resides in the C-2, General Commercial zoning district. The plat as provided by the applicant proposes the creation of 3 new lots from 2 existing lots and will be known as Lot 3 (32.64 acres), Lot 4 (2.0 acres) and Lot 5 (1.93 acres) of Keeling Subdivision. Right-of-way is being dedicated for the future Southwest 'F' Street extension and utility easements are also to be dedicate to serve the new lots. Water and sewer services are available to this location.

3. Public hearing and ordinance vacating an alley and right of way located within W. A. Burks Addition to the City of Bentonville, Arkansas, Benton County, Arkansas.
(Pages 41-44)
4. Reappointment of Tom Hoehn to the Public Art Advisory Committee effective August 20, 2015, when his current term expires. He will be appointed to a three-year term expiring August 20, 2018. At that time, he will no longer be eligible for reappointment based on the current Public Art Policy limiting service to no more than two, three-year terms.
(Pages 45-47)
5. Reappointment of Becky McCoy to the Public Art Advisory Committee effective August 20, 2015, when her current term expires. She will be appointed to a three-year term expiring August 20, 2018. At that time, she will no longer be eligible for reappointment based on the current Public Art Policy limiting service to no more than two, three-year terms.
(Pages 48-50)
6. Requesting City Council approval of a resolution endorsing the Bentonville Advertising and Promotions Commission's purchase of the public artwork "Sunkissed" for a purchase price of \$19,000; for the Mayor and City Clerk to enter into an agreement regarding its purchase and permanent installation on public property at its current location near the North Bentonville Trail and the city assuming maintenance responsibilities. This request has been approved by the Public Art Advisory Committee, the Bentonville Parks and Recreation Advisory Board and the Bentonville Advertising and Promotions Commission. There are no up-front costs to the city.
(Pages 51-57)
7. Requesting City Council approval of a resolution endorsing the Bentonville Advertising and Promotions Commission's purchase of the public artwork "PAC-Man" for a purchase price of \$8,000; for the Mayor and City Clerk to enter into an agreement regarding its purchase and permanent installation on public property at its current location near the North Bentonville Trail and the city assuming maintenance responsibilities. This request has been approved by the Public Art Advisory Committee, the Bentonville Parks and Recreation Advisory

Board and the Bentonville Advertising and Promotions Commission. There are no up-front costs to the city. **(Pages 58-63)**

8. Approval of a resolution to apply for \$277,775.00 from the Transportation Alternatives Program (TAP) - FY 2016 administered by the Northwest Arkansas Regional Planning Commission (NWARPC) to help fund construction of a 10' wide trail around the perimeter of Citizens Park. The total project cost estimate is \$347,775.00. If awarded, the grant will pay 80% of the total project cost and the city must contribute a minimum 20% match. There is no cost to the city to apply for the grant. **(Pages 64-65)**
9. Approval of a resolution to apply for grant in the amount of \$946,288.00 from the Surface Transportation Program (TPA) (FY 2017) administered by the Northwest Arkansas Regional Planning Commission (NWARPC) to help fund construction of intersection improvements at North Walton Blvd. and Tiger Blvd/12th St. If awarded, the grant will pay 80% of the total project cost and the city must contribute a minimum 20% match. There is no cost to the city to apply for the grant. **(Pages 66-67)**
10. Approval of a resolution to apply for a grant to the Surface Transportation Program (STP-A FY 2016) administered by the Northwest Arkansas Regional Planning Commission (NWARPC) for engineering and design costs to add a right-turn lane southbound on SW I Street at Hwy 102/SW 14th Street to alleviate traffic congestion at that location. If awarded, the grant will pay 80% of the total project cost and the city must contribute a minimum 20% match. There is no cost to the city to apply for the grant. **(Pages 68-69)**
11. Staff recommends approval of Change Order #2 for Forsgren, Inc. for a total increase of \$11,650.00 and increase of 5 days contract time for the South Lift Station Renovation and Force Main Construction project. This will increase the construction cost of the project to \$2,208,400.47 and time to 162 days. This project is funded with sewer capacity fees. **(Pages 70-73)**
12. Recommend Mayor and City Council enter into an agreement with Carroll Electric Cooperative to relocate Carroll's transmission facilities to allow BEUD to relocate the OH Electric for the Highway 12 widening in the amount of \$50,114.60. **(Pages 74-77)**
13. Recommend Mayor and City Council award bid #15-38 for 750 underground wire to the lowest bidder as shown on the attached bid tabulation in the amount of \$89,337.00. **(Pages 78-80)**



CHECK ALL THAT APPLY		
☐	Bid Award	Bid #
☐	Budget Adjustment	
☐	Change Order	
☐	Informational	
☒	Ordinance	
☐	Resolution	
☐	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

August 11, 2015

Submitted by:

Camille Thompson

Department

Staff Attorney

Phone

271-5914

ACTION REQUIRED:

ACTION REQUIRED: An 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. (Jamal Parker)

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



ORDINANCE NO. _____

AN 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.

WHEREAS, petition was filed with the County Clerk of Benton County, Arkansas by **Jamal Parker**, owner(s) of the hereinafter described territory, praying that said territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

WHEREAS, on the 29th day of June, **2015**, the County Court of Benton County, Arkansas, found that the petition was signed by the owners of said territory; that said territory was contiguous and adjoining the present corporate limits of the City of Bentonville, Arkansas; that an accurate plat or map of said territory had been filed with, and made a part of said petition; that proper notice had been given for the time and in the manner prescribed by law, and that all things pertaining thereto had been done in the manner prescribed by law, and that said lands and territory should be annexed to and a part of the City of Bentonville, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

WHEREAS, the time fixed by law for appealing from said order of annexation made by the County Court has expired and no appeal has been taken from said order.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

Section 1. That the lands described on the attached Exhibit A is territory contiguous to and adjoining the City of Bentonville, Arkansas be and the same is hereby accepted as part of and annexed to and made a part of the City of Bentonville.

Section 2. That the above described territory shall be annexed to and made a part of Ward 3 of the City of Bentonville, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

Section 3. That the above described territory shall be zoned A-1, to be used in accordance with City zoning laws and the laws of the State of Arkansas.

PASSED AND APPROVED THIS _____ DAY OF _____, 2015.

APPROVED: _____

Mayor

ATTEST: _____

Clerk

Annexation-Parker

Exhibit 'A'

Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, Township 19 North, Range 31 West
being in Benton County, Arkansas and more particularly described as follows:

Commencing at the SE Corner of said Section 1;

Thence N $2^{\circ}25'32''$ E, 1394.06';

Thence S $88^{\circ}19'45''$ W, 445.94' to the point of beginning.

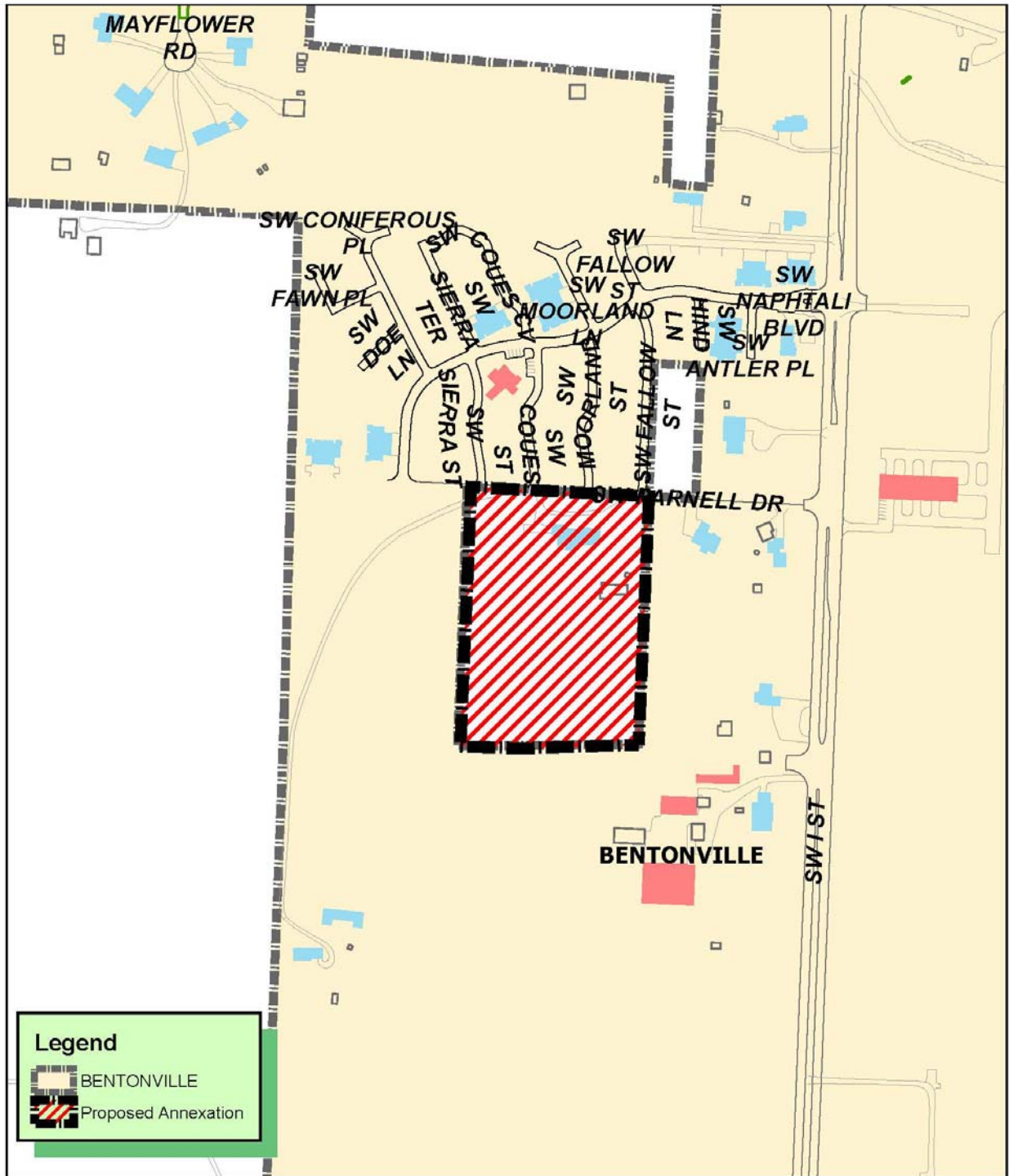
Thence S $88^{\circ}19'45''$ W, 297.96';

Thence N $88^{\circ}21'4''$ W, 147.78';

Thence N $2^{\circ}24'28''$ E, 649.52';

Thence S $87^{\circ}3'48''$ E, 444.79';

Thence S $2^{\circ}23'22''$ W, 622.26' to the point of beginning.



**City of Bentonville
Minutes
August 11, 2015**

Food Hub NWA, LLC: Property Line Adjustment, Lot 1 Food Hub, NWA Addition, Southeast 8th Street, Zoned C-2, General Commercial.

The planning commission voted 6-0 recommending approval.

The applicant has submitted a property line adjustment for property located along Southeast 8th Street that resides in the C-2, General Commercial zoning district. The plat as provided by the applicant indicates 1 new lot being created from 3 tracts of land that have never been platted. The new lot will be known as Lot 1 of Food Hub, NWA Addition and will consist of 9.40 acres. Right-of-way is being dedicated along Southeast 8th Street per the master street plan and utility and drainage easements are being dedicated to serve the new lot. Water and sewer services are available to this location.

First Assets Holding, LLC: Final Plat, Cornerstone Ridge Phase IV, Southwest Regional Airport Boulevard & Southwest Rainbow Farms Road, Zoned R-1, Single Family Residential.

The planning commission voted 6-0 recommending approval.

Cornerstone Ridge Phase IV consists of 4 acres and includes a total of 13 lots, all of which are buildable. The plat shows the dedication of right of way along Southwest Regional Airport Boulevard and Southwest Rainbow Farms Road as well as 22 feet of dedicated right-of-way for a public alley. The plat also dedicates utility easements throughout the subdivision to serve each lot. Stormwater runoff will be collected in an existing regional detention pond located to the south of the subdivision. No lot within the subdivisions shall have direct access onto Southwest Regional Airport Boulevard.

Roni & Mat Lewis, Dinesh Pirisingula, RLP Developments, LLC: Informal Plat, Lots 52, 53, 54 & 56 Willowbrook Farms Subdivision, Phase I.

The planning commission voted 6-0 recommending approval.

The applicant has submitted an Informal Plat for existing lots 14 through 17 and lot 51 of Willowbrook Farms Subdivision Phase 1. The plat indicates the adjustment of the northern lot lines of lots 14 through 17 and the southern lot line of lot 51 to create what will be known as Lots 52, 53, 54, 55 & 56 of Willowbrook Farms Subdivision Phase 1. Lot 52 is non-buildable. A utility easement is being dedicated along Southwest Shell Road. Both Water and Sewer service are available to these lots.

Jim Keeling: Rezoning Request from C-2, General Commercial to I-1, light Industrial, Southwest 28th Street.

The planning commission voted 6-0 recommending approval.

The rezoning request is for a proposed office/warehouse.

Roddey Residential Properties: Land Use Map Amendment, Roddey Residential Properties, LLC, 909 North Main Street, Zoned R-1, Single Family Residential.

The planning commission voted 6-0 recommending approval.

The applicants have request a Voluntary General Plan Map Amendment from Low Density Residential to Downtown Mixed Use Residential.

Carlson, Davisson, MSB Holdings LLCL, & Drummond Industries: Land Use Amendment, 204 & 206 Northwest 3rd Street & 301 Northwest 'A' Street, Zoned R-1, Single Family Residential.

The planning commission voted 6-0 recommending approval.

The applicants have requested a Land Use Map Amendment from Low Density Residential to Downtown Mixed Use Residential, for Demings Addition lots 8-9 & 10 Block 9.

Jim Keeling: Property Line Adjustment, Southwest 28th Street, Zoned C-2, General Commercial.

The planning commission voted 6-0 recommending approval.

The applicant has submitted a property line adjustment for property located along Southwest 28th Street in the Keeling Subdivision that resides in the C-2, General Commercial zoning district. The plat as provided by the applicant proposes the creation of 3 new lots from 2 existing lots and will be known as Lot 3 (32.64 acres), Lot 4 (2.0 acres) and Lot 5 (1.93 acres) of Keeling Subdivision. Right-of-way is being dedicated for the future Southwest 'F' Street extension and utility easements are also to be dedicate to serve the new lots. Water and sewer services are available to this location.

Planning Commission Staff Report
Property Line Adjustment: Lot 1 Food Hub, NWA Addition

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP Community Development Director
FROM: Jon Stanley, Planner
PC DATE: August 4, 2015

GENERAL INFORMATION:

Project Number: 15-007000013

Applicant: Food Hub NWA, LLC

Representative: Kevin Hall (CEI Engineering)

Requested Action: Property Line Adjustment Approval

Location: Southeast 8th Street

Existing Zoning: C-2, General Commercial

Land Use Plan: Mixed Use

BACKGROUND:

The applicant has submitted a property line adjustment for property located along Southeast 8th Street that resides in the C-2, General Commercial zoning district. The plat as provided by the applicant indicates 1 new lot being created from 3 tracts of land that have never been platted. The new lot will be known as Lot 1 of Food Hub, NWA Addition and will consist of 9.40 acres. Right-of-way is being dedicated along Southeast 8th Street per the master street plan and utility and drainage easements are being dedicated to serve the new lot. Water and sewer services are available to this location.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	I-2, Heavy Industrial & C-1, Neighborhood Commercial	City Trail
South	I-2, Heavy Industrial, R-3 Medium Density Residential & R-1, Single Family Residential	Single Family and Multi-Family Housing
East	I-2, Heavy Industrial	Vacant Industrial Plant
West	I-2, Heavy Industrial	Vacant Parcel

STREETS

Direction	Name	Classification
North	Southeast 8 th Street	Arterial
South	-	-
East	-	-
West	-	-

TRAFFIC FINDINGS

- (a) Traffic data for the nearest intersections are as follows: N/A.
- (b) Traffic summary software predicts the additional traffic for this project is: N/A.

STANDARD CONDITIONS OF APPROVAL

1. A digital copy of the plat.
2. All technical review comments must be addressed before building permits will be issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this site is the location of the abandoned Tyson Plant.

Drainage Report: A drainage report is not required for this property line adjustment.

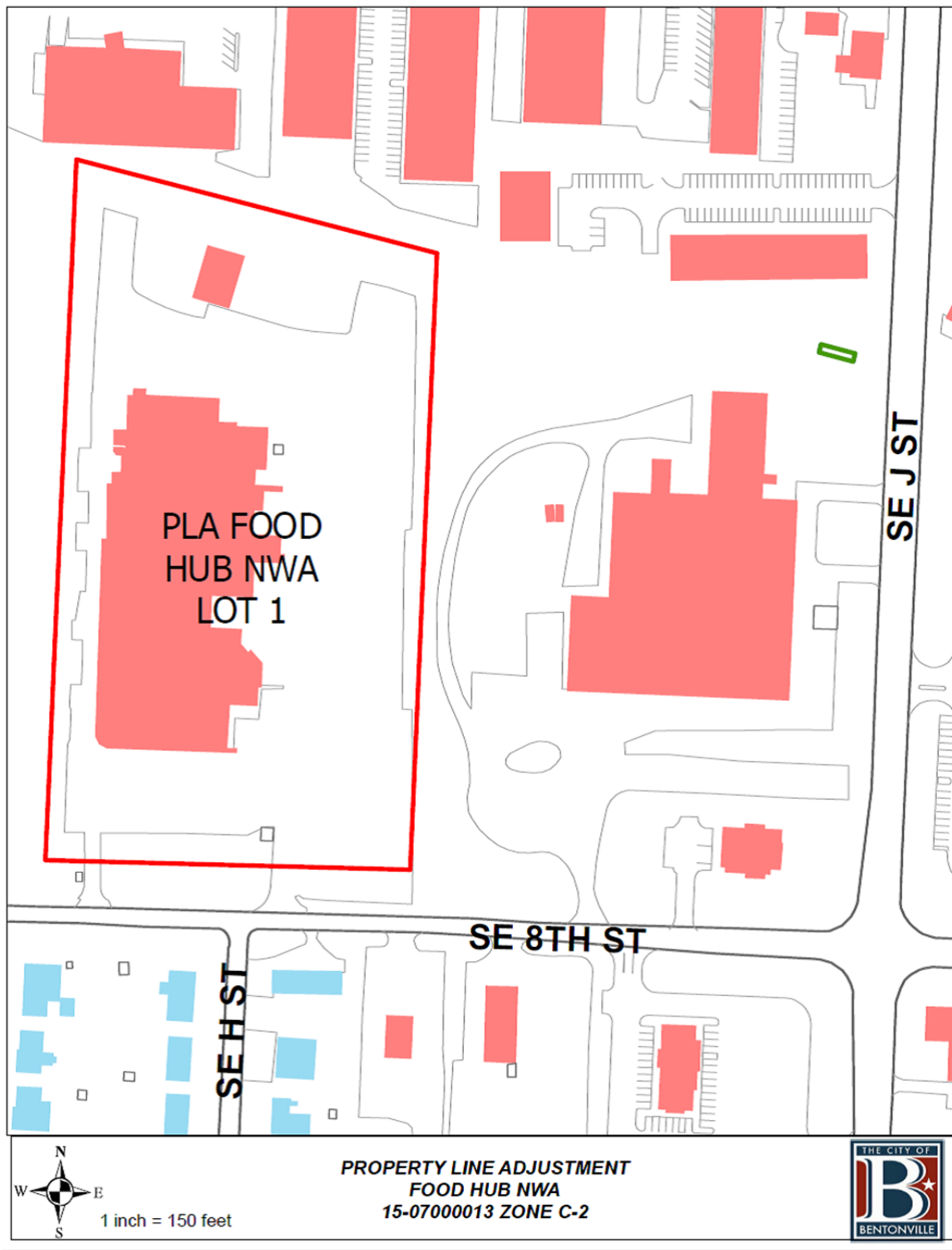
Water / Sewer: Per the G.I.S. site, water and sewer currently in use on site.

Waiver(s): N/A

Analysis / Conclusion: This property line adjustment **DOES** meet the minimum requirements of the subdivision regulations.

RECOMMENDATION:

Staff has reviewed this application and recommends **APPROVAL**.



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOT 1 FOOD HUB,
NWA ADDITION, TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the property line adjustment Lot 1 Food Hub, NWA Addition, to the City of Bentonville, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 4th day of August, 2015 and

WHEREAS, said property line adjustment is attached hereto as Exhibit "A" and

WHEREAS, the Bentonville Planning Commission considered said property line adjustment on the date stated and at other times, and voted to recommend the approval of said property line adjustment to the City Council; and

WHEREAS, the property line adjustment of real property as described herein has been submitted to the City Council of the City of Bentonville, and after consideration and deliberation said Council is of the opinion that said property line adjustment should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the property line adjustment of Lot 1 Food Hub, NWA, to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said property line adjustment by certifying said acceptance on the approved property line adjustment.

PASSED AND APPROVED THIS _____ DAY OF _____, 2015

ATTEST

APPROVED

CITY CLERK

MAYOR

Planning Commission Staff Report Final Plat: Cornerstone Ridge Phase IV

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: August 4, 2015

GENERAL INFORMATION:

Project Number: 15-03000001

Applicant: First Assets Holding, LLC

Representative: Ken Booth (Sand Creek Engineering)

Requested Action: Final Plat Approval

Location: Southwest Regional Airport Boulevard & Southwest Rainbow Farms Road

Existing Zoning: R-1, Single Family Residential

Land Use Plan: Low Density Residential

BACKGROUND:

Cornerstone Ridge Phase IV consists of 4 acres and includes a total of 13 lots, all of which are buildable. The plat shows the dedication of right of way along Southwest Regional Airport Boulevard and Southwest Rainbow Farms Road as well as 22 feet of dedicated right-of-way for a public alley. The plat also dedicates utility easements throughout the subdivision to serve each lot. Stormwater runoff will be collected in an existing regional detention pond located to the south of the subdivision. No lot within the subdivisions shall have direct access onto Southwest Regional Airport Boulevard.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	R-O, Residential Office	Low Density Residential
South	PUD, Planned Unit Development	Low Density Residential
East	PUD, Planned Unit Development	Low Density Residential
West	R-1, Single Family Residential	Industrial

STREETS

Direction	Name	Classification
North	Southwest Rainbow Farms Road	Arterial
South	Southwest Roundstone Boulevard	Local
East	Southwest Greystone Street	Local
West	Southwest Regional Airport Boulevard	Arterial

TRAFFIC FINDINGS

- (c) Traffic data for the nearest intersections are as follows: N/A
- (d) Traffic summary software predicts the additional traffic for this project is: N/A

STANDARD CONDITIONS OF APPROVAL:

1. A digital copy of the plat
2. All technical review comments must be addressed before building permits are issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this property is the site of an undeveloped subdivision.

Drainage Report: A drainage report is not required at the time of final platting.

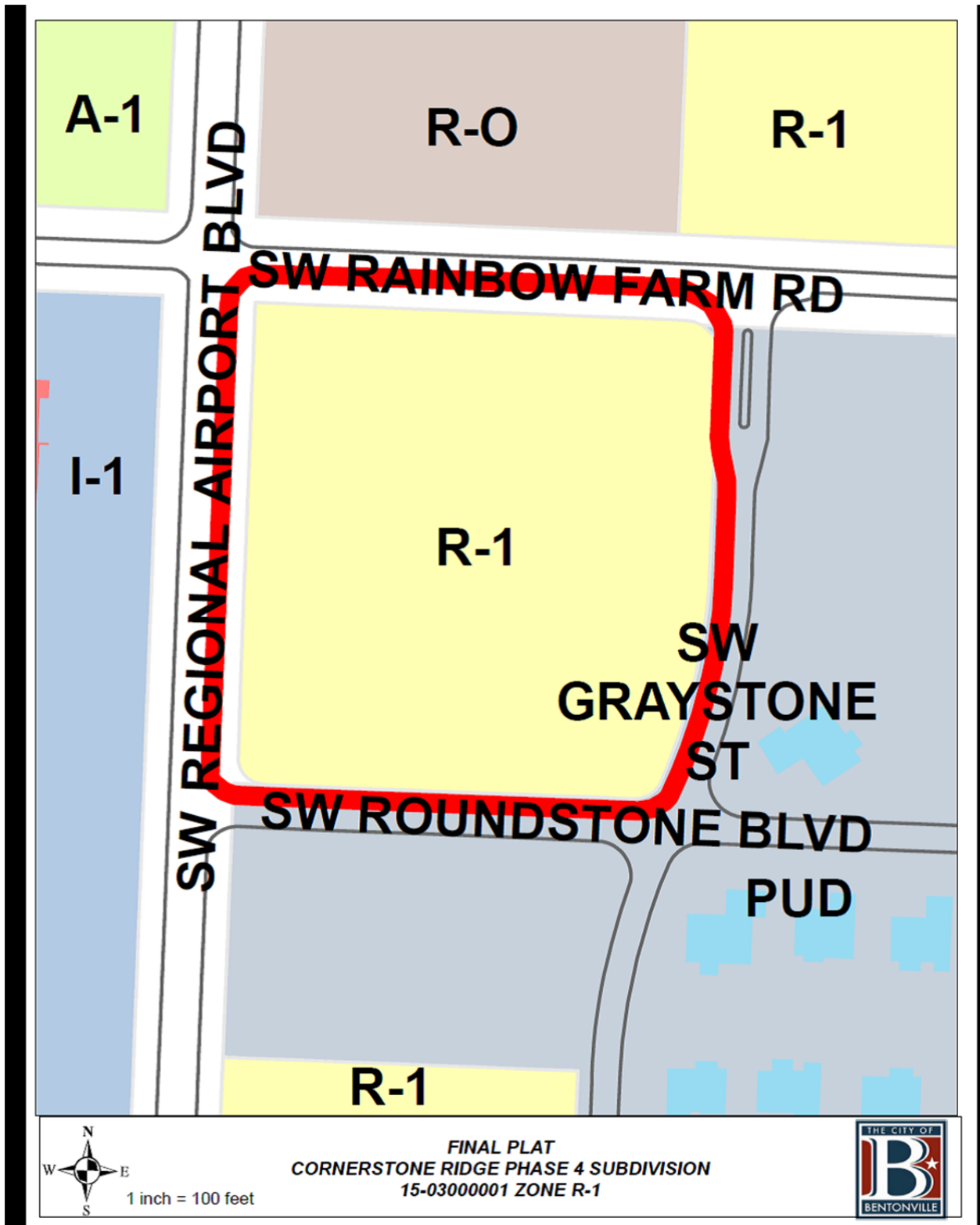
Water / Sewer: Per the G.I.S. site, water and sewer ARE available to this site.

Waiver(s): N/A

Analysis / Conclusion: This final plat **DOES** meet the minimum requirements of the subdivision regulations.

RECOMMENDATION:

Staff has reviewed this application and recommends **APPROVAL**.



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A FINAL PLAT OF CORNERSTONE RIDGE SUBDIVISION
PHASE IV, TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the final plat of Cornerstone Ridge Subdivision Phase IV, to the City of Bentonville, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 4th day of August, 2015 and

WHEREAS, said final plat is attached hereto as Exhibit "A" and

WHEREAS, the Bentonville Planning Commission considered said final plat on the date stated and at other times, and voted to recommend the approval of said final plat to the City Council; and

WHEREAS, the final plat of real property as described herein has been submitted to the City Council of the City of Bentonville, and after consideration and deliberation said Council is of the opinion that said final plat should be approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF
BENTONVILLE, ARKANSAS:**

Section 1: That the final plat of Cornerstone Ridge Phase IV, to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said final plat by certifying said acceptance on the approved final plat.

PASSED AND APPROVED THIS _____ DAY OF _____, 2015

ATTEST

APPROVED

CITY CLERK

MAYOR

Planning Commission Staff Report
Informal Plat: Lots 52, 53, 54, 55 & 56 Willowbrook Farms Subdivision Phase 1

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: August 4, 2015

GENERAL INFORMATION:

Project Number: 15-04000001

Applicant: Roni & Mat Lewis, Dinesh Pirisingula, RLP Developments, LLC

Representative: David Platz (WR Consulting)

Requested Action: Informal Plat Approval

Location: Southwest Shell Road

Existing Zoning: R-1, Single Family Residential

Land Use Plan: Mixed Use

BACKGROUND:

The applicant has submitted an Informal Plat for existing lots 14 through 17 and lot 51 of Willowbrook Farms Subdivision Phase 1. The plat indicates the adjustment of the northern lot lines of lots 14 through 17 and the southern lot line of lot 51 to create what will be known as Lots 52, 53, 54, 55 & 56 of Willowbrook Farms Subdivision Phase 1. Lot 52 is non-buildable. A utility easement is being dedicated along Southwest Shell Road. Both Water and Sewer service are available to these lots.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	R-1, Single Family Residential	Mixed Use
South	R-1, Single Family Residential	Mixed Use
East	R-1, Single Family Residential	Office
West	R-1, Single Family Residential	Mixed Use

STREETS

Direction	Name	Classification
North	-	Arterial
South	Southwest Deerfield Boulevard	Local
East	-	Local
West	-	Arterial

TRAFFIC FINDINGS

- (e) Traffic data for the nearest intersections are as follows: N/A
- (f) Traffic summary software predicts the additional traffic for this project is: N/A

STANDARD CONDITIONS OF APPROVAL:

1. A digital copy of the plat

2. All technical review comments must be addressed before building permits are issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this property is the site of a developing subdivision.

Drainage Report: A drainage report is not required at the time of final platting.

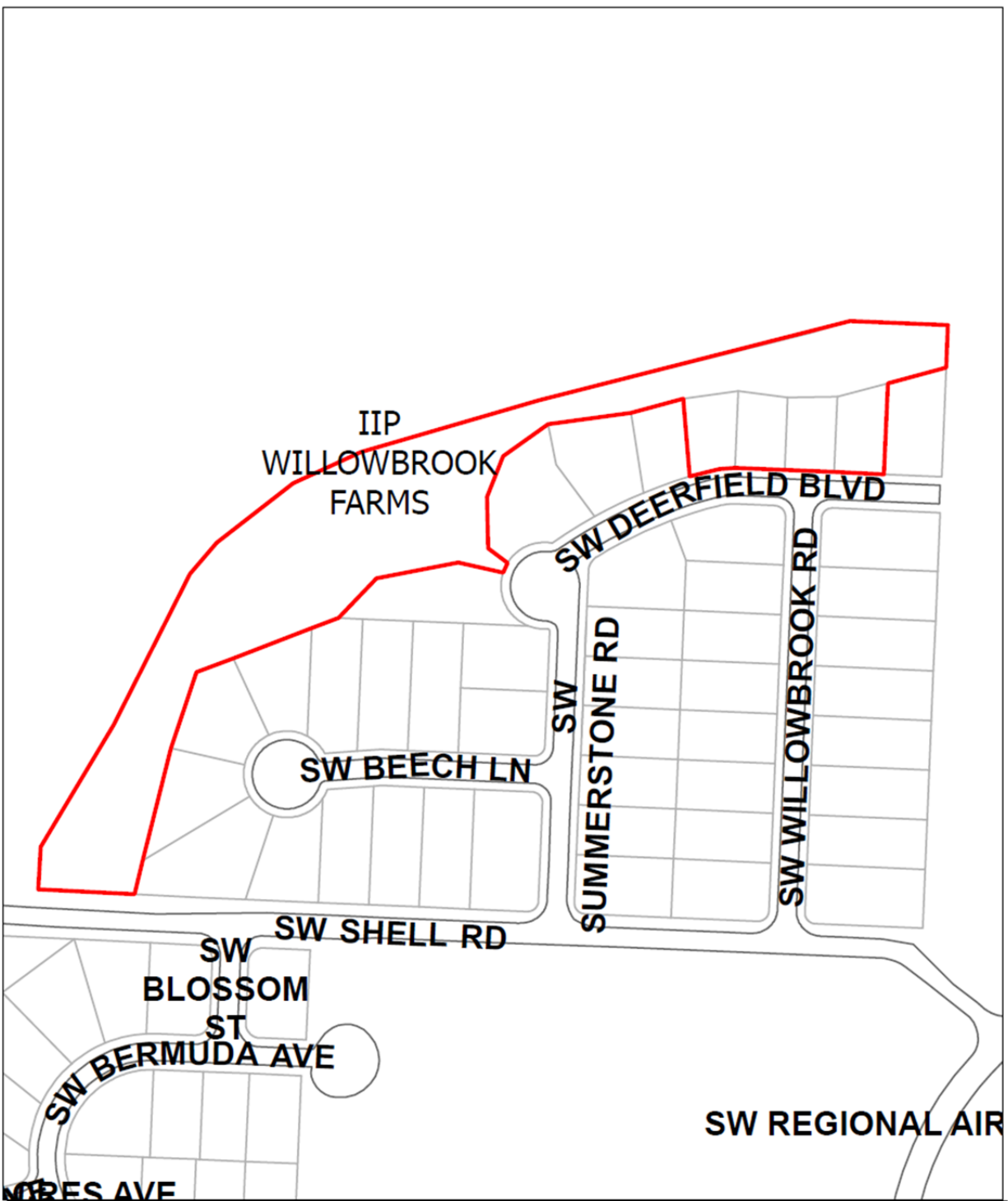
Water / Sewer: Per the G.I.S. site, water and sewer ARE available to this site.

Waiver(s): N/A

Analysis / Conclusion: This final plat **DOES** meet the minimum requirements of the subdivision regulations.

RECOMMENDATION:

Staff has reviewed this application and recommends **APPROVAL**.





1 inch = 168 feet

IN HOUSE INFORMAL PLAT
WILLOWBROOK FARMS PHASE 2 LOTS 52-56
15-04000001 ZONE R-1



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING AN INFORMAL PLAT LOTS 52,53,54,55&56
WILLOWBROOK FARMS SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the informal plat of lots 52,53,54,55 & 56 Willowbrook Farms Subdivision, to the City of Bentonville, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 4th day of August, 2015 and

WHEREAS, said informal plat is attached hereto as Exhibit "A" and

WHEREAS, the Bentonville Planning Commission considered said informal plat on the date stated and at other times, and voted to recommend the approval of said informal plat to the City Council; and

WHEREAS, the informal plat of real property as described herein has been submitted to the City Council of the City of Bentonville, and after consideration and deliberation said Council is of the opinion that said informal plat should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the informal plat of lots 52,53,54,55 & 56 Willowbrook Farms Subdivision, to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said informal plat by certifying said acceptance on the approved lot split.

PASSED AND APPROVED THIS _____ DAY OF _____, 2015

ATTEST

APPROVED

CITY CLERK

MAYOR



PC Meeting of: August 4, 2015

The City of Bentonville, Arkansas

305 S.W. "A" Street
Bentonville, AR 72212
Telephone: (479) 271-3126
Fax: (479) 271-5906

REZONING: Keeling, C-2, General Commercial to I-1, Light Industrial

TO: City of Bentonville, Arkansas Planning Commission
FROM: Jon Stanley, Planner
THRU: Troy Galloway, AICP, Community Development Director
DATE: August 4, 2015

GENERAL INFORMATION

H.T.E. Project Number: 15-09000027
Applicant/Current Owner: Jim Keeling
Representative: John Wary (Morrison Shipley Engineers)
Requested Action: Rezoning
Location: Southwest 28th Street
Existing Zoning: C-2, General Commercial
Proposed Zoning: I-1, Light Industrial
Future Land Use Map Designation: Commercial

BACKGROUND / HISTORY

Property Description/Site Inspection: A site inspection was completed; this property is vacant in a commercial and industrial area.

Previous Rezoning Requests for this Property: There are no known previous rezoning's at this location.

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Commercial Retail	C-2, General Commercial	Commercial
South	Vacant Agricultural	A-1, Agricultural & C-2, General Commercial	Commercial
East	Office & Commercial	C-2, General Commercial	Commercial
West	Vacant Industrial	I-1, Light Industrial	Office

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan Classification	Current Condition
North	Southwest 28 th Street	Arterial	2 lane with no curb and gutter
South	-	-	-
East	-	-	-
West	-	-	-

LEGAL NOTIFICATIONS

Public Notice: The property owner and/or representative did mail certified public notices to property owners within a 200 foot radius of the subject site on July 22, 2015. Staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on July 3, 2015. In addition, staff posted a notice of public hearing sign on the property on July 20, 2015. This **DOES** meet legal notification requirements and are adequate for the scope of this rezoning application.

RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding(s) of Staff: According to the General Plan Policy ED-12: "As major development occurs, the city should re-evaluate the supply of industrial land designated in the future land use map to ensure that there is an adequate supply of vacant land that can readily be served by adequate public facilities". The supply of viable industrial land has diminished within the city's core. This property will add to the industrial designation in an area where public utilities and infrastructure are adequate to support a public works facility.

2. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding(s) of Staff: The property is located near the intersection of an arterial street. The traffic signal located at South Walton Boulevard will help facilitate safe turning movements and ingress/egress for the proposed use.

3. A determination as to whether the proposed zoning would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities.

Finding(s) of Staff: Water and sewer is adequate at this location. There is no foreseen adverse impact to public services or emergency services at this location.

STAFF RECOMMENDATION

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends **APPROVAL** of this rezoning from C-2, General Commercial to I-1, Light Industrial.



ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO I-1, LIGHT INDUSTRIAL.

WHEREAS, Jim Keeling, duly filed a petition with the City Planning Commission requesting that the hereinafter described real property situated in Benton County, Arkansas, be changed from its present classification to I-1, Light Industrial property to be used in accordance with city zoning laws and state laws; which property is described as follows:

Lot 2 and Reserved Lot of Keeling Subdivision to the City of Bentonville, Benton County, Arkansas, as filed for record in plat Bk. P3, Pg. 153, Dated July 18, 2000.

LESS AND EXCEPT

A part of the Reserved Portion, Keeling Subdivision, as recorded in Plat Book 3, page 153, filed 7/18/2000, being in Section 7, Township 19 North, Range 30 West, of the 5th Principal Meridian, Bentonville, Benton County, Arkansas, more particularly described as follows:

BEGINNING at an existing 1/2" rebar marking the Northeast Corner of said Northeast Quarter Northwest Quarter (NE1/4 NW1/4) of Section 7, also being the Northwest Corner of Lot 1 of said Keeling Subdivision, thence South 02°12'11" West a distance of 338.52 feet to an existing 5/8" rebar; thence North 87°43'04" West a distance of 257.39 feet to a set 1/2" rebar with PS 1507 cap; thence North 02°12'11" East a distance of 338.61 feet to a set 1/2" rebar with PS 1507 cap; thence South 87°41'53" East a distance of 257.39 feet to the Point of Beginning, containing 2.0 acres, more or less.

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 4th day of August 2015 in the Council Room of the City of Bentonville; notice of said hearing having been published in the Benton County Daily Record for the time and in the manner required by law; and

WHEREAS, the City Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification to I-1 property;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the above described real property is hereby changed from its present classification to I-1 property to be used in accordance with the City zoning laws of the State of Arkansas.

PASSED AND APPROVED this _____ day of _____, 2015

ATTEST

APPROVED

CLERK

MAYOR



PC Meeting of: August 4, 2015

The City of Bentonville, Arkansas

305 S.W. "A" Street
Bentonville, AR 72212
Telephone: (479) 271-3122
Fax: (479) 271-5906

LAND USE MAP AMENDMENT: Roddey Residential Properties, LLC, Low Density Residential to Downtown Mixed Use Residential

Current Planning Division Correspondence: Planning Commission Staff Report

TO: City of Bentonville, Arkansas Planning Commission
FROM: Troy Galloway, Community Development Director
THRU: Jon Stanley, Planner
DATE: August 4, 2015

GENERAL INFORMATION

H.T.E. Project Number: 15-01800001
Applicant/Current Owner: Roddey Residential Properties
Representative: Bike Rack Group, LLC/ Newell Development
Requested Action: Land Use Map Amendment
Location: 909 North Main Street
Existing Zoning: R-1, Single Family Residential
Future Land Use Map Designation: Low Density Residential
Proposed Land Use Map Designation: Downtown Mixed Use Residential

BACKGROUND / HISTORY

Property Description/Site Inspection: A site inspection was completed; this property is currently the site of a single family home in an established residential neighborhood.

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Single Family Subdivision	R-1, Single Family Residential	Low Density Residential
South	Single Family Subdivision	R-1, Single Family Residential	Low Density Residential
East	Single Family Subdivision	R-1, Single Family Residential	Low Density Residential
West	Single Family Subdivision	R-1, Single Family Residential	Low Density Residential

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan	Current Condition
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		Classification	
North	-	-	-
South	-	-	-
East	North Main Street	Local	Two lane asphalt no curb and gutter.
West	-	-	-

LEGAL NOTIFICATIONS

Public Notice: Staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on July 18, 2015. In addition, staff posted a notice of public hearing sign on the property on July 20, 2015. This **DOES** meet legal noticing requirements and is adequate for the scope of this rezoning application.

RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP

1. A determination of how the proposed change impacts the overall intent of the General Plan or the land use mix on the Future Land Use Map, how the proposed change effects other land uses.

Finding(s) of Staff: It is a policy of the General Plan to encourage infill development within the core of the city. Through the use of the correct zoning designation the mix of uses can be compatible to existing uses.

2. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding(s) of Staff: The proposed density will not adversely impact traffic in the adjacent area. The site will have connectivity to a local street.

3. A determination as to whether the proposed land use would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities.

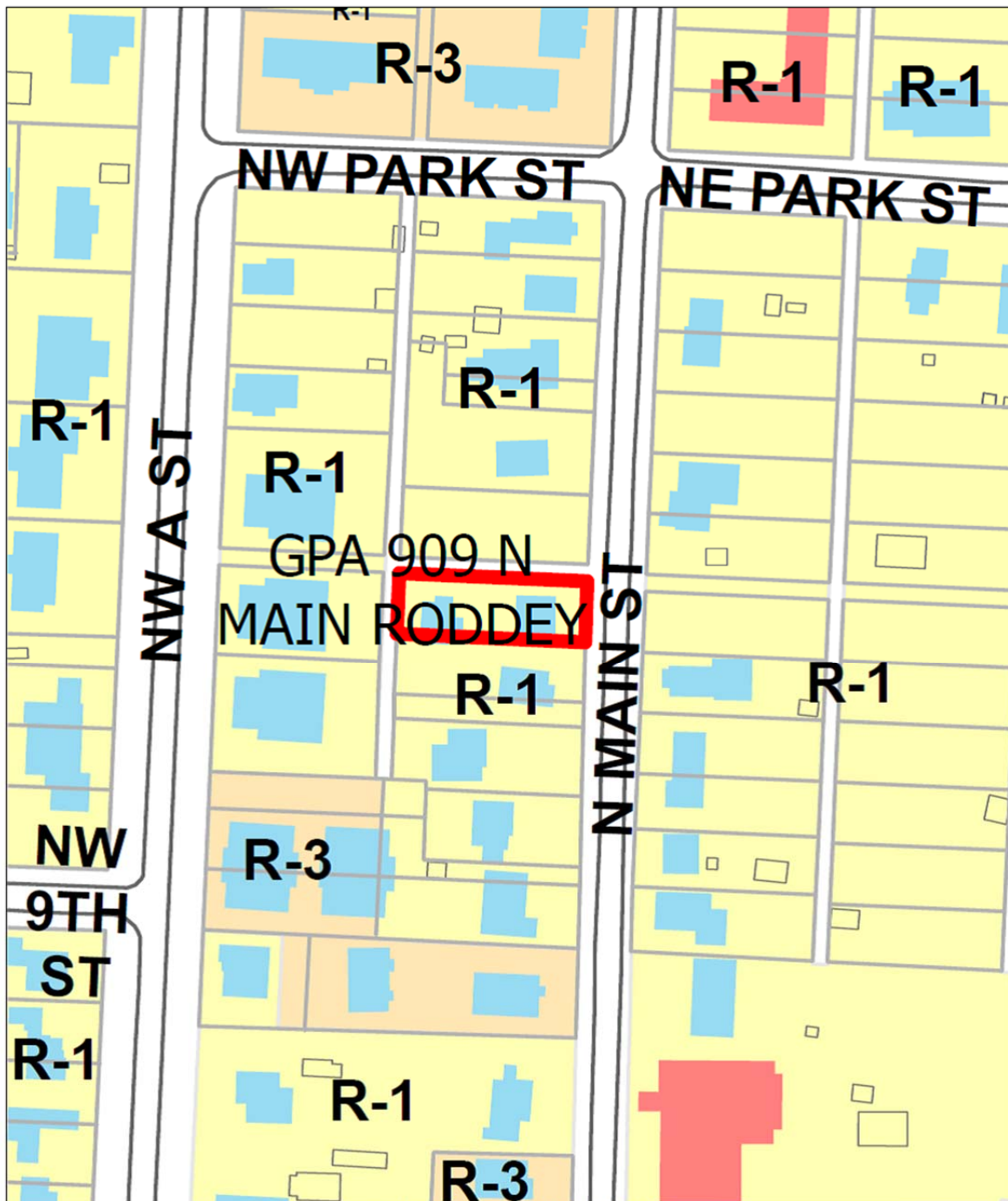
Finding(s) of Staff: Public services area adequate for the increase in density. Water and sewer is readily available and emergency services area located within close proximity.

ANALYSIS, CONCLUSION, & SUMMARY

The City of Bentonville General Plan suggests that the city encourage infill development within the core of the city in order to promote and sustain commercial enterprises within the downtown. Through this modification to the land use map a slight increase in density will occur in the area. The city plans to encourage the use of the RC-2 zoning classification so the character and quality of life can be preserved within the adjacent neighborhoods.

STAFF RECOMMENDATION

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends APPROVAL of this Land Use Map Amendment from Low Density Residential to Downtown Mixed Use Residential.



1 inch = 100 feet

GENERAL PLAN AMENDMENT
RODDEY RESIDENTIAL PROPERTIES LLC
LOW DENSITY RESIDENTIAL TO CENTRAL RESIDENTIAL-MOD DENSITY
909 N MAIN 15-01800001



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CLASSIFICATION OF PROPERTY FROM LOW DENSITY RESIDENTIAL TO DOWNTOWN MIXED USE RESIDENTIAL ON THE FUTURE LAND USE MAP FOR THE CITY OF BENTONVILLE, ARKANSAS.

WHEREAS, Roddey Residential Properties, duly filed a petition with the City Planning Commission requesting that the hereinafter described real property situated in Benton County, Arkansas, be changed from its present classification of Low Density Residential to Downtown Mixed Use Residential on the City of Bentonville Future Land Use Map.

Said tract or parcel commonly described as: 909 North Main Street

THE EAST 90 FT OF LOT 18 AND THE NORTH 20 FEET OF THE EAST 90 FEET OF LOT 17 IN BLOCK 1 IN WA BURKS ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS.

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 4th day of August, 2015 in the Council Room of the City of Bentonville; notice of said hearing having been published in the Benton County Daily Record for the time and in the manner required by law; and

WHEREAS, the City Planning Commission voted to recommend to the City Council that the petition be approved and that said future land use classification as presented on the Future Land Use Map for this property be changed from its present classification of Low Density Residential to Downtown Mixed Use Residential;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the above described real property is hereby changed from its present classification of Low Density Residential to Downtown Mixed Use Residential, on the Future Land Use Map.

PASSED AND APPROVED this _____ day of _____, 2015

ATTEST

APPROVED

CLERK

MAYOR



PC Meeting of: August 4, 2015

The City of Bentonville, Arkansas

305 S.W. "A" Street
Bentonville, AR 72212
Telephone: (479) 271-3122
Fax: (479) 271-5906

**LAND USE MAP AMENDMENT: Carlson, Davisson, MSB Holdings, LLC, & Drummond Industries, Inc. (Low Density Residential to Downtown Mixed Use Residential)
Current Planning Division Correspondence: Planning Commission Staff Report**

TO: City of Bentonville, Arkansas Planning Commission
FROM: Troy Galloway, Community Development Director
THRU: Jon Stanley, Planner
DATE: August 4, 2015

GENERAL INFORMATION

H.T.E. Project Number: 15-01800002

Applicant/Current Owner: Carlson, Davisson, MSB Holdings, LLC, & Drummond Industries

Representative: Peter Farmer (Sand Creek Engineering)

Requested Action: Land Use Map Amendment

Location: 204 & 206 Northwest 3rd Street & 301 Northwest 'A' Street

Existing Zoning: R-1, Single Family Residential

Future Land Use Map Designation: Low Density Residential

Proposed Land Use Map Designation: Downtown Mixed Use Residential

BACKGROUND / HISTORY

Property Description/Site Inspection: A site inspection was completed; this property is currently the site of a single family home in an established residential neighborhood.

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Multi-Family Apartments	R-3, Medium Density Residential	Low Density Residential
South	Town Houses	DE, Downtown Edge & R-1, Single Family Residential	Mixed Use
East	Single Family Residence	R-1, Single Family Residential	Downtown Mixed Use Residential
West	Single Family Residence	R-1, Single Family Residential	Low Density Residential

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan	Current Condition
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		Classification	
North	-	-	-
South	Northwest 3 rd Street	Local	Two lane Asphalt no curb and gutter
East	Northwest 'A' Street	Collector	Two lane asphalt with curb and gutter
West	-	-	-

LEGAL NOTIFICATIONS

Public Notice: Staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on July 3, 2015. In addition, staff posted a notice of public hearing sign on the properties on July 20, 2015. This **DOES** meet legal noticing requirements and is adequate for the scope of this rezoning application.

RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP

1. A determination of how the proposed change impacts the overall intent of the General Plan or the land use mix on the Future Land Use Map, how the proposed change effects other land uses.

Finding(s) of Staff: According to Policy LU-16 Infill Development of the General Plan "The City shall encourage the development of mixed-use and residential projects with in the downtown area to increase the community's housing stock and to enhance the vitality of downtown businesses. Policy LU-23 Housing Types states "the City should encourage the development of a mix of housing types to the meet the needs of residents..."

The proposed land use map amendment will meet the intent of both policies therefore the request is consistent with good land use planning and the general plan.

2. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding(s) of Staff: The proposed density will not adversely impact traffic in the adjacent area. The site will have connectivity to an arterial and a local street.

3. A determination as to whether the proposed land use would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities.

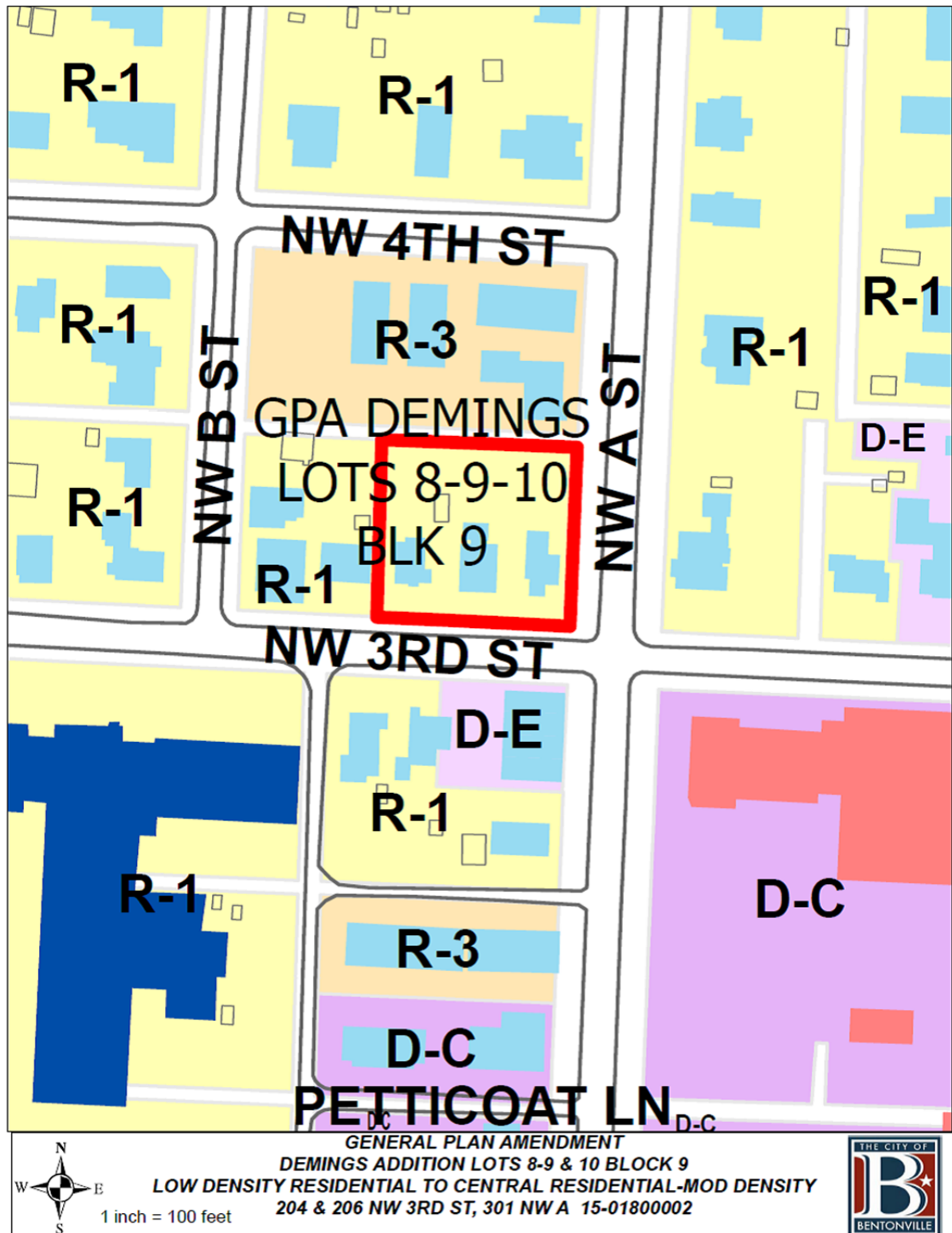
Finding(s) of Staff: Public services area adequate for the increase in density. Water and sewer is readily available and emergency services area located within close proximity.

ANALYSIS, CONCLUSION, & SUMMARY

According to the City of Bentonville General Plan this designation permits for a mix of residential and non-residential development and will have the greatest potential for infill and redevelopment. The Downtown Mixed Use Residential classification creates an area of transition between the Mixed Use to the south and east and the low density residential to the north and west. The proposed land use map amendment will add density to downtown therefore helping retain current commercial uses in the downtown area.

STAFF RECOMMENDATION

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends APPROVAL of this Land Use Map Amendment from Low Density Residential to Downtown Mixed Use Residential.



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CLASSIFICATION OF PROPERTY FROM LOW DENSITY RESIDENTIAL TO DOWNTOWN MIXED USE RESIDENTIAL ON THE FUTURE LAND USE MAP FOR THE CITY OF BENTONVILLE, ARKANSAS.

WHEREAS, Carlson, Davisson, MSB Holdings, LLC, & Drummond Industries duly filed a petition with the City Planning Commission requesting that the hereinafter described real property situated in Benton County, Arkansas, be changed from its present classification of Low Density Residential to Downtown Mixed Use Residential on the City of Bentonville Future Land Use Map.

Said tract or parcel commonly described as: 204 & 206 Northwest 3rd Street & 301 Northwest 'A' Street

Lots 8, 9 and 10 Block 9, in Demings Addition to the City of Bentonville Benton County, Arkansas as shown in record G page 163

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 4th day of August, 2015 in the Council Room of the City of Bentonville; notice of said hearing having been published in the Benton County Daily Record for the time and in the manner required by law; and

WHEREAS, the City Planning Commission voted to recommend to the City Council that the petition be approved and that said future land use classification as presented on the Future Land Use Map for this property be changed from its present classification of Low Density Residential to Downtown Mixed Use Residential;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the above described real property is hereby changed from its present classification of Low Density Residential to Downtown Mixed Use Residential, on the Future Land Use Map.

PASSED AND APPROVED this _____ day of _____, 2015

ATTEST

APPROVED

CLERK

MAYOR

Planning Commission Staff Report
Property Line Adjustment: Lots 3, 4 & 5 Keeling Subdivision

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP Community Development Director
FROM: Jon Stanley, Planner
PC DATE: August 4, 2015

GENERAL INFORMATION:

Project Number: 15-007000012

Applicant: Jim Keeling

Representative: John Wary (Sand Creek Engineering)

Requested Action: Property Line Adjustment Approval

Location: Southwest 28th Street

Existing Zoning: C-2, General Commercial

Land Use Plan: Commercial

BACKGROUND:

The applicant has submitted a property line adjustment for property located along Southwest 28th Street in the Keeling Subdivision that resides in the C-2, General Commercial zoning district. The plat as provided by the applicant proposes the creation of 3 new lots from 2 existing lots and will be known as Lot 3 (32.64 acres), Lot 4 (2.0 acres) and Lot 5 (1.93 acres) of Keeling Subdivision. Right-of-way is being dedicated for the future Southwest 'F' Street extension and a utility easements are also be dedicate to serve the new lots. Water and sewer services are available to this location.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	C-2, General Commercial	Commercial
South	A-1, Agricultural & C-2, General Commercial	Commercial
East	C-2, General Commercial	Commercial
West	I-1, Light Industrial	Office

STREETS

Direction	Name	Classification
North	Southwest 28 th Street	Arterial
South	-	-
East	-	-
West	-	-

TRAFFIC FINDINGS

(g) Traffic data for the nearest intersections are as follows: N/A.

(h) Traffic summary software predicts the additional traffic for this project is: N/A.

STANDARD CONDITIONS OF APPROVAL

1. A digital copy of the plat.
2. All technical review comments must be addressed before building permits will be issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this site is vacant in a commercial and industrial area near the city's municipal airport.

Drainage Report: A drainage report is not required for this property line adjustment.

Water / Sewer: Per the G.I.S. site, water and sewer currently in use on site.

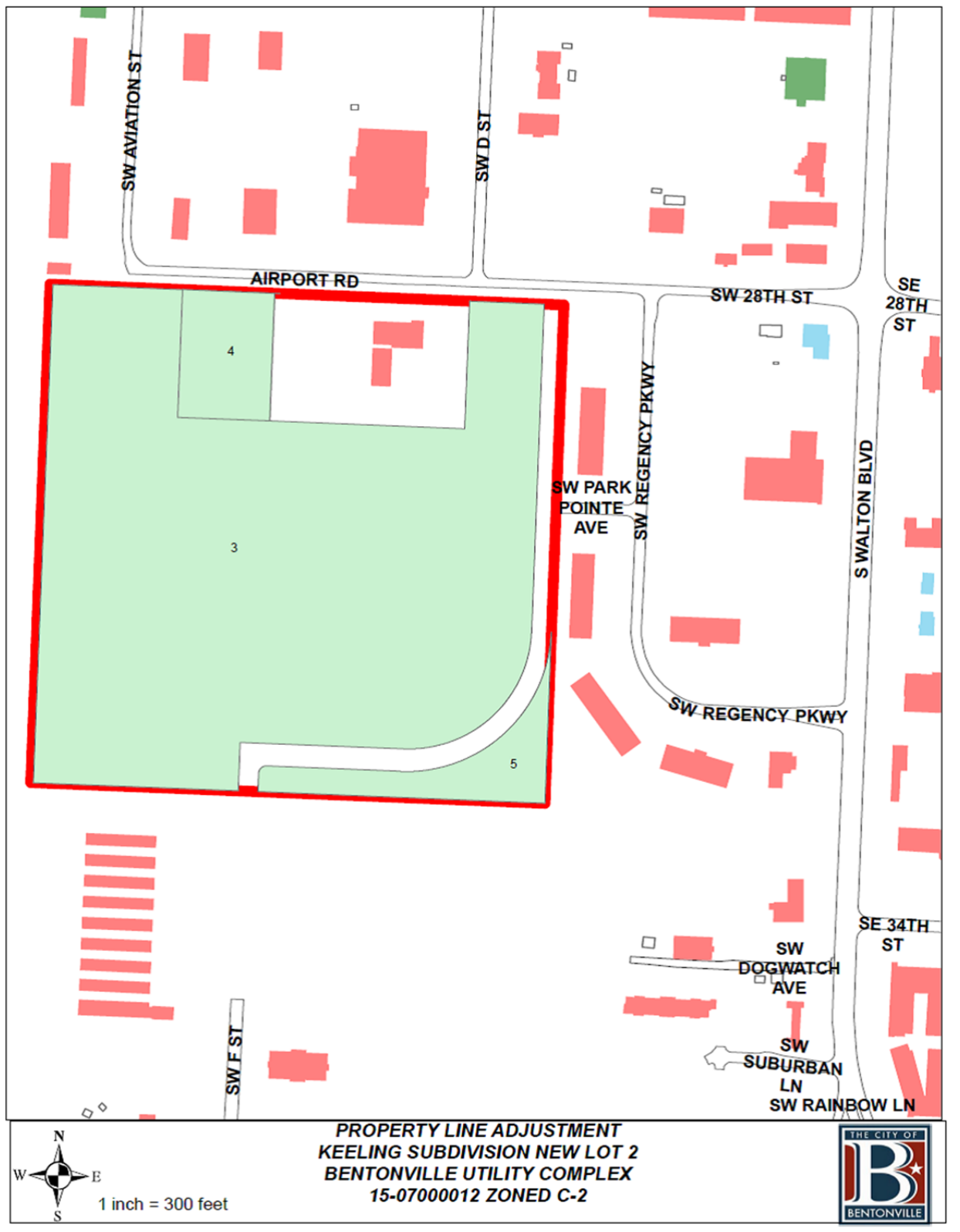
Waiver(s): The applicant has submitted 1 waiver request.

- Waiver to The Design Standards, Streets, Right of Way Dedication Requirements:
(Art 1100, Sec 1100.5.B) Ordinance states that Subdivisions and large-scale developments shall dedicate sufficient right-of-way to bring those streets which the Master Street Plan shows to abut or intersect the development into conformance with the right-of-way requirements of the most recently adopted Master Street Plan for said streets. The current Master Street Plan requires 70' of right -of-way be dedicated for a Collector street and the applicant is requesting to dedicated 60 feet. (See attached waiver request letter provide by the applicant.)

Analysis / Conclusion: This property line adjustment **DOES NOT** meet the minimum requirements of the subdivision regulations due to the waiver request.

RECOMMENDATION:

Staff has reviewed this application and recommends APPROVAL.



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOTS 3, 4 & 5, KEELING SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS.

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the property line adjustment Lots 3,4 & 5 Keeling Subdivison, to the City of Bentonville, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 4th day of August, 2015 and

WHEREAS, said property line adjustment is attached hereto as Exhibit "A" and

WHEREAS, the Bentonville Planning Commission considered said property line adjustment on the date stated and at other times, and voted to recommend the approval of said property line adjustment to the City Council; and

WHEREAS, the property line adjustment of real property as described herein has been submitted to the City Council of the City of Bentonville, and after consideration and deliberation said Council is of the opinion that said property line adjustment should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the property line adjustment of Lots 3,4 & 5, to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said property line adjustment by certifying said acceptance on the approved property line adjustment.

PASSED AND APPROVED THIS _____ DAY OF _____, 2015

ATTEST

APPROVED

CITY CLERK

MAYOR



CHECK ALL THAT APPLY		
☐	Bid Award	Bid #
☐	Budget Adjustment	
☐	Change Order	
☐	Informational	
☒	Ordinance	
☐	Resolution	
☐	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

August 11, 2015

Submitted by:

Ben Peters

Department

Engineering

Phone

271-5993

ACTION REQUIRED:

An ordinance vacating an alley and right of way located within W. A. Burks Addition to the City of Bentonville, Arkansas, Benton County, Arkansas.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

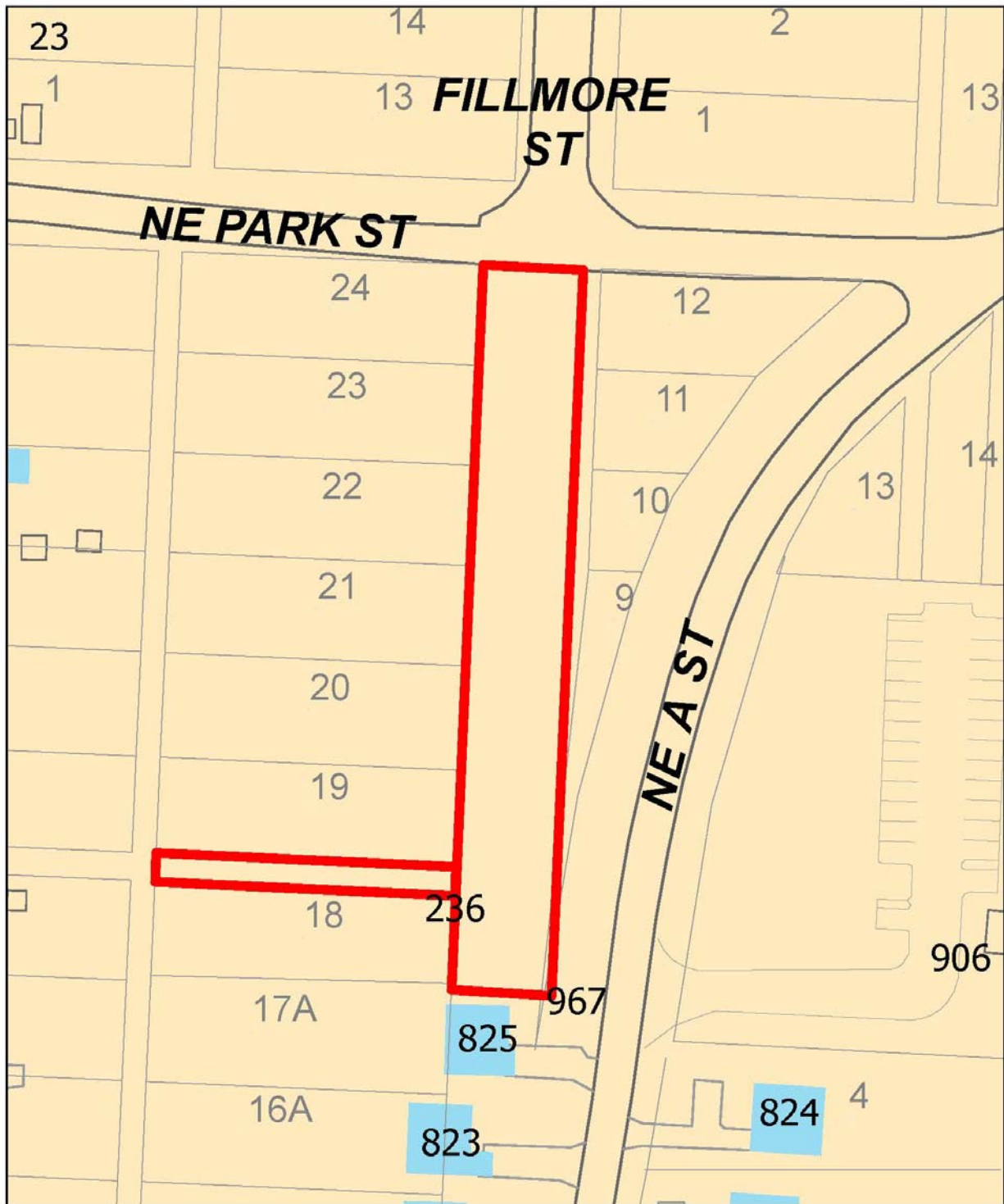
117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





1 inch = 60 feet

Alley Vacation/Street Vacation
W.A. Burks Addition
Street (.42 Acres) Alley (.05 Acres)



ORDINANCE NO _____

**ORDINANCE VACATING AN ALLEY AND RIGHT OF WAY LOCATED WITHIN W.A.BURKS
ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS, BENTON COUNTY ARKANSAS.**

WHEREAS, a petition was filed by Bryan M. Harvey with the City Council of the City of Bentonville, Arkansas, asking the City Council to vacate an alley and right of way located in the City of Bentonville, Benton County, Arkansas, which portion is more particularly described as follows:

A portion of the 50' wide platted right of way lying between Blocks 9 and 13 of W.A. Burks Addition to the City of Bentonville, Arkansas being more particularly described as follows: To-Wit: Beginning at the northeast corner of Lot 24, Block 9 and running thence S87°50'09"E 50.00', thence S01°39'06"W 362.11', THENCE N87°19'26"W 50.00'; THENCE N01°39'06"E 361.66' to the POINT of BEGINNING, containing 0.42 acres, more or less. Subject to all easements and rights-of-way of Record.

A 14' wide platted right of way lying between Lots 18 and 19 in Block 9 of W.A. Burks Addition to the City of Bentonville, Arkansas being more particularly described as follows: To-Wit: Beginning at the southwest corner of said Lot 19 and running thence S87°19'26"E 149.69', THENCE S01°39'06"W 14.29', THENCE N87°19'26"W 149.68', THENCE N01°35'20"E 14.29' to the POINT of BEGINNING, containing 0.05 Acres, more or less, subject to all easements and rights of way of Record.

WHEREAS, after due notice as required by law, the Council has at the time and place mentioned the notice, heard all persons desiring to be heard on the question; that all the owners of the property abutting the alley/right of way vacation to be vacated have joined in the petition or consented to the granting of the petition; and the public interest and welfare will not be adversely affected by the abandonment of the above described alley vacation.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Bentonville, Arkansas:

Section 1: The City of Bentonville Arkansas releases, vacates and abandons all of its rights together with the rights of the public generally, in and to an alley and street right of way vacation designated as follows:

A portion of the 50' wide platted right of way lying between Blocks 9 and 13 of W.A. Burks Addition to the City of Bentonville, Arkansas being more particularly described as follows: To-Wit: Beginning at the northeast corner of Lot 24, Block 9 and running thence S87°50'09"E 50.00', thence S01°39'06"W 362.11', THENCE N87°19'26"W 50.00'; THENCE N01°39'06"E 361.66' to the POINT of BEGINNING, containing 0.42 acres, more or less. Subject to all easements and rights-of-way of Record.

A 14' wide platted right of way lying between Lots 18 and 19 in Block 9 of W.A. Burks Addition to the City of Bentonville, Arkansas being more particularly described as follows: To-Wit: Beginning at the southwest corner of said Lot 19 and running thence S87°19'26"E 149.69', THENCE s01°39'06"W 14.29', THENCE N87°19'26"W 149.68', THENCE N01°35'20"E 14.29' to the POINT of BEGINNING, containing 0.05 Acres, more or less, subject to all easements and rights of way of Record.

Section 2: A copy of this Ordinance, duly certified by the City Clerk, shall be filed in the Office of the Recorder of Benton County, Arkansas and recorded in the deed records of the County.

Section 3: This Ordinance shall take effect and be in force from and after its passage. The above and foregoing Ordinance was passed, approved, and adopted the _____ day of _____, 2015, at a regular meeting of the City Council of the City of Bentonville, Arkansas.

**LINDA SPENCE, City Clerk and
Recorder for the City of Bentonville, Ark.**

**BOB MCCASLIN, Mayor
City of Bentonville, Arkansas**



CHECK ALL THAT APPLY		
☐	Bid Award	Bid #
☐	Budget Adjustment	
☐	Change Order	
☐	Informational	
☐	Ordinance	
☐	Resolution	
☒	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

August 11, 2015

Submitted by:

Shelli Kerr

Department

Planning Services

Phone

271-6822

ACTION REQUIRED:

Reappointment of Tom Hoehn to the Public Art Advisory Committee effective August 20, 2015, when his current term expires. He will be appointed to a three-year term expiring August 20, 2018. At that time, he will no longer be eligible for reappointment based on the current Public Art Policy limiting service to no more than two, three-year terms.

COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$	-
Funds Expended to Date		
Remaining Budget		-
Budget Adjustment		-
Remaining After Adjustment	\$	-

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





August 6, 2015

To: City Council Members & City Clerk
From: Mayor Bob McCaslin
Subject: Reappointment of Tom Hoehn to the City of Bentonville's Public Art Advisory Committee.

I recommend Tom Hoehn for reappointment to the City of Bentonville's Public Art Advisory Committee. Mr. Hoehn's term will expire on August 20, 2018.

Bob McCaslin

From: [tom.hoehn](#)
To: [Shelli Kerr](#)
Subject: Request.
Date: Thursday, July 30, 2015 11:15:08 AM

Dear Shelli,

I would appreciate the opportunity to be reappointed to the Public Art Advisory Committee for a second term. Please use this email as my formal request.

Best regards,
Tom Hoehn



CHECK ALL THAT APPLY		
	Bid Award	Bid #
	Budget Adjustment	
	Change Order	
	Informational	
	Ordinance	
	Resolution	
X	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

August 11, 2015

Submitted by:

Shelli Kerr

Department

Planning Services

Phone

271-6822

ACTION REQUIRED:

Reappointment of Becky McCoy to the Public Art Advisory Committee effective August 20, 2015, when her current term expires. She will be appointed to a three-year term expiring August 20, 2018. At that time, she will no longer be eligible for reappointment based on the current Public Art Policy limiting service to no more than two, three-year terms.

COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$	-
Funds Expended to Date		
Remaining Budget		-
Budget Adjustment		-
Remaining After Adjustment	\$	-

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





August 6, 2015

To: City Council Members & City Clerk
From: Mayor Bob McCaslin
Subject: Reappointment of Becky McCoy to the City of Bentonville's Public Art Advisory Committee.

I recommend Becky McCoy for reappointment to the City of Bentonville's Public Art Advisory Committee. Ms. McCoy's term will expire on August 20, 2018.

Bob McCaslin

From: [Becky McCoy](#)
To: [Shelli Kerr](#)
Subject: Reappointment for PAAC
Date: Thursday, July 30, 2015 7:44:26 PM

Dear Shelli,

*I would appreciate the opportunity to be reappointed to the Public Art Advisory Committee for a second term. Please use this email as my formal request. I believe there is so much more work to be done and we have just gotten our feet wet.
Love serving the City of Bentonville, Becky McCoy*

Sent from my iPad



CHECK ALL THAT APPLY		
☐	Bid Award	Bid #
☐	Budget Adjustment	
☐	Change Order	
☐	Informational	
☐	Ordinance	
☒	Resolution	
☐	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

August 11, 2015

Submitted by:

Shellr Kerr

Department

Planning Services

Phone

271-6822

ACTION REQUIRED:

Requesting City Council approval of a resolution endorsing the Bentonville Advertising and Promotions Commission's purchase of the public artwork "Sunkissed" for a purchase price of \$19,000; for the Mayor and City Clerk to enter into an agreement regarding its purchase and permanent installation on public property at its current location near the North Bentonville Trail and the city assuming maintenance responsibilities. This request has been approved by the Public Art Advisory Committee, the Bentonville Parks and Recreation Advisory Board and the Bentonville Advertising and Promotions Commission. There are no up-front costs to the city.

One time amount

☐ Continuing O and M

COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount

Previously Budgeted	\$	-
Funds Expended to Date		
Remaining Budget		-
Budget Adjustment		-
Remaining After Adjustment	\$	-

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





MEMO

To: City Council
From: Shelli Kerri, AICP, Planning Services Manager
Date: July 30, 2015
RE: Purchase of existing artwork on North Bentonville Trail

REQUEST

The Public Arts Advisory Committee is requesting City Council approval of a resolution endorsing the Bentonville Advertising and Promotions Commission's purchase of the public artwork "Sunkissed" for a purchase price of \$19,000; for the Mayor and City Clerk to enter into an agreement regarding its purchase and permanent installation on public property at its current location near the North Bentonville Trail and the city assuming maintenance responsibilities. This request has been approved by the Public Art Advisory Committee, the Bentonville Parks and Recreation Advisory Board and the Bentonville Advertising and Promotions Commission. There are no up-front costs to the city.

BACKGROUND

After issuing a Call for Proposals in February 2014 for temporary artwork on the North Bentonville Trail, the Public Art Advisory Committee (PAAC) recommended three pieces of artwork for installation: Ed Pennebaker – "Ozark Topography", Nathan S. Pierce – "Sunkissed", and Cray Gray – "PAC-Man." The project involved leasing the three pieces from the artists for one year in the amount of \$5,000 each. City Council approved the installation of these three pieces on June 24, 2014. The Bentonville Advertising and Promotion Commission funded the project.

PURPOSE OF REQUEST

The artwork was installed during September 2014 with a removal date of October 1, 2015, per the signed agreements. As we near the end of the lease agreements, the PAAC has recommended to purchase two of the pieces due to positive feedback from the community: Sunkissed and PAC-Man.



Sunkissed

Sunkissed: Purchase price is \$19,000. No discount for lease payments.

PAC-Man: Purchase price is \$8,000. Discount of \$3750 for previously paid lease payments.



PAC-Man

The Public Art Policy requires that artwork being placed in a public park or along a trail be approved by the Bentonville Parks and Recreation Advisory Committee and ultimately approved by City Council. The Bentonville Parks and Recreation Advisory Board approved the purchase of the two pieces, Sunkissed and PAC-Man on Monday, July 20, 2015.

Because the Bentonville A&P Commission is funding the project, their approval was required as well. They approved to use A&P Commission funds to purchase the two of the pieces, Sunkissed and PAC-Man, on Tuesday, July 28, 2015.

Note: The purchase price for Ozarks Topography is \$28,000 and was not supported by the PAAC or the A&P Commission for purchase.

ARTWORK PURCHASE AGREEMENT

The Agreement is entered into this _____ (DATE) by and between the **City of Bentonville, Arkansas**, (hereinafter the "City"),
Bentonville Advertising and Promotions Commission (hereinafter "Commission")
and Nathan Pierce (hereinafter "Artist") for
SunKissed (hereinafter "Artwork"), already installed on public property
at the intersection of the North Bentonville Trail and Wishing Springs Trail (hereinafter "Display Site"), to
be purchased by the Commission and donated to the City to remain in its current location.

WHEREAS, the City Council of the City of Bentonville has established the importance of
integrating public art into the daily lives of the citizens of Bentonville by adopting a Public Art Policy with
Ordinance No. 2013 – 40 on May 14, 2013; and,

WHEREAS, the Artist submitted a proposal by the deadline of May 12, 2014 to the Public Art
Advisory Committee in response to a Call for Proposals for Outdoor Public Art and in accordance with
the Public Art Policy; and,

WHEREAS, the Public Art Advisory Committee selected this Artwork for the Display Site on a
temporary basis which was installed in September 2014, and

WHEREAS, due to the popularity of the Artwork, the Public Art Advisory Committee
recommends to purchase the Artwork for permanent ownership and display,

WHEREAS, the Bentonville Parks and Recreation Advisory Board recommends approval of the
purchase and the Bentonville City Council has approved the purchase and placement on public property,

WHEREAS, the Bentonville Advertising and Promotion Commission has voted to purchase this
Artwork and donate to the City of Bentonville;

NOW, THEREFORE, the City, Commission and Artist agree as follows:

1. **Compensation.** A remaining **\$1,250** from the July 28, 2014 lease agreement is still due to the artist to complete the prior agreement. The purchase price for the piece is **\$19,000**. There is no discount for the previous payments. Therefore, the Commission shall pay to the Artist an amount of **\$20,250**. This amount shall constitute completion of the July 28, 2014 lease agreement and full and complete purchase of the Artist's Work and Artwork. Payments shall be made to the Artist upon his or her submission of detailed invoice to the Commission, according to the following schedule:
 - a. Upon execution of this Agreement, the Commission shall pay the Artist an amount not to exceed Six Thousand Two Hundred Fifty Dollars (\$6,250); this shall complete the payment of the remaining \$1,250 from the previous lease agreement plus a \$5,000 down payment toward the purchase of the artwork.
 - b. The Commission shall pay the remainder of \$14,000 in 2016.

2. **Maintenance.** Upon execution of this Agreement, at all times the maintenance of the Artwork shall be the sole responsibility of the City. Any and all costs associated with or related to the maintenance of the Artwork shall be the sole responsibility of the City .
2. **No Security; Assumption of Liability and Waiver of Damages.** ARTIST HEREBY RELEASES THE CITY AND COMMISSION, ITS OFFICERS, AGENTS, REPRESENTATIVES AND EMPLOYEES AND WAIVES ANY AND ALL RIGHTS TO ANY AND ALL CLAIMS FOR DAMAGES, OR OTHERWISE, THAT HE/SHE MAY HAVE WITH REGARD TO LOST, STOLEN AND/OR DAMAGED ARTWORK AND/OR RELATED MATERIALS, EQUIPMENT AND/OR ANY OTHER ITEMS ASSOCIATED AND/OR USED IN CONJUNCTION WITH THE ARTWORK AND/OR DISPLAY SITE.
3. **Donation.** Upon the Commission's final payment to the Artist, the Commission shall donate the Artwork to the City of Bentonville.
4. **Photographic Rights.** Artist hereby grants permission to the City and Commission to photograph and/or videotape and/or to authorize others to photograph and/or videotape the Artwork for any non-commercial use, including but not limited to, installation documentation, publicity of the Artwork, record keeping and additional non-commercial purposes such as among others, educational, public relations and promotion of the arts.
5. **Indemnification.** ARTIST SHALL DEFEND, INDEMNIFY, SAVE HARMLESS, AND EXEMPT THE CITY AND COMMISSION, ITS OFFICERS, AGENTS, REPRESENTATIVES, AND EMPLOYEES FROM AND AGAINST ALL LAWSUITS, ACTIONS, LEGAL PROCEEDINGS, CLAIMS, DEMANDS, DAMAGES, COSTS, EXPENSES AND ATTORNEYS' FEES INCIDENT TO THE OBLIGATIONS AND PROVISIONS OF THIS AGREEMENT, THE VIEWING OF ARTWORK BY THE PUBLIC OR ANY LEGAL CLAIMS OR ACTIONS ARISING OUT OF A NEGLIGENT ACT OR OMISSION OF THE CITY OR COMMISSION, THEIR RESPECTIVE OWNERS, OFFICERS, PARTNERS, AGENTS, REPRESENTATIVES, CONTRACTORS, SUBCONTRACTORS, VOLUTNEERS AND/OR EMPLOYEES. This Paragraph shall survive the termination of this Agreement.
6. **Governing Jurisdiction.** This Agreement is governed by the laws of the State of Arkansas.
7. **Miscellaneous Provisions.**
 - a. **No third Party Beneficiaries.** Nothing in this Agreement shall be construed to create any right in any third party not a signatory to this Agreement, and the parties do not intend to create any third party beneficiaries by entering into this Agreement.
 - b. **Assignment.** This Agreement is not assignable without the prior written consent of the City and Commission.
 - c. **Notices.** Any notice provided or permitted to be given under this Agreement must be in writing and may be served by electronic mail, depositing same in the United States Mail, addressed to the party to be notified or by delivering the same in person to such party via a hand-deliver service. For purposes of notice, the addresses of the parties shall be as follows:

If to Artist, to: Nathan Pierce
1632 N. Spanish St.
Cape Girardeau, MO 63701
Npierce1s@hotmail.com

If to the Commission, to: Kalene Griffith, Executive Director
Bentonville Advertising and Promotions Commission
104 E. Central Ave.
Bentonville, AR 72712
Kalene@bentonville.org

If to the City, to: Shelli Kerr, AICP
City of Bentonville
305 SW A Street
Bentonville, AR 72712
skerr@bentonvillear.com

- d. **Entire Agreement.** This Agreement contains the entire agreement of the parties with respect to the matters contained herein and may not be modified or terminated except upon the mutual written agreement of the parties hereto.
- e. **Counterparts.** This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original. A separate signature will be deemed to constitute an original if properly executed.
- f. **Authority to Execute.** The individuals executing this Agreement on behalf of the respective parties below represent to each other that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.
- g. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns, as allowed herein.
- h. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

IN WITNESS WHEREOF, the parties have executed this Agreement and caused this Agreement to be effective on the latest day as reflected by the signatures below.

ARTIST:

Nathan Pierce

Date

**BENTONVILLE ADVERTISING &
PROMOTIONS COMMISSION (Commission):**

Kalene Griffith, Executive Director
Bentonville Advertising & Promotions Commission

Date

CITY OF BENTONVILLE (city):

Bob McCaslin, Mayor
City of Bentonville, Arkansas

Date

APPROVED AS TO FORM AND LEGALITY:

Camille Thompson, Staff Attorney
City of Bentonville, Arkansas

Date

EXHIBIT A
Depiction of Artwork

Artist: Nathan Pierce
1632 N. Spanish St.
Cape Girardeau, MO 63701
573-579-8386
Npierce1s@hotmail.com

Title of Artwork: Sunkissed
Type of Artwork: Sculpture
Medium Used: Welded Structural Tubing
Dimensions: Footprint of 16'x9', 13' tall

Display Site: N. Bentonville Trail, at the "Y"



Image of Artwork:



RESOLUTION NO. _____

**A RESOLUTION ENDORSING THE BENTONVILLE ADVERTISING AND
PROMOTIONS COMMISSION'S PURCHASE OF THE PUBLIC
ARTWORK "SUNKISSED," ITS PERMANENT INSTALLATION ON PUBLIC
PROPERTY, AND THE CITY ASSUMING MAINTENANCE RESPONSIBILITIES**

WHEREAS, the City Council of the City of Bentonville has established the importance of integrating public art into the daily lives of the citizens of Bentonville by adopting a Public Art Policy with Ordinance No. 2013 – 40 on May 14, 2013; and,

WHEREAS, the Artist submitted a proposal by the deadline of May 12, 2014 to the Public Art Advisory Committee in response to a Call for Proposals for Outdoor Public Art and in accordance with the Public Art Policy; and,

WHEREAS, the Public Art Advisory Committee selected this Artwork for the Display Site on a temporary basis which was installed in September 2014, and,

WHEREAS, due to the popularity of the Artwork, the Public Art Advisory Committee recommends to purchase the Artwork for permanent ownership and display; and,

WHEREAS, the Bentonville Parks and Recreation Advisory Board recommends approval of the purchase and the Bentonville City Council has approved the purchase and placement on public property; and,

WHEREAS, the Bentonville Advertising and Promotion Commission has voted to purchase this Artwork and donate it to the City of Bentonville;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
BENTONVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Bentonville, Arkansas hereby endorses the Bentonville Advertising and Promotion Commission's purchase of the public artwork "SunKissed" by Nathan Pierce, currently installed along the North Bentonville Trail.

Section 2: That the City Council of the City of Bentonville hereby permits the artwork to remain in its current location along the North Bentonville Trail on public property.

Section 3: That the City Council of the City of Bentonville agrees that the City will assume maintenance responsibilities of the artwork upon execution of a purchase agreement.

PASSED and APPROVED this ____ day of _____, 2015

APPROVED

Bob McCaslin, Mayor

ATTEST:

Linda Spence, City Clerk



CHECK ALL THAT APPLY		
Bid Award	Bid #	
Budget Adjustment		
Change Order		
Informational		
Ordinance		
Resolution		
X Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

August 11, 2015

Submitted by:

Shelli Kerr

Department

Planning Services

Phone

271-6822

ACTION REQUIRED:

Requesting City Council approval of a resolution endorsing the Bentonville Advertising and Promotions Commission's purchase of the public artwork "PAC-Man" for a purchase price of \$8,000; for the Mayor and City Clerk to enter into an agreement regarding its purchase and permanent installation on public property at its current location near the North Bentonville Trail and the city assuming maintenance responsibilities. This request has been approved by the Public Art Advisory Committee, the Bentonville Parks and Recreation Advisory Board and the Bentonville Advertising and Promotions Commission. There are no up-front costs to the city.

COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$	-
Funds Expended to Date		
Remaining Budget		-
Budget Adjustment		-
Remaining After Adjustment	\$	-

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



ARTWORK PURCHASE AGREEMENT

The Agreement is entered into this _____ (DATE) by and between the **City of Bentonville, Arkansas**, (hereinafter the "City"),
Bentonville Advertising and Promotions Commission (hereinafter "Commission")
and **Craig Gray** (hereinafter "Artist") for
PacMan (hereinafter "Artwork"), already installed on public property
along the North Bentonville Trail (hereinafter "Display Site"), to be purchased by the Commission and
donated to the City to remain in its current location.

WHEREAS, the City Council of the City of Bentonville has established the importance of integrating public art into the daily lives of the citizens of Bentonville by adopting a Public Art Policy with Ordinance No. 2013 – 40 on May 14, 2013; and,

WHEREAS, the Artist submitted a proposal by the deadline of May 12, 2014 to the Public Art Advisory Committee in response to a Call for Proposals for Outdoor Public Art and in accordance with the Public Art Policy; and,

WHEREAS, the Public Art Advisory Committee selected this Artwork for the Display Site on a temporary basis which was installed in September 2014, and

WHEREAS, due to the popularity of the Artwork, the Public Art Advisory Committee recommends to purchase the Artwork for permanent ownership and display,

WHEREAS, the Bentonville Parks and Recreation Advisory Board recommends approval of the purchase and the Bentonville City Council has approved the purchase and placement on public property,

WHEREAS, the Bentonville Advertising and Promotions Commission has voted to purchase this Artwork and donate it to the City of Bentonville;

NOW, THEREFORE, the City, Commission and Artist agree as follows:

- 1. Compensation.** The purchase price of PacMan is **\$8,000**. The artist agrees to discount \$3,750 already paid as part of the lease agreement signed July 5, 2014. Therefore, the Commission shall pay to the Artist an amount of **\$4,250**. This amount shall constitute full and complete purchase of the Artist's Work and Artwork. Payment shall be made to the Artist upon execution of this agreement and his submission of a detailed invoice to the Commission in the amount of \$4,250.
- 2. Maintenance.** Upon execution of this Agreement, at all times the maintenance of the Artwork shall be the sole responsibility of the City. Any and all costs associated with or related to the maintenance of the Artwork shall be the sole responsibility of the City .
- 3. No Security; Assumption of Liability and Waiver of Damages.** **ARTIST HEREBY RELEASES THE CITY AND COMMISSION, ITS OFFICERS, AGENTS, REPRESENTATIVES AND EMPLOYEES AND WAIVES ANY AND ALL RIGHTS TO ANY AND ALL CLAIMS FOR DAMAGES, OR OTHERWISE, THAT HE/SHE MAY HAVE WITH REGARD TO LOST, STOLEN AND/OR DAMAGED ARTWORK AND/OR RELATED**

MATERIALS, EQUIPMENT AND/OR ANY OTHER ITEMS ASSOCIATED AND/OR USED IN CONJUNCTION WITH THE ARTWORK AND/OR DISPLAY SITE.

4. **Donation.** Upon the Commission's final payment to the Artist, the Commission shall donate the Artwork to the City of Bentonville.
5. **Photographic Rights.** Artist hereby grants permission to the City and Commission to photograph and/or videotape and/or to authorize others to photograph and/or videotape the Artwork for any non-commercial use, including but not limited to, installation documentation, publicity of the Artwork, record keeping and additional non-commercial purposes such as among others, educational, public relations and promotion of the arts.
6. **Indemnification.** ARTIST SHALL DEFEND, INDEMNIFY, SAVE HARMLESS, AND EXEMPT THE CITY AND COMMISSION, ITS OFFICERS, AGENTS, REPRESENTATIVES, AND EMPLOYEES FROM AND AGAINST ALL LAWSUITS, ACTIONS, LEGAL PROCEEDINGS, CLAIMS, DEMANDS, DAMAGES, COSTS, EXPENSES AND ATTORNEYS' FEES INCIDENT TO THE OBLIGATIONS AND PROVISIONS OF THIS AGREEMENT, THE VIEWING OF ARTWORK BY THE PUBLIC OR ANY LEGAL CLAIMS OR ACTIONS ARISING OUT OF A NEGLIGENT ACT OR OMISSION OF THE CITY OR COMMISSION, THEIR RESPECTIVE OWNERS, OFFICERS, PARTNERS, AGENTS, REPRESENTATIVES, CONTRACTORS, SUBCONTRACTORS, VOLUTNEERS AND/OR EMPLOYEES. This Paragraph shall survive the termination of this Agreement.
7. **Governing Jurisdiction.** This Agreement is governed by the laws of the State of Arkansas.
8. **Miscellaneous Provisions.**
 - a. **No third Party Beneficiaries.** Nothing in this Agreement shall be construed to create any right in any third party not a signatory to this Agreement, and the parties do not intend to create any third party beneficiaries by entering into this Agreement.
 - b. **Assignment.** This Agreement is not assignable without the prior written consent of the City and Commission.
 - c. **Notices.** Any notice provided or permitted to be given under this Agreement must be in writing and may be served by electronic mail, depositing same in the United States Mail, addressed to the party to be notified or by delivering the same in person to such party via a hand-deliver service. For purposes of notice, the addresses of the parties shall be as follows:

If to Artist, to: Craig Berube-gray
102 B Peary Court
Key West, FL 33040
craig@crgraystonecarver.com

If to the Commission, to: Kalene Griffith, Executive Director
Bentonville Advertising and Promotions Commission
104 E. Central Ave.
Bentonville, AR 72712
Kalene@bentonville.org

If to the City, to:

Shelli Kerr, AICP
City of Bentonville
305 SW A Street
Bentonville, AR 72712
skerr@bentonvillear.com

- d. **Entire Agreement.** This Agreement contains the entire agreement of the parties with respect to the matters contained herein and may not be modified or terminated except upon the mutual written agreement of the parties hereto.
- e. **Counterparts.** This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original. A separate signature will be deemed to constitute an original if properly executed.
- f. **Authority to Execute.** The individuals executing this Agreement on behalf of the respective parties below represent to each other that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.
- g. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns, as allowed herein.
- h. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

IN WITNESS WHEREOF, the parties have executed this Agreement and caused this Agreement to be effective on the latest day as reflected by the signatures below.

ARTIST:

Nathan Pierce

Date

BENTONVILLE ADVERTISING &
PROMOTIONS COMMISSION (Commission):

Kalene Griffith, Executive Director
Bentonville Advertising & Promotions Commission

Date

CITY OF BENTONVILLE (city):

Bob McCaslin, Mayor
City of Bentonville, Arkansas

Date

APPROVED AS TO FORM AND LEGALITY:

Camille Thompson, Staff Attorney
City of Bentonville, Arkansas

Date

EXHIBIT A
Depiction of Artwork

Artist: C.R. Gray
102 B Peary Court
Key West, FL 33040
305-432-6856
craig@crgraystonecarver.com

Title of Artwork: PAC-Man
Type of Artwork: Sculpture
Medium Used: River boulders
Dimensions: 7'

Display Site: N. Bentonville Trail, west of the Free Ride Park

Image of Artwork:



RESOLUTION NO. _____

**A RESOLUTION ENDORSING THE BENTONVILLE ADVERTISING AND
PROMOTIONS COMMISSION'S PURCHASE OF THE PUBLIC
ARTWORK "PACMAN," ITS PERMANENT INSTALLATION ON PUBLIC
PROPERTY, AND THE CITY ASSUMING MAINTENANCE RESPONSIBILITIES**

WHEREAS, the City Council of the City of Bentonville has established the importance of integrating public art into the daily lives of the citizens of Bentonville by adopting a Public Art Policy with Ordinance No. 2013 – 40 on May 14, 2013; and,

WHEREAS, the Artist submitted a proposal by the deadline of May 12, 2014 to the Public Art Advisory Committee in response to a Call for Proposals for Outdoor Public Art and in accordance with the Public Art Policy; and,

WHEREAS, the Public Art Advisory Committee selected this Artwork for the Display Site on a temporary basis which was installed in September 2014, and,

WHEREAS, due to the popularity of the Artwork, the Public Art Advisory Committee recommends to purchase the Artwork for permanent ownership and display; and,

WHEREAS, the Bentonville Parks and Recreation Advisory Board recommends approval of the purchase and the Bentonville City Council has approved the purchase and placement on public property; and,

WHEREAS, the Bentonville Advertising and Promotion Commission has voted to purchase this Artwork and donate it to the City of Bentonville;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
BENTONVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Bentonville, Arkansas hereby endorses the Bentonville Advertising and Promotions Commission's purchase of the public artwork "PacMan" by Craig Gray, currently installed along the North Bentonville Trail.

Section 2: That the City Council of the City of Bentonville hereby permits the artwork to remain in its current location along the North Bentonville Trail on public property.

Section 3: That the City Council of the City of Bentonville agrees that the City will assume maintenance responsibilities of the artwork upon execution of a purchase agreement.

PASSED and APPROVED this ____ day of _____, 2015

APPROVED

Bob McCaslin, Mayor

ATTEST:

Linda Spence, City Clerk



CHECK ALL THAT APPLY			
	Bid Award	Bid #	
	Budget Adjustment		
	Change Order		
	Informational		
	Ordinance		
X	Resolution		
	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

August 11, 2015

Submitted by:

Shelli Kerr

Department

Planning Services

Phone

271-6822

ACTION REQUIRED:

Approval of a resolution to apply for \$277,775 from the Transportation Alternatives Program (TAP) - FY 2016 administered by the Northwest Arkansas Regional Planning Commission (NWARPC) to help fund construction of a 10' wide trail around the perimeter of Citizens Park. The total project cost estimate is \$347,775. If awarded, the grant will pay 80% of the total project cost and the city must contribute a minimum 20% match. There is no cost to the city to apply for the grant.

COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



RESOLUTION NO. _____

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF BENTONVILLE TO UTILIZE FEDERAL-AID
TRANSPORTATION ALTERNATIVES PROGRAM FUNDS ADMINISTRED BY THE
NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION**

WHEREAS, the City of Bentonville understands Federal-aid Transportation Alternatives Program Funds are available at 80% federal participation and 20% local match to develop a trail around the perimeter of Citizens Park, and

WHEREAS, the City of Bentonville understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

WHEREAS, the City of Bentonville understands that there will be no reimbursement for any work accomplished prior to the issuance by the Arkansas Highway and Transportation Department of an official Notice to Proceed, and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BENTONVILLE CITY COUNCIL THAT:

SECTION I: The City of Bentonville will participate in accordance with its designated responsibility, including maintenance of this project.

SECTION II: The City of Bentonville mayor is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

SECTION III: The City of Bentonville pledges its full support and hereby authorizes the City of Bentonville to cooperate with the Northwest Arkansas Regional Planning Commission to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2015.

Signed: _____
Bob McCaslin, Mayor

ATTEST: _____

(SEAL)



CHECK ALL THAT APPLY		
	Bid Award	Bid #
	Budget Adjustment	
	Change Order	
	Informational	
	Ordinance	
X	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

August 11, 2015

Submitted by:

Shelli Kerr

Department

Planning Services

Phone

271-6822

ACTION REQUIRED:

Approval of a resolution to apply for grant in the amount of \$946,288 from the Surface Transportation Program (TPA) (FY 2017) administered by the Northwest Arkansas Regional Planning Commission (NWARPC) to help fund construction of intersection improvements at North Walton Blvd. and Tiger Blvd/12th St. If awarded, the grant will pay 80% of the total project cost and the city must contribute a minimum 20% match. There is no cost to the city to apply for the grant.

COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



RESOLUTION NO. ____

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF BENTONVILLE TO UTILIZE FEDERAL-AID
SURFACE TRANSPORTATION PROGRAM – ATTRIBUTABLE (STP-A)
(FY 2017) FUNDS ADMINISTERED BY THE NORTHWEST ARKANSAS
REGIONAL PLANNING COMMISSION (NWARPC)**

WHEREAS, the City of Bentonville understands Federal-aid Surface Transportation Program - Attributable (STP-A) (FY 2017) Funds are available at 80% federal participation and 20% local match to construct intersection improvements at North Walton Blvd. and Tiger Blvd./12th Street, and

WHEREAS, the City of Bentonville understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

WHEREAS, the City of Bentonville understands that there will be no reimbursement for any work accomplished prior to the issuance by the Arkansas Highway and Transportation Department of an official Notice to Proceed, and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BENTONVILLE CITY COUNCIL THAT:

SECTION I: The City of Bentonville will participate in accordance with its designated responsibility, including maintenance of this project.

SECTION II: The City of Bentonville mayor is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

SECTION III: The City of Bentonville pledges its full support and hereby authorizes the City of Bentonville to cooperate with the Northwest Arkansas Regional Planning Commission to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2015.

Signed: _____
Bob McCaslin, Mayor

ATTEST: _____

(SEAL)



CHECK ALL THAT APPLY		
	Bid Award	Bid #
	Budget Adjustment	
	Change Order	
	Informational	
	Ordinance	
X	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

August 11, 2015

Submitted by:

Shelli Kerr

Department

Planning Services

Phone

271-6822

ACTION REQUIRED:

Approval of a resolution to apply for a grant to the Surface Transportation Program (STP-A FY 2016) administered by the Northwest Arkansas Regional Planning Commission (NWARPC) for engineering and design costs to add a right-turn lane southbound on SW I Street at Hwy 102/SW 14th Street to alleviate traffic congestion at that location. If awarded, the grant will pay 80% of the total project cost and the city must contribute a minimum 20% match. There is no cost to the city to apply for the grant.

COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



RESOLUTION NO. ____

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF BENTONVILLE TO UTILIZE FEDERAL-AID
SURFACE TRANSPORTATION PROGRAM – ATTRIBUTABLE (STP-A)
(FY 2016) FUNDS ADMINISTERED BY THE NORTHWEST ARKANSAS
REGIONAL PLANNING COMMISSION (NWARPC)**

WHEREAS, the City of Bentonville understands Federal-aid Surface Transportation Program - Attributable (STP-A) (FY 2016) Funds are available at 80% federal participation and 20% local match to design a right-turn lane southbound on SW I Street at Hwy 102/SW 14th Street, and

WHEREAS, the City of Bentonville understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

WHEREAS, the City of Bentonville understands that there will be no reimbursement for any work accomplished prior to the issuance by the Arkansas Highway and Transportation Department of an official Notice to Proceed, and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BENTONVILLE CITY COUNCIL THAT:

SECTION I: The City of Bentonville will participate in accordance with its designated responsibility, including maintenance of this project.

SECTION II: The City of Bentonville mayor is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

SECTION III: The City of Bentonville pledges its full support and hereby authorizes the City of Bentonville to cooperate with the Northwest Arkansas Regional Planning Commission to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2015.

Signed: _____
Bob McCaslin, Mayor

ATTEST: _____

(SEAL)



CHECK ALL THAT APPLY		
	Bid Award	Bid #
	Budget Adjustment	
X	Change Order	
	Informational	
	Ordinance	
	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

August 11, 2015

Submitted by:

Mike Bender

Department

Public Works Dir

Phone

271-6873

ACTION REQUIRED:

Staff recommends approval of Change Order #2 for Forsgren, Inc. for a total increase of \$11,650.00 and increase of 5 days contract time for the South Lift Station Renovation and Force Main Construction project. This will increase the construction cost of the project to \$2,208,400.47 and time to 162 days. This project is funded with sewer capacity fees.

COST TO CITY:

Cost of this Request:	\$11,650
Additional Budget Amount	\$11,650

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$	2,196,750
Funds Expended to Date		1,537,998
Remaining Budget		658,752
Budget Adjustment		11,650
Remaining After Adjustment	\$	670,402

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



Memo



To: City Council, Mayor McCaslin
From: Mike Bender
CC:
Date: August 5, 2015
Re: Change Order #2 for Forsgren, Inc. for South Lift Station Renovation and South Force Main Construction Project

Staff recommends approval of Change Order #2 to Forsgren, Inc. in the amount of \$11,650.00 and additional 5 days for the South Lift Station Renovation and South Force Main Construction Project. This change order will increase the contract price from \$2,196,750.47 to \$2,208,400.47 and will add 5 days to the contract bringing the total contract time to 162 days. The 16" force main extends approximately 3 miles from South Lift Station on SE Riviera to Bright Road.

The purpose of this change order is to cover additional pay items as follows:

1. Remove old concrete vaults that were outside the existing lift station in order to allow for the construction of the new force main. Neither staff nor contractor was aware of the partially demolished vaults prior to excavation at the lift station site.
2. Remove and replace excessively corroded bolts on the flanged connection immediately outside the lift station. This flange is not removed in the construction; however, after excavation to uncover the force main, it was discovered that the bolts were excessively corroded and needed replaced. The flange and bolts were not protected with poly-wrap or any similar protection to prevent corrosion. Replacement includes protection.
3. Construct gravel driveway to connect existing driveway for the Salley property to SW Crockett Street. The driveway/access for the Salley residence is from SE C Street/Rainbow Road which was required to be closes for construction of the force main behind Guess Who and Rainbow Junction developments. Routing south of the developments was much cheaper and less impactful than following the original route which would have gone through the development parking lots. In addition, the Salley residence is actually addressed off SW Crockett per 911 requirements.

This project is funded by sewer capacity fees so an official budget adjustment is not required.

Thank you for your consideration of this request.

Change Order

No. 2

Date of Issuance: July 27, 2015

Effective Date:

Project: South Lift Station and
Force Main

Owner: Bentonville Water
Utilities

Owner's Contract No.:

Contract:

Date of Contract: Sept. 23, 2014

Contractor: Forsgren, Inc.

Engineer's Project No.: FY102126

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Provide compensation for extra work items required to complete the construction including:

1. Remove old concrete vaults east of the manhole at Sta. 0+00, that remained from previously partially demolished wastewater pump station, as needed to construct the force main to the existing manhole.
2. Remove and replace corroded bolts on the 10-inch flanged connection immediately outside the south lift station vault wall. This flange connection was outside the contractor's construction limits, but the existing bolts were in such poor condition, it was necessary to replace them.
3. Construct a gravel driveway on the Salley Property, as part of the easement special considerations for the new Salley easement.

The costs for these are listed on the attached e-mail and are summarized as follows:

1. Remove Concrete Vaults 2@\$2000 / each	\$4000
2. Flange bolt replacement	\$450
3. Gravel driveway	\$7,200
Total	\$11,650

Attachments (list documents supporting change): Forsgren E-Mail of 7/24/2015

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$2,178,210.47

[Increase] [Decrease] from previously approved
Change Orders No. 1 to No. 1:

\$18,540.00

Contract Price prior to this Change Order:

\$2,196,750.47

CHANGE IN CONTRACT TIMES:

Original Contract Times: ☐ Working days ☒ Calendar days

Substantial completion (days or date): N/A

Ready for final payment (days or date): 150

[Increase] [Decrease] from previously approved Change Orders
No. 1 to No. 1:

Substantial completion (days): N/A

Ready for final payment (days): 7

Contract Times prior to this Change Order:

Substantial completion (days or date): N/A

Ready for final payment (days or date): 157

EJCDC C-941 Change Order

Prepared by the Engineers Joint Contract Documents Committee and endorsed by the Construction Specifications Institute.

Page 1 of 2

[Increase] [Decrease] of this Change Order:

\$11,650.00

Increase of this Change Order:

Substantial completion (days or date): N/A

Ready for final payment (days or date): 5 Days

Contract Price incorporating this Change Order:

\$2,208,400.47

Contract Times with all approved Change Orders:

Substantial completion (days or date): N/A

Ready for final payment (days or date): 5 Days

RECEIVED:

By:

Engineer (Authorized Signature)

Date: 7/27/2015

Approved by Funding Agency (if applicable):

ACCEPTED:

By:

Owner (Authorized Signature)

Date:

Contractor (Authorized Signature)

Date:

7/27/15

Date:



CHECK ALL THAT APPLY		
	Bid Award	Bid #
	Budget Adjustment	
	Change Order	
	Informational	
	Ordinance	
X	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

August 11, 2015

Submitted by:

Travis Matlock

Department

Electric

Phone

271-5941

ACTION REQUIRED:

Recommend Mayor and City Council enter into an agreement with Carroll Electric Cooperative to relocate Carroll's transmission facilities to allow BEUD to relocate the OH Electric for the Hwy 12 widening in the amount of \$50,114.60.

COST TO CITY:

Cost of this Request: \$50,115

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

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PLEASE RECYCLE



MEMORANDUM

DATE: August 3, 2015

TO: City Council, Mayor McCaslin

FROM: Travis Matlock, Engineer Director

RE: Carroll Electric Transmission Relocation

Due to the utility relocation associated with the Hwy 12 widening, Carroll Electric needed to raise a portion of their 69 kV transmission to allow the BEUD facilities to pass beneath. Part of the project was reimbursable from the AHTD, and part was not due to location of the AHTD and transmission line. BEUD agreed to pay for the portion that was not covered by AHTD because it allowed BEUD facilities to be constructed overhead and not place a small portion of the relocation underground. The cost not covered by the AHTD reimbursement is \$50,114.60 and was factored into the overall cost of the OH construction.

INVOICE #: 2111270

Carroll Electric Cooperative Corporation
P.O. Box 4000
Berryville AR 72616

Invoice Date: July 16, 2015

DUE AND PAYABLE WITHIN 30 DAYS

SOLD TO: City of Bentonville
Attn: Travis Matlock, PE
117 W Central Ave
Bentonville AR 72712

Date Shipped	Salesperson	Terms	Shipped Via	F.O.B.	
Quantity	Description			Unit Price	Amount
	AHTD Job 090251 Work Order # 211-1270 Relocation of Carroll Electric Utility Lines Reimbursement				\$ 50,114.60
	TOTAL AMOUNT DUE				\$ 50,114.60

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND
CLERK TO REIMBURSE CARROLL ELECTRIC
COOPERATIVE CORPORATION FOR THE LOCATION
OF CERTAIN ELECTRIC TRANSMISSION FACILITIES.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE
CITY OF BENTONVILLE, ARKANSAS.**

Section 1: That the Mayor and Clerk be and are hereby authorized to reimburse Carroll Electric Cooperative Corporation for the relocation of certain transmission lines to allow BEUD to relocate electric lines for the Highway 12 Widening Project in the amount of \$50,114.60 as set forth in the invoice attached hereto.

Section 2: This resolution shall be in full force and effect from and after the date of its passage.

PASSED and APPROVED this _____ day of _____, 2015.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



CHECK ALL THAT APPLY			
☒	Bid Award	Bid #	15-38
☐	Budget Adjustment		
☐	Change Order		
☐	Informational		
☐	Ordinance		
☐	Resolution		
☐	Other		



AGENDA FORM

CITY COUNCIL MEETING OF:

August 11, 2015

Submitted by:

Travis Matlock

Department

Electric

Phone

271-5941

ACTION REQUIRED:

Recommend Mayor and City Council award bid #15-38 for 750 underground wire to the lowest bidder as shown on the attached bid tabulation in the amount of \$89,337.

COST TO CITY:

Cost of this Request: \$89,337

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



M E M O R A N D U M

DATE: August 3, 2015

TO: **City Council, Mayor McCaslin**

FROM: Travis Matlock, Engineer Director

RE: **750 Underground Wire Bid #15-38**

The City of Bentonville recommends awarding the bid for 750 underground wire in the total amount \$89,337.00. The low bid for this item follows.

Arkansas Electric Company in the amount of \$89,337.00

This award is to replenish minimum stock level and provide on underground jobs within the city.

CITY OF BENTONVILLE
FORMAL BID #15-38

ITEM	QNT	MIN. STOCK QNT.	UNIT	PART NO.	DESCRIPTION	ARKANSAS ELECTRIC	STUART IRBY	ARTHUR COMPANY			
1	14,550	FT	EA	280 095 00014	WIRE 750 15KV U/G PRIMARY WITH RIP CORD	\$6.1400	\$6.2100	\$6.2100			
GRAND TOTAL:						\$89,337.00	\$90,355.50	\$90,355.50	\$0.00	\$0.00	\$0.00



BENTONVILLE CITY COUNCIL AGENDA

**Committee of the Whole
Community Development
Planning Commission Meeting Room**

**Tuesday, August 11, 2015 6:00 p.m.
305 SW "A" Street**

**Regular City Council Meeting
Community Development
Planning Commission Meeting Room**

**Tuesday, August 11, 2015 6:00 p.m.
305 SW "A" Street**

**Public Comments on Tonight's Agenda Items (Limited Public Forum)
Questions, Comments and Discussion from Alderman on Tonight's Agenda
Call to Order
Pledge of Allegiance
Moment of Silence – For our Military Forces
Roll Call
Approval of Minutes: July 28, 2015**

AGENDA

1. An 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. (Jamal Parker)
2. Planning:
- 2a. **Food Hub NWA, LLC: Property Line Adjustment, Lot 1 Food Hub, NWA Addition, Southeast 8th Street, Zoned C-2, General Commercial.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a property line adjustment for property located along Southeast 8th Street that resides in the C-2, General Commercial zoning district. The plat as provided by the applicant indicates 1 new lot being created from 3 tracts of land that have never been platted. The new lot will be known as Lot 1 of Food Hub, NWA Addition and will consist of 9.40 acres. Right-of-way is being dedicated along Southeast 8th Street per the master street plan and utility and drainage easements are being dedicated to serve the new lot. Water and sewer services are available to this location.

- 2b. **First Assets Holding, LLC: Final Plat, Cornerstone Ridge Phase IV, Southwest Regional Airport Boulevard & Southwest Rainbow Farms Road, Zoned R-1, Single Family Residential.**

The planning commission voted 6-0 recommending approval.

Cornerstone Ridge Phase IV consists of 4 acres and includes a total of 13 lots, all of which are buildable. The plat shows the dedication of right of way along Southwest Regional Airport Boulevard and Southwest Rainbow Farms Road as well as 22 feet of dedicated right-of-way for a public alley. The plat also dedicates utility easements throughout the subdivision to serve each lot. Stormwater runoff will be collected in an existing regional detention pond located to the south of the subdivision. No lot within the subdivisions shall have direct access onto Southwest Regional Airport Boulevard.

- 2c. **Roni & Mat Lewis, Dinesh Pirisingula, RLP Developments, LLC: Informal Plat, Lots 52, 53, 54 & 56 Willowbrook Farms Subdivision, Phase I.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted an Informal Plat for existing lots 14 through 17 and lot 51 of Willowbrook Farms Subdivision Phase 1. The plat indicates the adjustment of the northern lot lines of lots 14 through 17 and the southern lot line of lot 51 to create what will be known as Lots 52, 53, 54, 55 & 56 of Willowbrook Farms Subdivision Phase 1. Lot 52 is non-buildable. A utility easement is being dedicated along Southwest Shell Road. Both Water and Sewer service are available to these lots.

- 2d. **Jim Keeling: Rezoning Request from C-2, General Commercial to I-1, light Industrial, Southwest 28th Street.**

The planning commission voted 6-0 recommending approval.

The rezoning request is for a proposed office/warehouse.

- 2e. **Roddey Residential Properties: Land Use Map Amendment, Roddey Residential Properties, LLC, 909 North Main Street, Zoned R-1, Single Family Residential**

The planning commission voted 6-0 recommending approval.

The applicants have request a Voluntary General Plan Map Amendment from Low Density Residential to Downtown Mixed Use Residential.

- 2f. **Carlson, Davisson, MSB Holdings LLCL, & Drummond Industries: Land Use Amendment, 204 & 206 Northwest 3rd Street & 301 Northwest 'A' Street, Zoned R-1, Single Family Residential.**

The planning commission voted 6-0 recommending approval.

The applicants have requested a Land Use Map Amendment from Low Density Residential to Downtown Mixed Use Residential, for Demings Addition lots 8-9 & 10 Block 9.

2g. **Jim Keeling: Property Line Adjustment, Southwest 28th Street, Zoned C-2, General Commercial.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a property line adjustment for property located along Southwest 28th Street in the Keeling Subdivision that resides in the C-2, General Commercial zoning district. The plat as provided by the applicant proposes the creation of 3 new lots from 2 existing lots and will be known as Lot 3 (32.64 acres), Lot 4 (2.0 acres) and Lot 5 (1.93 acres) of Keeling Subdivision. Right-of-way is being dedicated for the future Southwest 'F' Street extension and utility easements are also to be dedicate to serve the new lots. Water and sewer services are available to this location.

3. Public hearing and ordinance vacating an alley and right of way located within W. A. Burks Addition to the City of Bentonville, Arkansas, Benton County, Arkansas.
4. Reappointment of Tom Hoehn to the Public Art Advisory Committee effective August 20, 2015, when his current term expires. He will be appointed to a three-year term expiring August 20, 2018. At that time, he will no longer be eligible for reappointment based on the current Public Art Policy limiting service to no more than two, three-year terms.
5. Reappointment of Becky McCoy to the Public Art Advisory Committee effective August 20, 2015, when her current term expires. She will be appointed to a three-year term expiring August 20, 2018. At that time, she will no longer be eligible for reappointment based on the current Public Art Policy limiting service to no more than two, three-year terms.
6. Requesting City Council approval of a resolution endorsing the Bentonville Advertising and Promotions Commission's purchase of the public artwork "Sunkissed" for a purchase price of \$19,000; for the Mayor and City Clerk to enter into an agreement regarding its purchase and permanent installation on public property at its current location near the North Bentonville Trail and the city assuming maintenance responsibilities. This request has been approved by the Public Art Advisory Committee, the Bentonville Parks and Recreation Advisory Board and the Bentonville Advertising and Promotions Commission. There are no up-front costs to the city.
7. Requesting City Council approval of a resolution endorsing the Bentonville Advertising and Promotions Commission's purchase of the public artwork "PAC-Man" for a purchase price of \$8,000; for the Mayor and City Clerk to enter into an agreement regarding its purchase and permanent installation on public property at its current location near the North Bentonville Trail and the city assuming maintenance responsibilities. This request has been approved by the Public Art Advisory Committee, the Bentonville Parks and Recreation Advisory

Board and the Bentonville Advertising and Promotions Commission. There are no up-front costs to the city.

8. Approval of a resolution to apply for \$277,775.00 from the Transportation Alternatives Program (TAP) - FY 2016 administered by the Northwest Arkansas Regional Planning Commission (NWARPC) to help fund construction of a 10' wide trail around the perimeter of Citizens Park. The total project cost estimate is \$347,775.00. If awarded, the grant will pay 80% of the total project cost and the city must contribute a minimum 20% match. There is no cost to the city to apply for the grant.
9. Approval of a resolution to apply for grant in the amount of \$946,288.00 from the Surface Transportation Program (TPA) (FY 2017) administered by the Northwest Arkansas Regional Planning Commission (NWARPC) to help fund construction of intersection improvements at North Walton Blvd. and Tiger Blvd/12th St. If awarded, the grant will pay 80% of the total project cost and the city must contribute a minimum 20% match. There is no cost to the city to apply for the grant.
10. Approval of a resolution to apply for a grant to the Surface Transportation Program (STP-A FY 2016) administered by the Northwest Arkansas Regional Planning Commission (NWARPC) for engineering and design costs to add a right-turn lane southbound on SW I Street at Hwy 102/SW 14th Street to alleviate traffic congestion at that location. If awarded, the grant will pay 80% of the total project cost and the city must contribute a minimum 20% match. There is no cost to the city to apply for the grant.
11. Staff recommends approval of Change Order #2 for Forsgren, Inc. for a total increase of \$11,650.00 and increase of 5 days contract time for the South Lift Station Renovation and Force Main Construction project. This will increase the construction cost of the project to \$2,208,400.47 and time to 162 days. This project is funded with sewer capacity fees.
12. Recommend Mayor and City Council enter into an agreement with Carroll Electric Cooperative to relocate Carroll's transmission facilities to allow BEUD to relocate the OH Electric for the Highway 12 widening in the amount of \$50,114.60.
13. Recommend Mayor and City Council award bid #15-38 for 750 underground wire to the lowest bidder as shown on the attached bid tabulation in the amount of \$89,337.00.