

1. Agenda

Documents:

[NOVEMBER 10, 2015 CITY COUNCIL FULL AGENDA.PDF](#)

2. Short Agenda

Documents:

[NOVEMBER 10, 2015 CITY COUNCIL SHORT AGENDA.PDF](#)



BENTONVILLE CITY COUNCIL AGENDA

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

**Monday, November 9, 2015 6:00 p.m.
305 SW "A" Street**

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

**Tuesday, November 10, 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: October 27, 2015**

AGENDA

1. Planning:
 - 1a. **Walmart Stores, Inc.: Lot Split, Lots 16 & 17 Block 1 Braithwaite Park Addition, 1400 North Walton Boulevard, Zoned C-2.**
(Pages 6-9)
The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split for property at 1400 North Walton Boulevard. The property is currently zoned C-2, General Commercial. The plat as provided by the applicant shows the creation of two new lots from existing Lot 12. The new lots will be known as Lot 16 (6.95 acres) and Lot 17 (0.22 acres), Block 1 of Braithwaite Park Addition. Utility and drainage easements are being dedicated with this plat. Water and sewer services are available to both lots.

- 1b. **J Street Company LLC: Lot Split, Lots 37 & 38 Cottonwood Village Phase III, Southeast Corner of Southeast 'G' Street & Southeast 22nd Street, Zoned C-2, General Commercial.**
(Pages 10-13)
The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split for property at southeast corner of the intersection of Southeast 22nd and Southeast 22nd Streets. The property is currently zoned C-2, General Commercial. The plat provided by the applicant shows the creation of two new lots from existing Lot 24. The new lots will be known as Lot 37 (0.95 acres) and Lot 38 (5.21 acres), of Cottonwood Village Phase III subdivision. A 15' utility easement is being dedicated along Southeast 'G' Street. Water and sewer services are available to both lots.

- 1c. **McFann's Holdings LLC: Rezoning, PRD, Planned Residential Development, to C-1 Neighborhood Commercial, 2606 East Central Avenue.**

(Pages 14-18)

The planning commission voted 6-0 recommending approval.

- 1d. **Cabe Ranch Leasing LLC: Rezoning, A-1, Agriculture to C-2, General Commercial, Southwest Regional Airport Boulevard.**

(Pages 19-24)

The planning commission voted 6-0 recommending approval.

- 1e. **Elizabeth Foy: Rezoning, A-1, Agriculture District to R-1, Single Family Residential, 610 Southwest 'O' Street.**

(Pages 25-30)

The planning commission voted 6-0 recommending approval.

- 1f. **Castlestone, LLC & Lamplighter Restorations LLC: Rezoning, R-1, Single Family Residential to RC-2, Central Residential-Moderate Density.**

(Pages 31-35)

The planning commission voted 6-0 recommending approval.

- 1g. **Bentonville Public Schools-District 6: Property Line Adjustment, Southwest Featherston Road and Southwest 28th Street, Zoned A-1.**

(Pages 36-39)

The planning commission voted 6-0 recommending approval.

The applicant has submitted a property line adjustment for 45.65 acres located at the southeast corner of Southwest Featherston Road and Southwest 28th Street. Lot 1 Coughlin Addition and an un-platted tract will be combined to create the new lot known as Lot 5 Coughlin Addition. Forty-five feet of Right of way is being dedicated for the proposed Southwest 28th Street while 35' is being dedicated for Southwest Featherston road. Easements are being dedicated for proposed public infrastructure improvements on the property. A 20' utility easement is being dedicated along southwest Featherston Road and Southwest 28th Street.

2. Reappointment by City Council of Chris Sooter to the Tree and Landscape Advisory Committee. The term is for three years and shall expire on December 31, 2018. (Pages 40-42)

3. Reappointment by City Council of Debi Havner to the Tree and Landscape Advisory Committee. The term is for three years and shall expire on November 10, 2018. **(Pages 43-45)**
4. Staff requests City Council approval of a resolution authorizing the Mayor and City Clerk to enter into a revised financial Contract of Obligation with the Arkansas Department of Environmental Quality regarding compost permit #297-SC-R1. **(Pages 46-58)**
5. Staff recommends Award of Bid# 15-43B, for Dry Cationic Polymer purchases for wastewater bio-solids dewatering to Fort Bend Services, located in Stafford TX, in the amount of \$1.95 per pound. This is a 2015 budget item. (Wastewater Department 479-271-3161) **(Pages 59-61)**
6. Approval of attached Mutual Aid Police Protection Agreement with the Siloam Springs Arkansas Police Department. In order to provide the highest quality of police services and community safety, it is important that mutual aid agreements with area police departments be established and updated. Such agreements provide for additional manpower or assistance during natural or man-made disasters, exigent circumstances, joint operations, and training. See attached Agreement as approved by the City of Siloam Springs and signed by their City Administrator and Chief of Police. **(Pages 62-67)**
7. A reconciliation change order for the Runway Safety Area Project at Bentonville Municipal Airport. The change order finalizes the quantities and results in a net contract increase of \$14,701.72. See the attached Change Order for details of the reconciliation. **(Pages 68-70)**
8. Ordinance authorizing the Mayor and City Clerk to enter into a contract with Carroll Electric for the relocation of overhead electric to underground across the Bentonville Municipal Airport Property. This project is funded and will be fully reimbursed by the FAA and Arkansas Department of Aeronautics through AIP program. A waiver of bid is also requested as this is a single source vendor as the owner of the electric facility that is being modified. **(Pages 71-74)**
9. Budget Discussion.

**City Council
Agenda
November 10, 2015**

Walmart Stores, Inc.: Lot Split, Lots 16 & 17 Block 1 Braithwaite Park Addition, 1400 North Walton Boulevard, Zoned C-2.

The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split for property at 1400 North Walton Boulevard. The property is currently zoned C-2, General Commercial. The plat as provided by the applicant shows the creation of two new lots from existing Lot 12. The new lots will be known as Lot 16 (6.95 acres) and Lot 17 (0.22 acres), Block 1 of Braithwaite Park Addition. Utility and drainage easements are being dedicated with this plat. Water and sewer services are available to both lots.

J Street Company LLC: Lot Split, Lots 37 & 38 Cottonwood Village Phase III, Southeast Corner of Southeast 'G' Street & Southeast 22nd Street, Zoned C-2, General Commercial.

The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split for property at southeast corner of the intersection of Southeast 22nd and Southeast 22nd Streets. The property is currently zoned C-2, General Commercial. The plat provided by the applicant shows the creation of two new lots from existing Lot 24. The new lots will be known as Lot 37 (0.95 acres) and Lot 38 (5.21 acres), of Cottonwood Village Phase III subdivision. A 15' utility easement is being dedicated along Southeast 'G' Street. Water and sewer services are available to both lots.

McFann's Holdings LLC: Rezoning, PRD, Planned Residential Development, to C-1 Neighborhood Commercial, 2606 East Central Avenue.

The planning commission voted 6-0 recommending approval.

Cabe Ranch Leasing LLC: Rezoning, A-1, Agriculture to C-2, General Commercial, Southwest Regional Airport Boulevard.

The planning commission voted 6-0 recommending approval.

Elizabeth Foy: Rezoning, A-1, Agriculture District to R-1, Single Family Residential, 610 Southwest 'O' Street.

The planning commission voted 6-0 recommending approval.

Castlestone, LLC & Lamplighter Restorations LLC: Rezoning, R-1, Single Family Residential to RC-2, Central Residential-Moderate Density.

The planning commission voted 6-0 recommending approval.

Bentonville Public Schools-District 6: Property Line Adjustment, Southwest Featherston Road and Southwest 28th Street, Zoned A-1.

The planning commission voted 6-0 recommending approval.

The applicant has submitted a property line adjustment for 45.65 acres located at the southeast corner of Southwest Featherston Road and Southwest 28th Street. Lot 1 Coughlin Addition and an un-platted tract will be combined to create the new lot known as Lot 5 Coughlin Addition. Forty-five feet of Right of way is being dedicated for the proposed Southwest 28th Street while 35' is being dedicated for Southwest Featherston road. Easements are being dedicated for proposed public infrastructure improvements on the property. A 20' utility easement is being dedicated along southwest Featherston Road and Southwest 28th Street.

Planning Commission Staff Report
Lot Split: Lot 16 & 17 Block 1 Braithwaite Park Addition

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: November 3, 2015

GENERAL INFORMATION:

Project Number: 15-05000041

Applicant: Walmart Stores, Inc.

Representative: CEI Engineering Associates (Tom Oppenheim)

Requested Action: Lot Split Approval

Location: 1400 North Walton Boulevard

Existing Zoning: C-2, General Commercial

Land Use Plan: Commercial and Low Density Residential

BACKGROUND:

The applicant has submitted a lot split for property at 1400 North Walton Boulevard. The property is currently zoned C-2, General Commercial. The plat as provided by the applicant shows the creation of two new lots from existing Lot 12. The new lots will be known as Lot 16 (6.95 acres) and Lot 17 (0.22 acres), Block 1 of Braithwaite Park Addition. Utility and drainage easements are being dedicated with this plat. Water and sewer services are available to both lots.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	C-2, General Commercial	Commercial
South	C-2, General Commercial	Commercial and Low Density Residential
East	R-1, Single Family Residential	Low Density Residential
West	C-2, General Commercial	Commercial and Medium Density Residential

STREETS

Direction	Name	Classification
North	Northwest 15 th Street	Local
South	Northwest 14 th Street	Local
East	-	-
West	North Walton Boulevard	Arterial

TRAFFIC FINDINGS

- (a) Traffic data for the nearest intersections are as follows: No traffic data exists for this location.
- (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 is the location of an existing commercial development.

Drainage Report: A drainage report is not required for this lot split.

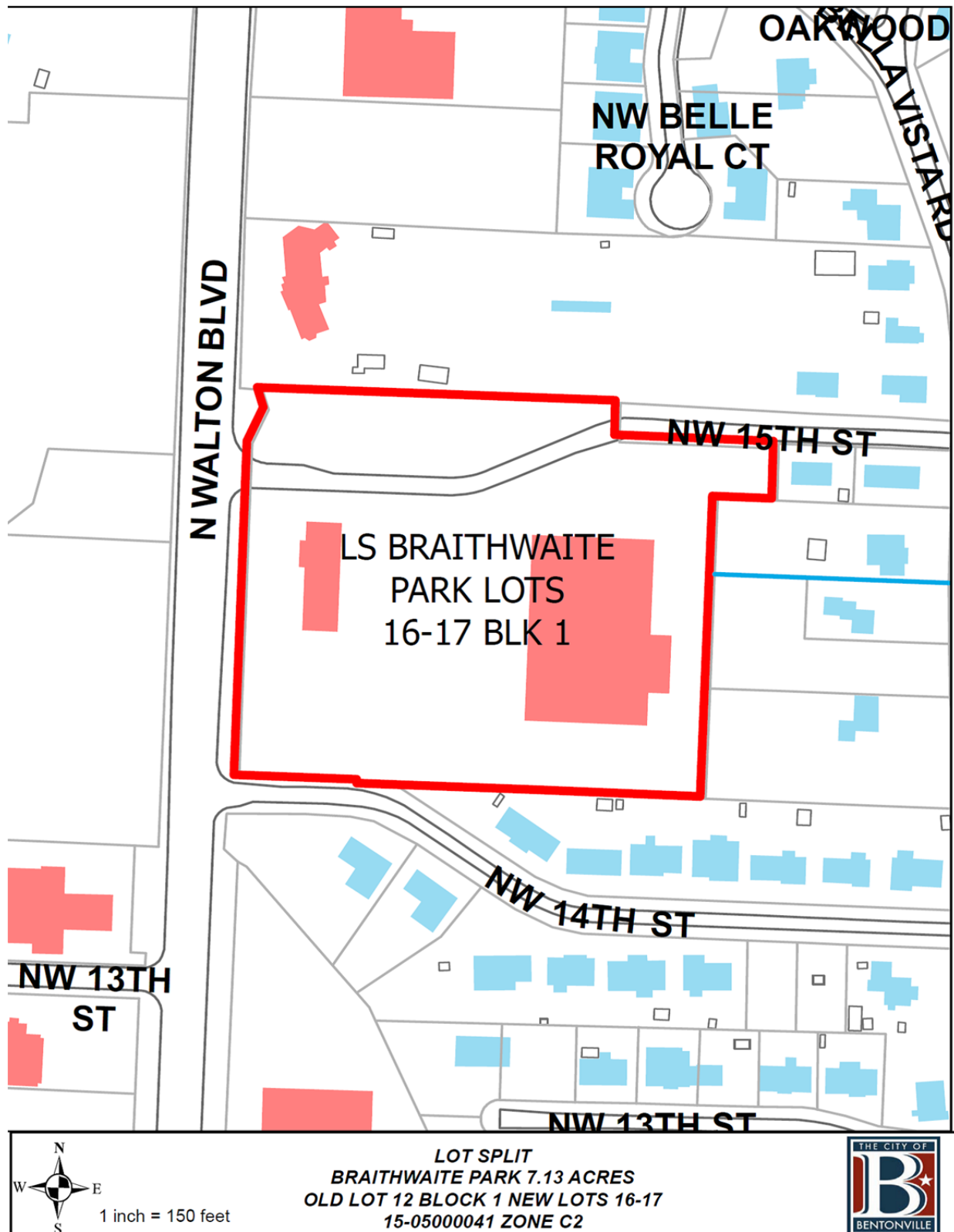
Water / Sewer: Per the G.I.S. site, water and sewer are currently in use on the site.

Waiver(s): N/A

Analysis / Conclusion: This lot split **DOES** meet the minimum requirements of the subdivision regulations.

RECOMMENDATION:

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



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 16 & 17 BLOCK 1 BRAITHWAITE PARK ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS.

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lots 16 & 17 Block 1 Braithwaite Park Addition to the City of Bentonville, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 3rd day of November, 2015 and

WHEREAS, said lot split is attached hereto as Exhibit "A" and

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

WHEREAS, the lot split 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 lot split should be approved.

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

Section 1: That the lot split of Lots 16 & 17 Block 1 Braithwaite Park Addition, 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 lot split by certifying said acceptance on the approved lot split.

PASSED AND APPROVED THIS _____ DAY OF _____, 2015

ATTEST

APPROVED

City Clerk

Mayor

Planning Commission Staff Report
Lot Split: Lots 37 & 38 Cottonwood Village Phase III

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: November 3, 2015

GENERAL INFORMATION:

Project Number: 15-05000042

Applicant: J Street Company, LLC

Representative: Morrison Shipley Engineers (Larry Grelle)

Requested Action: Lot Split Approval

Location: Southeast Corner of Southeast 'G' Street & Southeast 22nd Street

Existing Zoning: C-2, General Commercial

Land Use Plan: Office

BACKGROUND:

The applicant has submitted a lot split for property at southeast corner of the intersection of Southeast 22nd and Southeast 22nd Streets. The property is currently zoned C-2, General Commercial. The plat provided by the applicant shows the creation of two new lots from existing Lot 24. The new lots will be known as Lot 37 (0.95 acres) and Lot 38 (5.21 acres), of Cottonwood Village Phase III subdivision. A 15' utility easement is being dedicated along Southeast 'G' Street. Water and sewer services are available to both lots.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	C-2, General Commercial	Commercial & Office
South	I-1, Light Industrial	Industrial
East	C-1, Neighborhood Commercial	Commercial
West	PUD, Planned Unit Development	Office

STREETS

Direction	Name	Classification
North	Southeast 22 nd Street	Collector
South	-	-
East	-	-
West	Southeast 'G' Street	Local

TRAFFIC FINDINGS

- (c) Traffic data for the nearest intersections are as follows: No traffic data exists for this location.
- (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 will be issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this property is vacant in a developing commercial and office area.

Drainage Report: A drainage report is not required for this lot split.

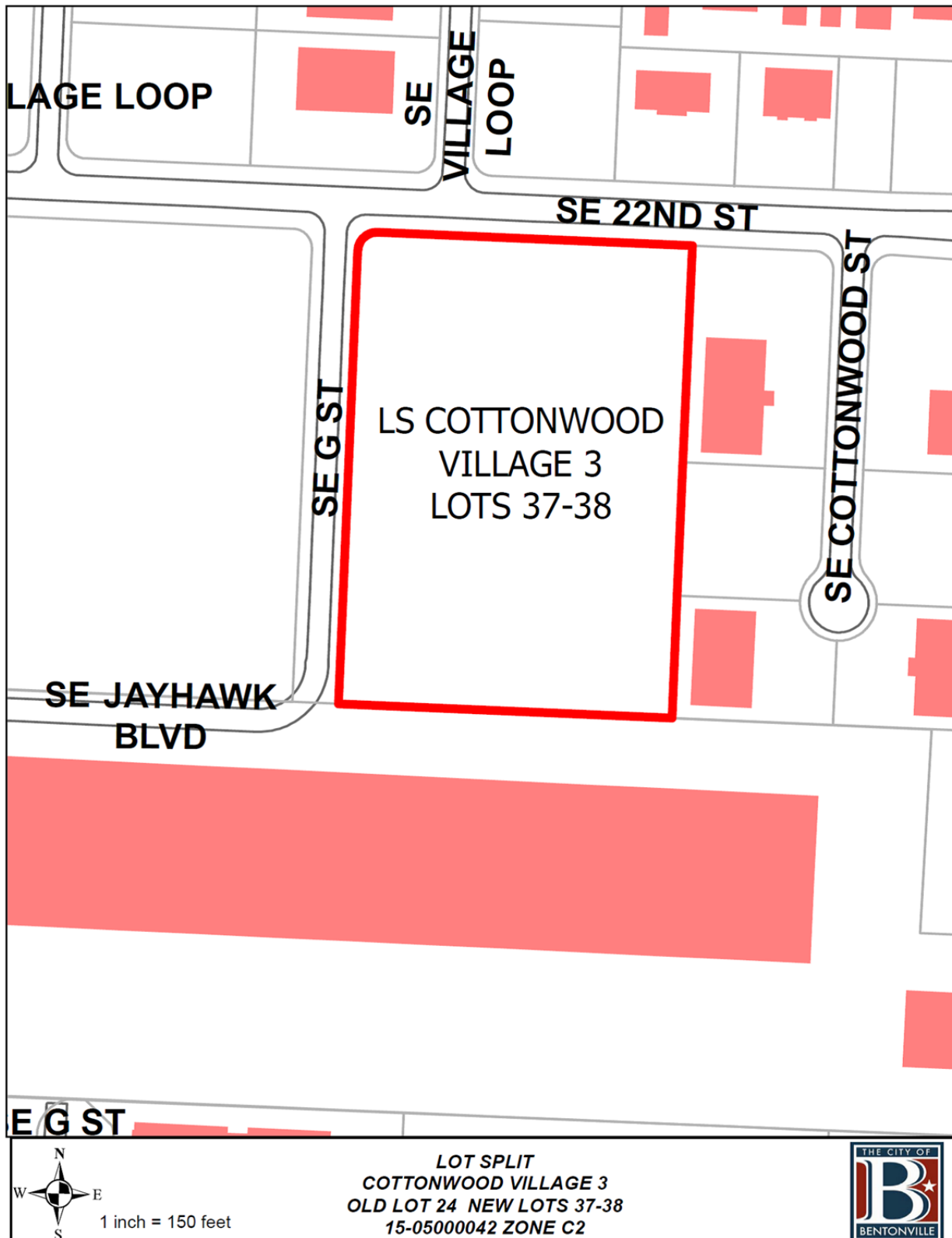
Water / Sewer: Per the G.I.S. site, water and sewer are currently in use on the site.

Waiver(s): N/A

Analysis / Conclusion: This lot split **DOES** meet the minimum requirements of the subdivision regulations.

RECOMMENDATION:

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



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 37 & 38 COTTONWOOD VILLAGE PHASE III TO THE CITY OF BENTONVILLE, ARKANSAS.

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lots 37 & 38 Cottonwood Village Phase III to the City of Bentonville, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 3rd day of November, 2015 and

WHEREAS, said lot split is attached hereto as Exhibit "A" and

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

WHEREAS, the lot split 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 lot split should be approved.

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

Section 1: That the lot split of Lots 37 & 38 Cottonwood Village Phase III, 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 lot split by certifying said acceptance on the approved lot split.

PASSED AND APPROVED THIS _____ DAY OF _____, 2015

ATTEST

APPROVED

City Clerk

Mayor



PC Meeting of: November 3, 2015

The City of Bentonville, Arkansas

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

**REZONING: McFann's Holdings, LLC, PRD, Planned Residential Development to C-1,
Neighborhood Commercial**

Current Planning Division Correspondence: Planning Commission Staff Report

TO: City of Bentonville, Arkansas Planning Commission
FROM: Beau Thompson, AICP, Senior Planner
THRU: Troy Galloway, AICP, Community Development Director
DATE: November 3, 2015

GENERAL INFORMATION

H.T.E. Project Number: 15-09000036
Applicant/Current Owner: McFann's Holdings, LLC
Representative: Jennifer Hansen
Requested Action: Rezoning
Location: 2606 East Central Avenue
Existing Zoning: PRD, Planned Residential Development
Proposed Zoning: C-1, Neighborhood Commercial
Future Land Use Map Designation: Medium Density Residential

BACKGROUND / HISTORY

Property Description/Site Inspection: A site inspection was completed; this property is the site of a retail shop along a commercial corridor.

Previous Rezoning Requests for this Property: The property was previously rezoned from A-1, Agricultural and R-O, Residential Office to PRD, Planned Residential Development on November 20, 2012.

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Vacant Lot	PRD, Planned Residential Development	Medium Density Residential
South	Vacant Lot	R-O, Residential Office	Office
East	Vacant Lot	PRD, Planned Residential Development	Medium Density Residential
West	Vacant Lot	C-2, General Commercial	Commercial

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan Classification	Current Condition
North	-	-	-
South	-	-	-
East	-	-	-
West	East Central Avenue	Arterial	

LEGAL NOTIFICATIONS

Public Notice: On October 5, 2015, the property owner and/or representative mailed certified public notices to property owners within a 200 foot radius of the subject site and staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on October 5, 2015. In addition, staff posted a notice of public hearing sign on the property on October 19, 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 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: The C-1, Neighborhood commercial zoning designation will provide goods and services for residential units located within close proximity. The Use of the property as commercial is in keeping with the objectives of our land use plan and is consistent with the current and previous uses of the property.

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 currently located along a major arterial street and commercial corridor into the City of Bentonville. The existing street infrastructure is sufficient for the uses permitted in the C-1, Neighborhood Commercial classification.

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: The property is currently used for retail and does not adversely affect the services available in this area.

ANALYSIS, CONCLUSION, & SUMMARY

The Neighborhood Commercial Zoning District will provide goods and services to a general location within the City of Bentonville that is currently underserved. It is important that we continue to increase the citizen's availability to those services while reducing the commute time and distance. The C-1 district at this location will provide those good and services which may be readily accessible by multiple means of transportation.

STAFF RECOMMENDATION

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends APPROVAL of this rezoning from PRD, Planned Residential Development to C-1, Neighborhood Commercial.



ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO C-1, NEIGHBORHOOD COMMERCIAL.

WHEREAS, McFann's Holdings, LLC, 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 C-1 property to be used in accordance with city zoning laws and state laws; which property is described as follows: 2606 E. Central Avenue, Bentonville, AR

Part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 28, Township 20 North, Range 30 West in Benton County, Arkansas, more particularly described as beginning at a point 363.60 feet West of and 247.30 feet North of the Southeast corner of said SE 1/4 of the SW 1/4, thence West 385.95 feet to the East right-of-way of Arkansas State Highway No. 72; thence with said right-of-way N 39 degrees 31' E 261.60 feet; thence leaving said right-of-way East 221.20 feet; thence South 0 degrees 29' 04" W 203.20 feet to the Point of Beginning, containing 1.416 acres, more or less and subject to the right-of-way of Arkansas State Highway No. 72.

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 3rd day of November 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 C-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 C-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: November 3, 2015

The City of Bentonville, Arkansas

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

REZONING: Cabe Ranch Leasing LLC, A-1, Agriculture to C-2, General Commercial
Current Planning Division Correspondence: Planning Commission Staff Report

TO: City of Bentonville, Arkansas Planning Commission
FROM: Jon Stanley, Planner
THRU: Troy Galloway, AICP, Community Development Director
DATE: November 3, 2015

GENERAL INFORMATION

H.T.E. Project Number: 15-09000037
Applicant/Current Owner: Cabe Ranch Leasing, LLC
Representative: Bates & Associates, Inc.
Requested Action: Rezoning
Location: Southwest Regional Airport Boulevard
Existing Zoning: A-1, Agricultural
Proposed Zoning: C-2, General Commercial
Future Land Use Map Designation: Commercial

BACKGROUND / HISTORY

Property Description/Site Inspection: This site is vacant in a developing commercial area and located along an arterial road in the southwest part of the city.

Previous Rezoning Requests for this Property: There are no known rezoning's for this property.

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Vacant Lot	C-2, General Commercial	Mixed Use
South	Religious Facility	R-1, Single Family Residential	Mixed Use
East	Vacant Lot	A-1, Agriculture District	Mixed Use
West	Vacant Lot	C-1, Neighborhood Commercial	Low Density Residential

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan Classification	Current Condition
North	Southwest Regional Airport Boulevard	Arterial	Under construction – future 5 curb & gutter
South	-	-	-
East	-	-	-
West	Southwest Eden Brooke Street	Local	2 lane curb & gutter

LEGAL NOTIFICATIONS

Public Notice: On October 5, 2015, the property owner and/or representative mailed certified public notices to property owners within a 200 foot radius of the subject site and staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on October 5, 2015. In addition, staff posted a notice of public hearing sign on the property on October 16, 2015. This DOES meet legal noticing 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: The future land use plan depicts this property as commercial. The C-2, General Commercial zoning designation is a recommended zoning for this classification. This location will provide goods and services to the surrounding single and multifamily developments and also act as a buffer between the low density residential located to the south and the major arterial road to the north.

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 along an arterial street that is currently being widened to 5 lanes including a center turn lane and will help to better facilitate the traffic in this area. Current traffic conditions should not be altered by the proposed zoning.

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: City services are adequate at this location.

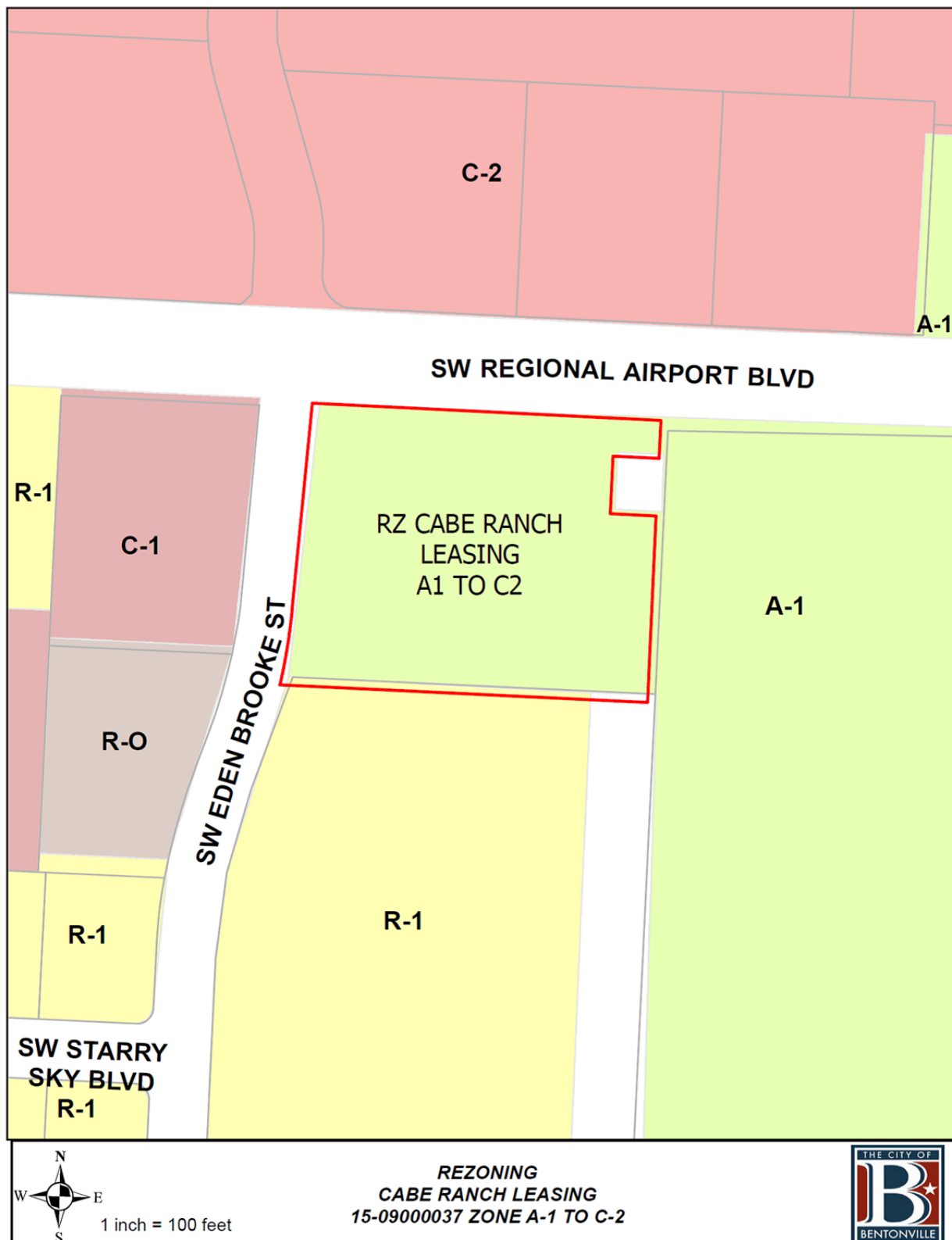
ANALYSIS, CONCLUSION, & SUMMARY

The rezoning request is consistent with the City of Bentonville's Future Land Use Map, which depicts this property as commercial. The property is located along a major arterial road and within close

proximity to an activity node based on the future land use map. The general plan encourages a mix of uses in these centers and specifically encourages commercial within these areas.

STAFF RECOMMENDATION

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



ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO C-2, GENERAL COMMERCIAL.

WHEREAS, Cabe Ranch Leasing, LLC, 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 C-2 property to be used in accordance with city zoning laws and state laws; which property is described as follows:

A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 12 AND RUNNING THENCE N02°45'02"E 2645.49' TO THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, THENCE ALONG SAID NORTH LINE S86°54'02"E 673.75', THENCE LEAVING SAID NORTH LINE S05°38'22"W 38.46' TO AN EXISTING MONUMENT IN CONCRETE ON THE SOUTH RIGHT-OF-WAY OF ARKANSAS STATE HIGHWAY #12 MARKING THE TRUE POINT OF BEGINNING AND RUNNING THENCE ALONG SAID SOUTH RIGHT-OF-WAY S87°09'42"E 302.91' TO AN EXISTING MONUMENT IN CONCRETE, THENCE LEAVING SAID SOUTH RIGHT-OF-WAY S02°39'46"W 32.91', THENCE N87°11'06"W 40.03', THENCE S02°39'46"W 49.99' TO AN EXISTING REBAR, THENCE S87°11'06"E 39.85' TO AN EXISTING REBAR, THENCE S02°39'46"W 162.24' TO AN EXISTING REBAR, THENCE N87°15'45"W 319.61' TO AN EXISTING REBAR ON THE EAST RIGHT-OF-WAY OF SOUTHWEST EDEN BROOKS STREET, THENCE ALONG SAID EAST RIGHT-OF-WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 526.00' FOR A CHORD BEARING AND DISTANCE OF N09°11'57"E 66.03' TO AN EXISTING REBAR, THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY N05°38'22"E 180.28' TO THE POINT OF BEGINNING, CONTAINING 1.70 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 3rd day of November 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 C-2 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 C-2 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: November 3, 2015

The City of Bentonville, Arkansas

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

REZONING: Foy, 610 Southwest 'O' Street, A-1, Agriculture District to R-1, Single Family Residential

Current Planning Division Correspondence: Planning Commission Staff Report

TO: City of Bentonville, Arkansas Planning Commission
FROM: Jon Stanley, Planner
THRU: Troy Galloway, AICP, Community Development Director
DATE: November 3, 2015

GENERAL INFORMATION

H.T.E. Project Number: 15-09000038

Applicant/Current Owner: Elizabeth Foy

Representative: Patrick Foy

Requested Action: Rezoning

Location: 610 Southwest 'O' Street

Existing Zoning: A-1, Agriculture District

Proposed Zoning: R-1, Single Family Residential

Future Land Use Map Designation: Low Density Residential

BACKGROUND / HISTORY

Property Description/Site Inspection: A site inspection was completed; this property is the site of an existing single family home in a low density residential area.

Previous Rezoning Requests for this Property: There are no known rezoning's for this property.

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Single Family Residential	R-1, Single Family Residential	Low Density Residential
South	Single Family Residential	R-1, Single Family Residential	Low Density Residential
East	Single Family Residential	R-E, Residential Estate	Low Density Residential
West	Vacant Lot	Benton County	Low Density Residential

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan Classification	Current Condition
North	-	-	-
South	-	-	-
East	Southwest 'O' Street	Collector	Unimproved 2 lane asphalt
West	-	-	-

LEGAL NOTIFICATIONS

Public Notice: On October 5, 2015, the property owner and/or representative mailed certified public notices to property owners within a 200 foot radius of the subject site and staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on October 5, 2015. In addition, staff posted a notice of public hearing sign on the property on October 16, 2015. This DOES meet legal noticing 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: Policy LU-23 Housing Types within the General Plan states “the City should encourage the development of a mix of housing types to the meet the needs of residents...”. The rezoning request is consistent with good land use planning, the general plan and the future land use map and will meet the intent of the policy while allowing the property owner the ability to construct a new single family home.

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

Finding(s) of Staff: The R-1 zoning classification will not adversely impact traffic in the adjacent vicinity.

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.

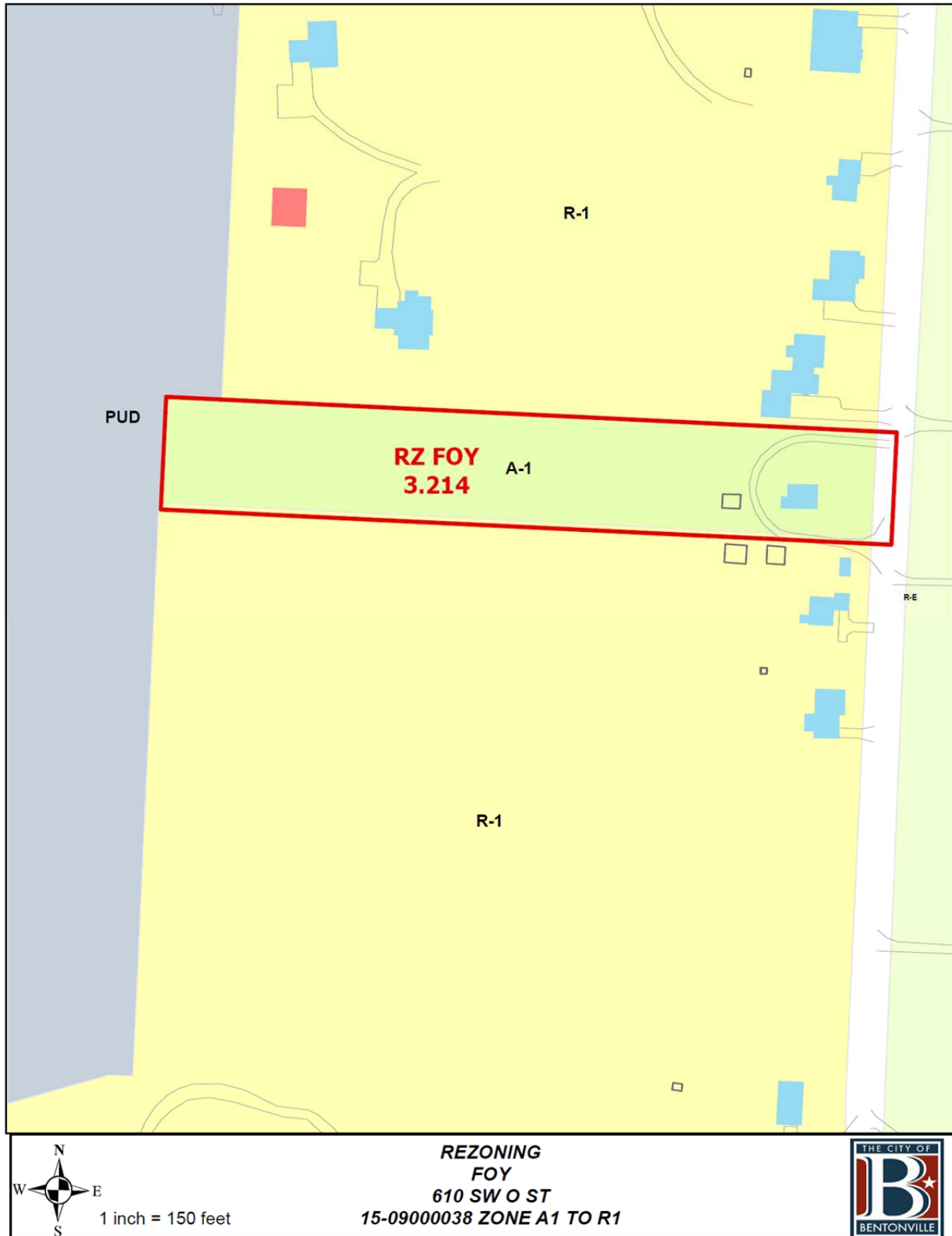
Finding(s) of Staff: Water service is available at this location. Sewer service is not available; Arkansas Department Heath septic permit has been approved and a copy was provided by the applicant.

ANALYSIS, CONCLUSION, & SUMMARY

The rezoning request **IS** consistent with the City of Bentonville’s Future Land Use Map, which depicts this property as Low Density Residential.

STAFF RECOMMENDATION

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends **APPROVAL** of this rezoning from **A-1, Agricultural** to **R-1, Single Family Residential**



ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO R-1, SINGLE FAMILY RESIDENTIAL.

WHEREAS, Elizabeth Foy, 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 R-1, property to be used in accordance with city zoning laws and state laws; which property is described as follows:

A part of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Thirty-Six (36), Township Twenty (20) North, Range Thirty-One (31) West, Benton County, Arkansas being more particularly described as commencing at the Northwest Corner of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Thirty-Six (36), Township Twenty (20) North, Range Thirty-One (31) West; thence along the North Line of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Thirty-Six (36), Township Twenty (20) North, Range Thirty-One (31) West, South 82°12'33" East a distance of 370.00 feet to found iron pin for the POINT OF BEGINNING; thence continue South 87°12'33" East along said line, a distance of 952.23 feet to a found iron pin in Southwest "O" Street; thence leaving the North Line of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Thirty-Six (36), Township Twenty (20) North, Range Thirty-One (31) West, South 02°47'31" West a distance of 147.01 feet to a set cotton picker spindle; thence North 87°12'33" West a distance of 952.23 feet to a found iron pin; thence North 02°47'31" East a distance of 147.01 feet to the POINT OF BEGINNING containing in all 139,987 square feet or 3.214 acres, more or less and being subject to the right of way of SW "O" Street along the east side thereof and any other easements, rights of ways, liens, and encumbrances which may or may not be of record.

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 3rd day of November 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 R-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 R-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: November 3, 2015

The City of Bentonville, Arkansas

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

REZONING: Castlestone Builders, R-1, Single Family Residential to RC-2, Central Residential – Moderate Density

Current Planning Division Correspondence: Planning Commission Staff Report

TO: City of Bentonville, Arkansas Planning Commission
FROM: Jon Stanley, Planner
THRU: Troy Galloway, AICP, Community Development Director
DATE: November 3, 2015

GENERAL INFORMATION

H.T.E. Project Number: 15-09000039

Applicant/Current Owner: Castlestone Builders, LLC

Representative: Terry Ging Services

Requested Action: Rezoning

Location: 206 and 208 Southwest 'D' Street

Existing Zoning: R-1, Single Family Residential

Proposed Zoning: RC-2, Central Residential – Moderate Density

Future Land Use Map Designation: Downtown Mixed Use Residential

BACKGROUND / HISTORY

Property Description/Site Inspection: A site inspection was completed; these properties are the site of two single family homes in a redeveloping area near downtown.

Previous Rezoning Requests for this Property: There are no known rezoning's for this property.

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Single Family Residential	R-1, Single Family Residential	as per the City of Bentonville'
South	Single Family Residential	R-1, Single Family Residential	Downtown Mixed Use Residential
East	Single Family Residential	R-1, Single Family Residential	Downtown Mixed Use Residential
West	Single Family Residential	R-1, Single Family Residential	Downtown Mixed Use Residential

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan Classification	Current Condition
North	-	-	-
South	-	-	-
East	Southwest 'D' Street	Local	2 lane unimproved asphalt
West	-	-	-

LEGAL NOTIFICATIONS

Public Notice: On October 6, 2015, the property owner and/or representative mailed certified public notices to property owners within a 200 foot radius of the subject site and staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on October 5, 2015. In addition, staff posted a notice of public hearing sign on the property on October 16, 2015. This DOES meet legal noticing 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 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 rezoning 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 RC-2 zoning classification will not adversely impact traffic in the adjacent vicinity.

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.

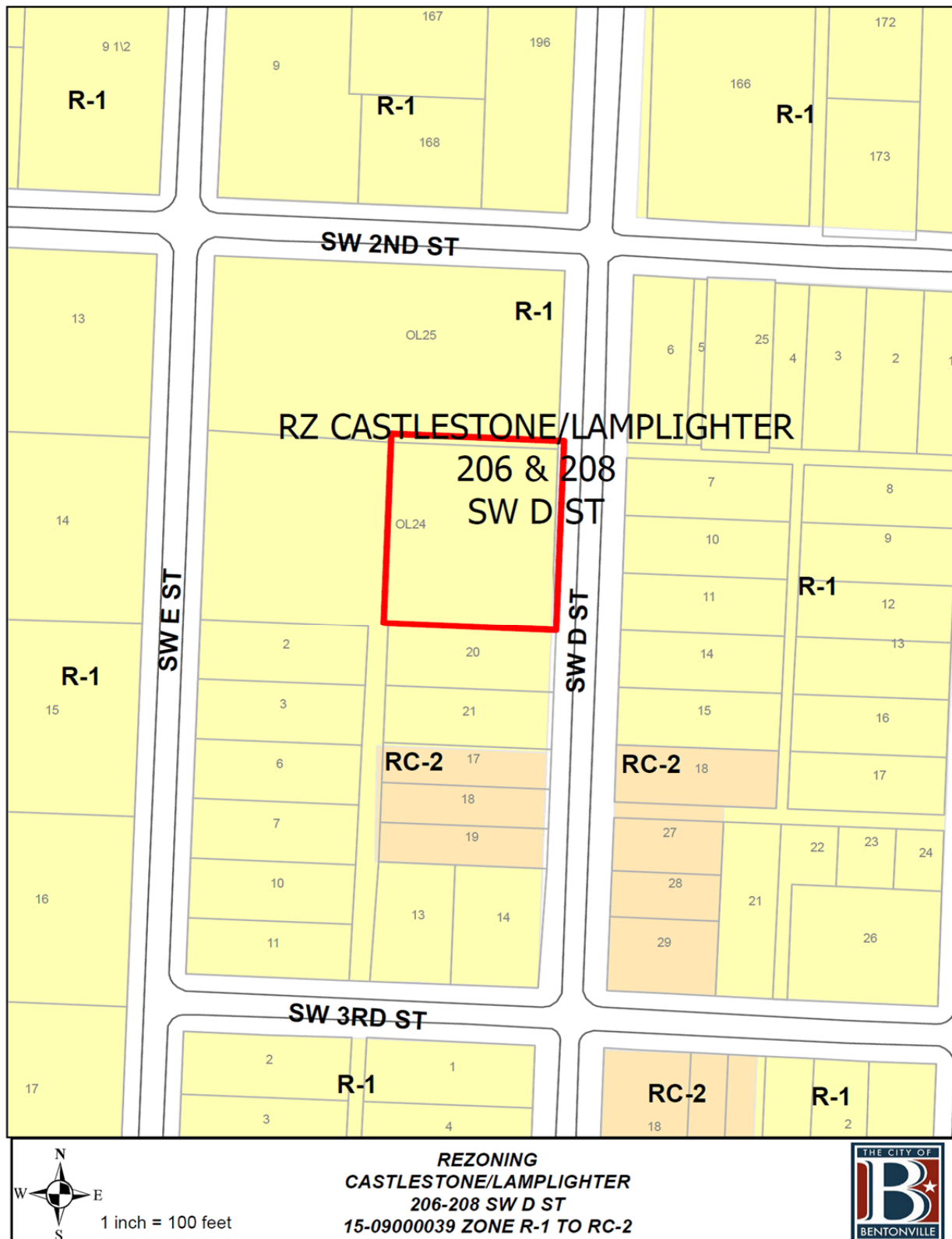
Finding(s) of Staff: The proposed zoning will not adversely impact the public infrastructure. Emergency services are adequate at this location.

ANALYSIS, CONCLUSION, & SUMMARY

The rezoning request is consistent with the City of Bentonville's Future Land Use Map, which depicts this property as Downtown Mixed-Use Residential. The RC-2, Central Residential Moderate Density zoning classification is a recommend zoning designation for this land use.

STAFF RECOMMENDATION

The RC-2 zoning district will increase density to the downtown while providing consistent housing types with adjoining property. The additional density will further increase the validity of downtown businesses without adversely impacting city infrastructure. Staff has reviewed this application and based on the findings presented in this staff report, staff recommends **APPROVAL** of this rezoning from R-1 Single Family Residential to RC-2, Central Residential – Moderate Density.



ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO RC-2, CENTRAL RESIDENTIAL-MODERATE DENSITY.

WHEREAS, Castlestone Builders, LLC & Lamplighter Restorations, LLC, 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 RC-2, property to be used in accordance with city zoning laws and state laws; which property is described as follows:

206 SW 'D' Street and 208 SW 'D' Street, Bentonville, AR

PART OF OUT LOT 24 IN THE NW ¼ OF THE NE ¼ OF SECTION 31, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS DESCRIBED AS BEGINNING AT A POINT 90 FEET NORTH OF THE NE CORNER OF LOT 1, BLOCK 4 CLARK'S SECOND ADDITION, BENTONVILLE; THENCE NORTH 75 FEET TO THE NORTH LINE OF SAID OUT LOT 24; THENCE WEST 150 FEET, MORE OR LESS; THENCE SOUTH 75 FEET; THENCE EAST TO THE PLACE OF BEGINNING.

AND

PART OF THE NW ¼ OF THE NE ¼ OF SECTION 31, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS; BEGINNING AT THE NE CORNER OF LOT 1, BLOCK 4, CLARK'S SECOND ADDITION TO THE CITY OF BENTONVILLE, RUN THENCE NORTH 90 FEET, THENCE WEST 150 FEET, THENCE SOUTH 90 FEET, THENCE EAST 150 FEET TO THE POINT OF BEGINNING.

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 3rd day of November 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 RC-2 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 RC-2 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

Planning Commission Staff Report
Property Line Adjustment: Lot 5, Coughlin Addition

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community and Economic Development Director
FROM: Beau Thompson, AICP, Senior Planner
PC DATE: November 3, 2015

GENERAL INFORMATION:

Project Number: 15-07000020

Applicant: Bentonville Public Schools – District 6

Representative: Larry Grelle with Morrison Shipley Engineers, Inc.

Requested Action: Property Line Adjustment Approval

Location: Southwest Featherston Road and Southwest 28th Street

Existing Zoning: A-1, Agricultural

Land Use Plan: Mixed Use

BACKGROUND:

The applicant has submitted a property line adjustment for 45.65 acres located at the southeast corner of Southwest Featherston Road and Southwest 28th Street. Lot 1 Coughlin Addition and an un-platted tract will be combined to create the new lot known as Lot 5 Coughlin Addition. Forty-five feet of Right of way is being dedicated for the proposed Southwest 28th Street while 35' is being dedicated for Southwest Featherston road. Easements are being dedicated for proposed public infrastructure improvements on the property. A 20' utility easement is being dedicated along southwest Featherston Road and Southwest 28th Street.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	R-1, Single Family Residential and County Land	Low Density Residential and Medium Density Residential
South	A-1, Agricultural	High Density Residential
East	A-1, Agricultural	Mixed Use
West	R-1, Single Family Residential	Low Density Residential

STREETS

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

TRAFFIC FINDINGS

- (c) 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 vacant agricultural land.

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

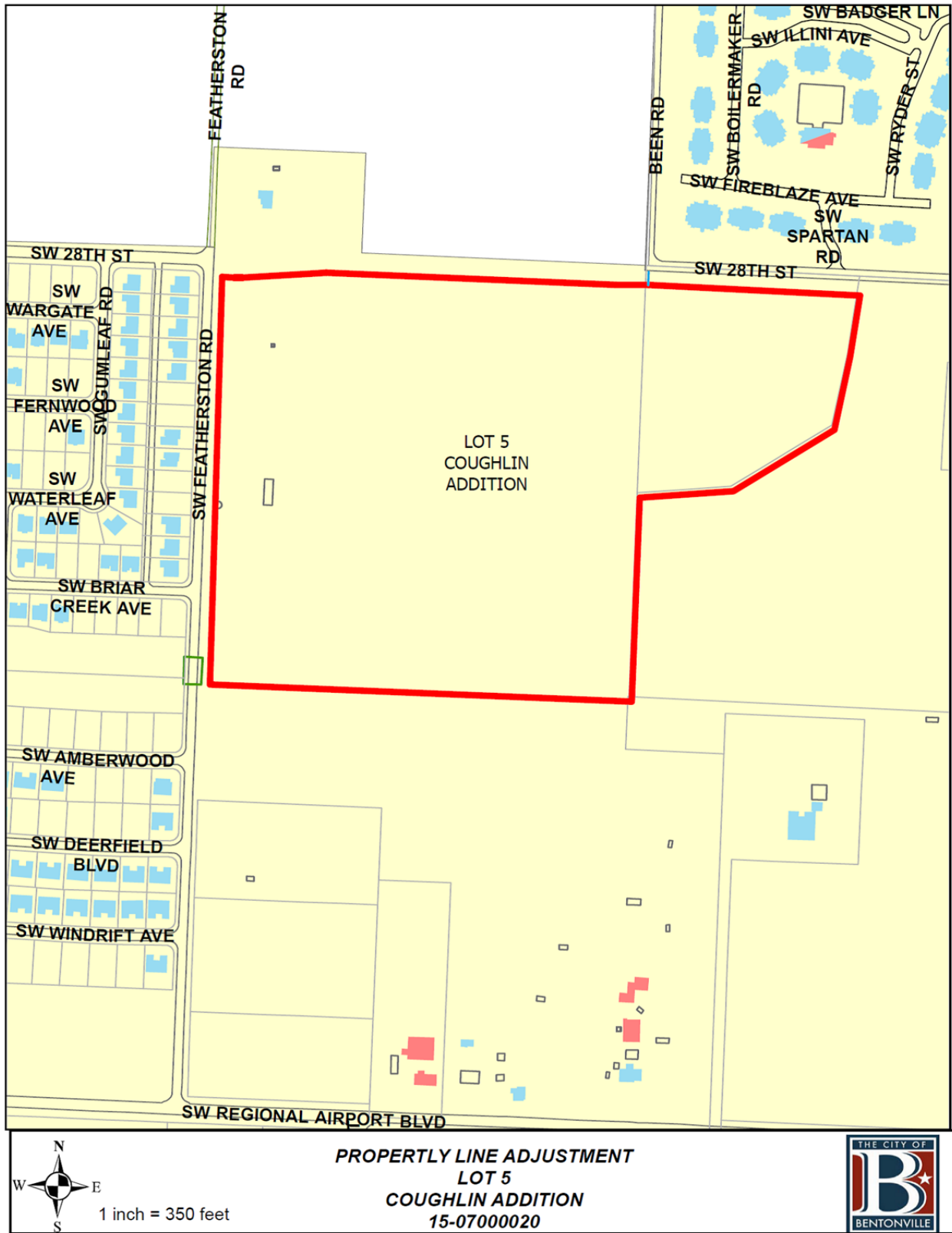
Water / Sewer: Per the G.I.S. site, water and sewer currently are currently available along Featherston Road.

Waiver(s): The applicant is requesting a waiver for right of way required for Been Road per the City of Bentonville's Master Street Plan. The proposed collector is located approximately 1200 feet to the east of Southwest Featherston Road. Southwest Featherston Road is designated as a collector street on the Master Street Plan and should accommodate any future north to south connectivity needs.

Analysis / Conclusion: Contingent upon the waiver approval, 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 5, COUGHLIN 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 5, Coughlin Addition, to the City of Bentonville, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 3rd day of November, 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 5, Coughlin Addition, 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:

November 10, 2015

Submitted by:

Troy Galloway

Department

Planning

Phone

271-6809

ACTION REQUIRED:

Reappointment by City Council of Chris Sooter to the Tree and Landscape Advisory Committee. The term is for three years and shall expire on December 31, 2018.

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





November 5, 2015

To: City Council Members & City Clerk
From: Mayor Bob McCaslin
Subject: Reappointment of Chris Sooter to the City of Bentonville's Tree & Landscape Advisory Committee.

I recommend Chris Sooter for reappointment to the City of Bentonville's Tree & Landscape Advisory Committee. Mr. Sooter's term will expire on December 31, 2018.

Bob McCaslin

From: Chris Sooter
Sent: Thursday, October 08, 2015 1:05 PM
To: Danielle Shasteen
Subject: RE: Tree & Landscape Committee Term

Sure.

Chris W. Sooter

From: Danielle Shasteen
Sent: Thursday, October 08, 2015 12:56 PM
To: Chris Sooter
Subject: Tree & Landscape Committee Term

Chris,

Your Tree & Landscape Committee term expires on 12-31-15. Would you like be reappointed for another 3 years?

Thanks!

Danielle



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

AGENDA FORM

CITY COUNCIL MEETING OF:

November 10, 2015

Submitted by:

Troy Galloway

Department

Planning

Phone

271-6809

ACTION REQUIRED:

Reappointment by City Council of Debi Havner to the Tree and Landscape Advisory Committee. The term is for three years and shall expire on November 10, 2018.

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





November 5, 2015

To: City Council Members & City Clerk
From: Mayor Bob McCaslin
Subject: Reappointment of Debi Havner to the City of Bentonville's Tree & Landscape Advisory Committee.

I recommend Debi Havner for reappointment to the City of Bentonville's Tree & Landscape Advisory Committee. Mrs. Havner's term will expire on November 10, 2018.

A handwritten signature in dark ink, appearing to read "Bob McCaslin", is written over the printed name.

Bob McCaslin

From: Debi Havner
Sent: Thursday, October 08, 2015 2:05 PM
To: Danielle Shasteen
Subject: Re: Tree & Landscape Committee

Yes, please!

Debi Arend Havner

On Oct 8, 2015, at 12:55 PM, Danielle Shasteen wrote:

Debi,

Janice at the Mayor's Office informed me that your Tree & Landscape Committee term expired in May. Would you like be reappointed for another 3 years?

Thanks!

Danielle



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

AGENDA FORM

CITY COUNCIL MEETING OF:

November 10, 2015

Submitted by:

Nancy Busen

Department

Wastewater

Phone

271-3161

ACTION REQUIRED:

Staff requests City Council approval of a resolution authorizing the Mayor and City Clerk to enter into a revised financial Contract of Obligation with the Arkansas Department of Environmental Quality regarding compost permit #297-SC-R1.

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





WASTEWATER MEMO

TO: City Council, Mayor McCaslin
From: Nancy Busen, Wastewater Utilities Manager *NB*
DATE: November 10, 2015
Subject: Resolution Approving Revised Contract of Obligation

To comply with State codes listed in the attached Contract of Obligation, the Arkansas Department of Environmental Quality Solid Waste Management requires a facility closure plan as part of the Bentonville Composting Facility composting permit. The closure plan must include a closure cost estimate, which is based on hiring a third party to close the compost facility site, and the financial assurance in an allowable mechanism to do so, which is the contract of obligation.



ARKANSAS
Department of Environmental Quality

RECEIVED OCT 26 2015

October 20, 2015

The Honorable Bob McCaslin
Mayor, City of Bentonville
117 W. Central Avenue
Bentonville, AR 72712

Dear Mayor McCaslin:

A.C.A. §8-6-1603 (d) (4) allows municipalities and counties to guarantee financial assurance obligations on permitted solid waste management facilities by executing a Contract of Obligation. If the municipality or county is unable to fulfill the financial assurance requirements, this binding agreement allows the ADEQ Director to collect any general revenues being disbursed or to be disbursed from the State to the municipality or county.

The attached contract was revised and first sent to municipalities and counties in January 2015.

Currently, the City of Bentonville has executed a Contract of Obligation for the compost facility (Permit No. 0297-SC-R1), which has not been updated since May 13, 2014. If you would like to continue using the contract of obligation for your permitted solid waste facility and have not updated using the new form, you are required to update your financial assurance no later than Friday, November 20, 2015; and appropriate the pledged funds in your upcoming annual budget.

Should you have any questions, don't hesitate to contact me at (501)-682-0594.


Susan Speake
Programs Branch
Solid Waste Management Division

cc: Benjamin T. Jones, Chief, Solid Waste Management Division
Bryan Leamons, Engineer Supervisor, Technical Branch
Tim Clevenger, Financial Analyst, Legal Division
Justin Sparrow, District 2 Inspector

Enclosures: 2015 Letter and Revised Contract of Obligation Form
2014 Contract of Obligation

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
5301 NORTHSHORE DRIVE / NORTH LITTLE ROCK / ARKANSAS 72118-5317 / TELEPHONE 501-682-0744 / FAX 501-682-0880
www.adeq.state.ar.us

IRREVOCABLE CONTRACT OF OBLIGATION

RECITALS

WHEREAS, owners/operators of solid waste management facilities are required to provide financial assurances to the Arkansas Department of Environmental Quality (hereinafter "ADEQ") to ensure that sufficient funds are on hand to meet the costs of closure, post closure, and corrective actions for known releases;

WHEREAS, municipal and county governments as owners or operators of solid waste management facilities may utilize an alternate method of providing financial assurance for closure, post-closure care and corrective care for known releases as authorized by Ark. Code Ann. § 8-6-1603 through the issuance of a Contract of Obligation (hereinafter "Contract") to ADEQ; and

WHEREAS, ADEQ and the City of Bentonville (hereinafter "CITY"), Arkansas have reached mutually agreed terms and conditions for providing financial assurances through a Contract of Obligation.

TERMS AND CONDITIONS

As good and sufficient consideration, CITY hereby offers and ADEQ hereby accepts this Contract of Obligation as financial assurance pursuant to Ark. Code Ann. § 8-6-1603(d)(4):

1. Pursuant to Arkansas Pollution Control and Ecology Commission (hereinafter "APC&EC") Reg. 22.1405(n), the contract is a binding, enforceable agreement and is irrevocable unless terminated in accordance with Paragraph 19 herein.

2. CITY is a municipal government of the State of Arkansas.
3. CITY is the owner or operator of the solid waste management facility pursuant to ADEQ Permit No. 0297-SC-R1 (hereinafter "Permit").
4. This Contract is for one fiscal year of CITY and shall automatically renew for four additional fiscal years unless the CITY fails to appropriate funds in its annual budget to perform the terms and conditions required herein. A fiscal year for purposes of this Contract is defined as the fiscal year for CITY.
5. CITY shall provide written notice not less than 90 days prior to the adoption of its budget on February 1 to the Director if CITY will not appropriate funds in the CITY'S upcoming annual budget necessary to perform the terms and conditions of this Contract. In the event of non-appropriation, this Contract shall terminate on February 2.
6. CITY's solid waste management facility is not authorized to transfer, store or dispose of hazardous waste as defined and regulated under Regulation 23 of the Arkansas Pollution Control and Ecology Commission.
7. CITY represents and affirms that the general revenues pledged and secured under this Contract to ADEQ shall be equal to but not less than the estimated annual cost for closure, post-closure care and corrective action for known releases to satisfy the financial assurance requirements pursuant to Ark. Code Ann. § 8-6-1603(d)(4)(C).

8. The required amount of financial assurance for the solid waste management facility which is the subject of the Permit is Four Hundred Thirty-Four Thousand, Six Hundred Seventy two dollars (\$ 434,670.00) for Closure, Post-Closure and Corrective action as provided by Ark. Code Ann. § 8-6-1603 (a), (b) and (c).

9. The required amount of financial assurance stated in ¶8 does not exceed the amount currently projected by the State to be disbursed as general revenues during the current fiscal year to CITY as authorized by APC&EC Reg. 22.1405(n)(2).

10. To fulfill the amount of the financial assurances established in ¶8 of this Contract, CITY hereby grants and pledges its rights and interest in the general revenues being disbursed, or that may be disbursed, to CITY by or from the State of Arkansas to ADEQ for the express purposes and terms provided by this Contract.

11. CITY hereby acknowledges that upon default, ADEQ's rights to the said general revenues during the tenure of this Contract are irrevocable, undisputed, and absolute.

12. For purposes of the Contract, the term "default" is defined as any failure by the CITY to properly perform a closure, post-closure, or corrective action for the solid waste management facility that is the subject of the Permit or required by state law or regulation.

13. The Director shall initiate the procedure for forfeiture of financial assurance provided in APC&EC Reg.22.1406 should the CITY default on this contract as defined herein. ADEQ shall

provide a Default Administrative Order, an APC&EC Minute Order, Consent Administrative Order, or other enforceable order directing CITY, Arkansas State Treasury, and the Department of Finance and Administration to commence the capture of revenues pledged by this Contract.

14. Effective upon default, CITY hereby authorizes and instructs the Arkansas State Treasury and the Arkansas Department of Finance and Administration, to capture, re-direct and tender the general revenues pledged in ¶10 of the Contract to ADEQ. Payments made to ADEQ shall be delivered to the address appearing below.

15. CITY shall file a copy of this Contract with the Commissioner of Revenues, Department of Finance and Administration and the Local Government Services Division, Arkansas State Treasury, no later than the tenth (10th) calendar day following the effective date of this Contract. CITY shall provide the Director with file-marked copies of this Contract no later than the fifteenth (15th) calendar day following the effective date of this Contract.

16. In the event this Contract is not renewed or is terminated for any reason, CITY shall provide alternate financial assurances pursuant to Ark. Code Ann. § 8-6-1603 and the regulations promulgated pursuant thereto not less than 60 days prior to the termination of this Contract for review and approval by ADEQ.

17. The amount of financial assurance required for the solid waste management facility that is the subject of the Permit shall be based upon the latest available annual reporting mechanisms submitted by the facility owner/operator; and as reviewed and approved by ADEQ. Such review

shall be completed by ADEQ prior to the commencement of CITY subsequent fiscal year. This amount may be increased or decreased as required to reflect estimated costs for closure, post-closure care or corrective action for known releases.

18. The total amount of required financial assurance established by ¶17 above shall be approved by ADEQ not less than one hundred twenty (120) days prior to the beginning of any CITY fiscal year.

19. This Contract shall terminate upon written approval from the Director that:

- a. The solid waste management facility has closed in compliance with the law;
- b. CITY has completed post-closure care in compliance with the law; or
- c. CITY provides an alternate financial assurance mechanism that is acceptable to

ADEQ and is in compliance with the terms of this Contract as outlined in ¶ 25.

20. CITY represents and affirms that it has sufficient funds on-hand, appropriated by the annual budget, and available to comply with the terms and conditions of this Contract.

21. All notices required by this Contract shall be made by certified mail, return receipt requested, and addressed as follows:

Arkansas Department of Environmental Quality
Attn: Director
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

City of Bentonville, Arkansas
Attn: Bob McCaslin, Mayor

117 West Central Ave.
Bentonville, AR 72712

Arkansas Department of Finance and Administration
Attn: Commissioner of Revenues
P.O. Box 1272
Little Rock, Arkansas 72203

Arkansas State Treasury
Attn: Local Government Services Division
220 State Capitol
Little Rock, Arkansas 72201

22. CITY represents and affirms that the surrender and tender of funds to ADEQ contemplated by this Contract shall not cause CITY to expend more than available revenues from all sources for any given fiscal year during which this Contract is effective.

23. Funds collected through this Contract of Obligation will be used for closure and post-closure activities in accordance with Regulation 22. In the event that there are funds remaining after ADEQ certifies the necessary closure and post-closure activities are completed then ADEQ will return those funds to the CITY.

24. In the event that any provision provided herein is determined to be invalid or void by a court of competent jurisdiction, it shall not affect the validity of the remaining parts thereof.

25. This Contract may be terminated by the substitution of alternate financial assurances by mutual agreement of ADEQ and CITY provided:

- a. CITY makes a sixty (60) day written notice by certified mail to ADEQ of its intention to provide an alternate form of financial assurance to replace the obligations required by this Contract;
- b. CITY provides a description and specimen of the proposed alternate form of financial assurance;
- c. The proposed alternate form of financial assurance is authorized by law;
- d. ADEQ reviews and accepts the alternate form of financial assurance;
- e. An effective date of the alternate form of financial assurance is set by ADEQ;
and
- f. There is no resulting lapse of financial assurance coverage incurred by CITY.

26. Nothing herein shall prevent ADEQ from initiating any enforcement proceeding against CITY.

27. Nothing herein is construed to relieve CITY from any closure, post-closure or corrective action resulting from the solid waste management facility that is the subject of the Permit.

28. Nothing herein is construed to limit the liability of CITY for any closure, post-closure or corrective action for known releases, resulting from the subject solid waste management facility to the amount established by ¶8 of this Contract.

29. This Contract shall be effective upon the Director's signature.

30. This Contract has been reviewed and approved by the governing body of the CITY, Arkansas in a duly called and convened meeting with a quorum present.

31. The governing body of the CITY has authorized the MAYOR to sign this Contract of Obligation on the behalf of CITY as evidenced by the attached resolution.

IN WITNESS WHEREOF the parties hereto have set their hands and seals.

ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY

Becky W. Keogh
Director

Date

CITY

MAYOR, Bob McCaslin

Date

Attest:

Linda Spence, City Clerk

WHAT IS REQUIRED AT A MINIMUM:

- ✓ The financial assurance mechanism must ensure that the amount of funds assured is sufficient to cover the costs of closure, post-closure care, and corrective action when needed.
- ✓ The maximum amount pledged under the contract cannot exceed the total amount of general revenue disbursed to the municipality or county in the last fiscal year, or, if approved by the Director, the amount currently projected by the State to be disbursed during the current fiscal year.
- ✓ The contract of obligation must be irrevocable and issued for a period of at least one year.
- ✓ The owner or operator shall file the contract of obligation on forms developed by ADEQ and provided to the Director for approval.

RESOLUTION _____

WHEREAS: the City of Bentonville, Arkansas,
Municipality

deems it necessary and proper to enter into a Contract of Obligation with the Department
of Environmental Quality as authorized Arkansas Code Annotated § 8-6-1603.

NOW, THEREFORE, BE IT RESOLVED by the above named city or county that

Bob McCaslin, as the Signatory Agent of
Mayor

the City of Bentonville, Arkansas, is hereby authorized to enter into the Contract of
Municipality

Obligation affixed hereto and to sign the Contract of Obligation on behalf of the above
named city.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 20____.

Signature and Title of Governing Body Official

Attest: _____
Signature of City Clerk



CHECK ALL THAT APPLY			
XX	Bid Award	Bid #	15-43B
	Budget Adjustment		
	Change Order		
	Informational		
	Ordinance		
	Resolution		
	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

November 10, 2015

Submitted by:

Nancy Busen

Department

Wastewater Manager

Phone

271-6749

ACTION REQUIRED:

Staff recommends Award of Bid# 15-43B, for Dry Cationic Polymer purchases for wastewater bio-solids dewatering to Fort Bend Services, located in Stafford TX, in the amount of \$1.95 per pound. This is a 2015 budget item. (Wastewater Department 479-271-3161)

One time amount

☒ Continuing O and M

COST TO CITY:

Cost of this Request: \$36,000

Additional Budget Amount

Previously Budgeted	\$	36,000
Funds Expended to Date		
Remaining Budget		36,000
Budget Adjustment		-
Remaining After Adjustment	\$	36,000

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



Bentonville Wastewater Utilities

479-271-3161

Staff recommends award of Bid # 15-43B to for Dry Cationic Polymer, at the cost of \$1.95 per pound. \$36,000 for a 12 month contract is budgeted for this item. Polymer is used to dewater stabilized wastewater biosolids, prior to belt pressing. This process enables the biosolids to be combined with green waste for composting, or hauled disposal out of state.

Memorandum

To: City Council Members
CC: Mayor Bob McCaslin, Denise Land
From: Katherine Bertschy, Purchasing Agent
Date: 10/28/2015
Re: Bid award #15-43B

The Wastewater Department 2015 budget included \$36,000.00 for Dry Cationic Polymer for Wastewater Processing at the Bentonville Wastewater Facility. Formal bids were received from the following Companies:

Fort Bend Services, Inc. Stafford, TX	\$1.95 Per Pound
Hawkins Water Treatment Fort Smith, AR	\$1.98 Per Pound
Univar Kent, WA	\$3.42 Per Pound

The Purchasing Office recommends award of Bid #15-43B, for Dry Cationic Polymer purchases for Wastewater Treatment Processes, to Fort Bend Services out of Stafford, TX in an amount of \$1.95 per Pound Delivered.

Note* A no bid response was also received from Polydyne, Inc. of Riceboro, GA.



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

AGENDA FORM

CITY COUNCIL MEETING OF:

November 10, 2015

Submitted by:

Jon Simpson

Department

Police

Phone

271-3172

ACTION REQUIRED:

Approval of attached Mutual Aid Police Protection Agreement with the Siloam Springs Arkansas Police Department. In order to provide the highest quality of police services and community safety, it is important that mutual aid agreements with area police departments be established and updated. Such agreements provide for additional manpower or assistance during natural or man-made disasters, exigent circumstances, joint operations, and training. See attached Agreement as approved by the City of Siloam Springs and signed by their City Administrator and Chief of Police.

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



Mutual Aid Police Protection Agreement

This Agreement, by and between the City of Siloam Springs, Arkansas, and the City of Bentonville, Arkansas, in accordance with A.C.A. § 16-81-106 et seq., to secure and provide for each adequate police protection through the use of properly trained and equipped police officers, mutual aid in police protection, and protection of life and property. It is agreed that:

I. Introduction

- A. The City of Siloam Springs and the City of Bentonville recognize and acknowledge that, at times, emergency or other situations arise that require additional manpower and resources beyond which the respective law enforcement agency for each City can provide. It is during such times that it may be prudent and necessary to request additional manpower or assistance from other law enforcement agencies.

II. Requests for the City of Siloam Springs

- A. During natural or man-made disasters, exigent circumstances, joint operations, and training, the City of Siloam Springs will provide assistance to the City of Bentonville according to the guidelines as set forth in this Mutual Aid Police Protection Agreement. Requests for mutual aid must be made in writing by the Bentonville Police Department Chief of Police, or by his or her authorized designee. Any request for aid under this Agreement will include a statement of the amount and type of equipment and personnel requested, and will specify the location to which the equipment and personnel are to be dispatched; however, the amount of and type of equipment and number of personnel to be furnished will be determined by the officer in charge of the responding organization.
- B. The Siloam Springs Police Department Chief of Police will decide what resources are available to the requesting agency and will authorize the level of response to be provided, as well as the duration of aid to be provided. This response may include, but is not limited to, manpower, vehicles, equipment or other police resources. In the event that an exigent situation should arise within the jurisdiction of the City of Siloam Springs that would necessitate such action, the City of Siloam Springs reserves the right to refuse to respond to any request for mutual aid when, in the opinion of the City Administrator of Siloam Springs or of its Chief of Police, responding to such a request would jeopardize municipal property or would endanger the lives or property of the citizens of the City of Siloam Springs; additionally, the City of Siloam Springs reserves the right to recall immediately any or all of the manpower, vehicles, equipment or other police resources on loan to another agency, if, in the opinion of the City Administrator of Siloam Springs or of its Chief of Police, that to do otherwise would jeopardize municipal property or would endanger the lives or property of the citizens of the City of Siloam Springs.

- C. The City of Bentonville must sign or have previously signed a Mutual Aid Police Protection Agreement with the City of Siloam Springs.

III. Supervision and Control of Officers on Loan to the City of Bentonville

- A. Officers from the Siloam Springs Police Department that are temporarily assigned to the Bentonville Police Department under mutual aid police protection provisions are subject to the same rules, regulations, and supervisory commands as Bentonville Police Department officers. They will possess the same powers, rights and immunities as Bentonville Police Department officers.
- B. Personnel and administrative control, including compensation of Siloam Springs officers, will be retained by the City of Siloam Springs and the Siloam Springs Police Department. Siloam Springs police officers will be entitled to worker's compensation and other benefits to which they would be entitled were they functioning within the normal course and scope of the duties with the Siloam Springs Police Department.

IV. Requests by the Siloam Springs Police Department

- A. During natural or man-made disasters, exigent circumstances, joint operations, and training, the City of Bentonville will provide assistance to the City of Siloam Springs according to the guidelines as set forth in this Mutual Aid Police Protection Agreement. Requests for mutual aid must be made in writing by the Siloam Springs Police Department Chief of Police, or by his or her authorized designee. Any request for aid under this Agreement will include a statement of the amount and type of equipment and personnel requested, and will specify the location to which the equipment and personnel are to be dispatched however, the amount of and type of equipment and number of personnel to be furnished will be determined by the officer in charge of the responding organization.
- B. The Bentonville Police Department Chief of Police will decide what resources are available to the requesting agency and will authorize the level of response to be provided, as well as the duration of aid to be provided. This response may include, but is not limited to, manpower, vehicles, equipment or other police resources. In the event that an exigent situation should arise within the jurisdiction of the City of Bentonville that would necessitate such action, the City of Bentonville reserves the right to refuse to respond to any request for mutual aid when, in the opinion of the Mayor of Bentonville or of its Chief of Police, responding to such a request would jeopardize municipal property or would endanger the lives or property of the citizens of the City of Bentonville; additionally, the City of Bentonville reserves the right to recall immediately any or all of the manpower, vehicles, equipment or other

police resources on loan to another agency, if, in the opinion of the Mayor of Bentonville or of its Chief of Police, that to do otherwise would jeopardize municipal property or would endanger the lives or property of the citizens of the City of Bentonville.

- C. The City of Siloam Springs must sign or have previously signed a Mutual Aid Police Protection Agreement with the City of Bentonville.

V. Supervision and Control of Officers on Loan to the City of Siloam Springs

- A. Officers from the Bentonville Police Department that are temporarily assigned to the Siloam Springs Police Department under mutual aid police protection provisions are subject to the same rules, regulations, and supervisory commands as Siloam Springs Police Department officers. They will possess the same powers, rights and immunities as Siloam Springs Police Department officers.
- B. Personnel and administrative control, including compensation of Bentonville Police Department officers, will be retained by the City of Bentonville and the Bentonville Police Department. Bentonville police officers will be entitled to worker's compensation and other benefits to which they would be entitled were they functioning within the normal course and scope of the duties with the Bentonville Police Department.

VI. Mutual Aid Police Protection Agreement

- A. Pursuant to Act 846 of 1989, codified at A.C.A. § 16-81-106 et. seq., the City of Siloam Springs and the City of Bentonville, having each created police departments and having employed police officers of these respective municipalities that are sworn to enforce the laws of this state and their individual jurisdictions, do hereby enter into this MUTUAL AID POLICE PROTECTION AGREEMENT as allowed by Act 846 and their individual municipal policies. This Mutual Aid Police Protection Agreement shall be construed to grant to Bentonville Police Department officers and Siloam Springs Police Department officers the statewide arrest powers authorized by A.C.A. § 16-81-106(c)(3) while working pursuant to this Agreement within the jurisdiction of the requesting city.
- B. In the event of claims for injury or other loss said to be the result of acts or omissions by an officer, or officers, providing assistance pursuant to this Mutual Aid Police Protection Agreement, the agency and municipality providing such assistance shall provide a legal defense for and shall hold harmless the receiving agency, its officer(s), and municipality from and against all

such claims. Both cities assert any and all the immunities provided to them and/or their officers under Arkansas or Federal Law and neither waives it as a consequence of the above language. This hold harmless agreement is subject to the limitations of Arkansas law and such agreement is not intended to inure to the benefit of any third party nor should it be interpreted as a basis for municipal liability for which the municipality is otherwise immune under Arkansas law.

- C. This MUTUAL AID POLICE PROTECTION AGREEMENT may be reviewed annually. Should any paragraph or part of this MUTUAL AID POLICE PROTECTION AGREEMENT be found unconstitutional or unlawful, the remainder shall remain in full force and effect.
- D. This Agreement is in effect from its date of approval by the governing bodies of each municipality, and will remain in effect until cancellation in writing by one or both parties.
- E. Either party may terminate this agreement upon ten (10) days' notice in writing to the other municipality through the Chief of each respective Police Department.

Witness our hands:

Mayor, City Of Bentonville
Bentonville, Arkansas

Date

Police Chief, City of Bentonville
Arkansas

Date

City Administrator, City of Siloam Springs
Siloam Springs, Arkansas

10-28-15
Date

Police Chief, City of Siloam Springs
Arkansas

10-12-2015
Date

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY
CLERK TO ENTER INTO A MUTUAL AID POLICE
PROTECTION AGREEMENT WITH THE CITY OF
SILOAM SPRINGS, ARKANSAS.**

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

Section 1: That the Mayor and Clerk should be and are hereby authorized to enter into a Mutual Aid Police Protection Agreement with the City of Siloam Springs, Arkansas, as attached hereto as Exhibit A.

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 #	
x	Budget Adjustment		
x	Change Order		
	Informational		
	Ordinance		
	Resolution		
	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

November 10, 2015

Submitted by:

Ben Peters

Department

Engineering

Phone

271-5993

ACTION REQUIRED:

A reconciliation change order for the Runway Safety Area Project at Bentonville Municipal Airport. The change order finalizes the quantities and results in a net contract increase of \$14,701.72. See the attached Change Order for details of the reconciliation.

COST TO CITY:

Cost of this Request: \$14,702

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$	564,424
Funds Expended to Date		579,126
Remaining Budget		(14,702)
Budget Adjustment		14,702
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



 MORRISON SHIPLEY ENGINEERS • SURVEYORS P.O. BOX 10064 Fort Smith, Arkansas 72917-0064		Date 10/9/2015	
CHANGE ORDER No. 2 (RECONCILIATION)		MSE Project No. VBT-14	
		Location Bentonville Municipal Airport	
		Job Description: Runway 18-36 Safety Area Improvements (FAA AIP No. 3-05-0006-009-2013)	
To (Contractor) TNT, Inc. 4884 Alma Hwy. Van Buren, AR 72956		Change Order No. 2 (Reconciliation)	
		Original Contract Price + Change Order #1 \$564,423.71	
You are hereby requested to comply with the following changes from the contract plans and specifications:			
Item No.	Description of changes – quantities, units, Unit price, change in completion schedule, etc.	Decrease in Contract price	Increase in Contract price
3	DECREASE in quantity for <i>Silt Fence</i> by 670 L.F. at the unit price of \$3.00 per L.F.	\$2,010.00	
4	DECREASE in quantity for <i>Sand Bag Ditch Check</i> by 3 EA. at the unit price of \$150.00 per EA.	\$450.00	
5	DECREASE in quantity for <i>Stabilized Construction Entrance</i> by 1 EA. at the unit price of \$1000.00 per EA.	\$1,000.00	
7	INCREASE in quantity for <i>Dumped Rip Rap (18" thickness) w/ Filter Blanket</i> by 5 S.Y. at the unit price of \$37.00 per S.Y.		\$185.00
8	DECREASE in quantity for <i>Adjust Runway Light to Grade</i> by 48 EA. at the unit price of \$103.00 per EA.	\$4,944.00	
8a	INCREASE in quantity for <i>Adjust Runway Threshold Lights & Boxes to Grade</i> by 50 EA. at the unit price of \$231.00 per EA.		\$11,550.00
15	INCREASE in quantity for <i>Controlled Low-Strength Material (CLSM)</i> by 12 C.Y. at the unit price of \$85.00 per C.Y.		\$1,020.00
16	INCREASE in quantity for <i>Bituminous Surface Course (4" Thickness)</i> by 12 S.Y. at the unit price of \$20.00 per S.Y.		\$240.00
17	INCREASE in quantity for <i>Concrete Deep Patch (6" Thickness)</i> by 4.53 S.Y. at the unit price of \$20.00 per S.Y.		\$90.60
20	INCREASE in quantity for <i>Sodding</i> by 662 S.Y. at the unit price of \$3.25 per S.Y.		\$2,151.50
21	DECREASE in quantity for <i>Topsoil (4" Thickness Furnished from Off the Site)</i> by 2000 S.Y. at the unit price of \$3.00 per S.Y.	\$6,000.00	
B.	DECREASE in quantity for <i>Pavement Marking Removal - Sand Blast</i> by 272 S.F. at the unit price of \$1.15 per S.F.	\$312.80	
E.	DECREASE in quantity for <i>Pavement Marking - Yellow w/ Beads</i> by 56 S.F. at the unit price of \$0.62 per S.F.	\$34.72	
H.	DECREASE in quantity for <i>Bituminous Tack Coat</i> by 6 Gallons at the unit price of \$12.00 per Gallon.	\$72.00	
I.	ADD quantity for <i>Lawsuit Settlement Payment Concerning Dispute of Weather Days and Wall Construction</i> by 1 L.S. at the unit price of \$14,288.14 per L.S.		\$14,288.14
	Total Decrease:	\$14,823.52	
	Total Increase:		\$29,525.24
	Net increase in contract price		\$14,701.72
The sum of \$ <u>14,701.72</u> is hereby added to the total contract price, and the total adjusted contract price to date thereby is \$ <u>579,125.43</u> . The time provided for completion in the contract is (unchanged) (<i>increased by</i>) (<i>decreased by</i>) _____ calendar days. This document shall become an amendment to the contract and all provisions of the contract will apply hereto.			
Recommended by _____ (Engineer) Morrison-Shipley Engineers, Inc. Brian S. Maurer, P.E.		Date _____	
Accepted by _____ (Contractor) TNT, Inc. Tim LeMonier		Date _____	
Approved by _____ (Owner) City of Bentonville Bob McCaslin, Mayor		Date _____	



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

AGENDA FORM

CITY COUNCIL MEETING OF:

November 10, 2015

Submitted by:

Ben Peters

Department

Engineering

Phone

271-5993

ACTION REQUIRED:

Ordinance authorizing the Mayor and City Clerk to enter into a contract with Carroll Electric for the relocation of overhead electric to underground across the Bentonville Municipal Airport Property. This project is funded and will be fully reimbursed by the FAA and Arkansas Department of Aeronautics through AIP program. A waiver of bid is also requested as this is a single source vendor as the owner of the electric facility that is being modified.

COST TO CITY:

Cost of this Request: \$31,522

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$	31,522
Funds Expended to Date		
Remaining Budget		31,522
Budget Adjustment		-
Remaining After Adjustment	\$	31,522

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



REQUEST FOR WAIVER OF BID

Date 11/2/2015

Requested by: Ben Peters

Department: Engineering

DESCRIPTION OF REQUEST:

Type of Equipment: Electric facility relocation

Year & Model: _____

Serial # _____

To Be Purchased From: Carroll Electric

707 SE Walton Blvd

Bentonville, AR 72712

Amount: Base Amount: \$ 31,522.38

Tax: _____

*Other: _____

TOTAL

\$ 31,522.38

* List all other costs:

JUSTIFICATION FOR REQUEST FOR WAIVER OF BID:

This project is for the relocation of electric facilities from overhead to underground. Carroll Electric is the only entity that they will allow to work on their facility.

Department Head

Director of Finance & Administration

Revised 6-18-99



**Carroll Electric
Cooperative Corporation**

800-432-9720
www.carrollecc.com

Your Local Energy Partner

June 16, 2015

City of Bentonville
Attn: Ben Peters
305 SW A Street
Bentonville, AR 72712

RE: Bentonville Airport

Dear Mr. Peters,

This is in regard to your request for Carroll Electric to relocate existing overhead facilities to underground. This work can be completed for a nonrefundable cost of \$31,522.38. If the City of Bentonville decides to purchase the account located at 810 SW Regional Airport Blvd this will reduce the cost by \$6,401.23. This will result in the total cost being \$25,121.15. If you have any questions you're welcome to contact me at 800-432-9720 ext.2690.

Sincerely,



Derek Thurman
Manager, Engineering Support

Bentonville
707 SE Walton Blvd.
PO Box 329
Bentonville, AR 72712
(479) 273-2421

Berryville
920 Hwy. 62 Spur
PO Box 4000
Berryville, AR 72616
(870) 423-2161

Huntsville
5056 Hwy. 412 B
PO Box 280
Huntsville, AR 72740
(479) 738-2217

Jasper
511 E Court St.
PO Box 389
Jasper, AR 72641
(870) 446-5114

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE MAYOR AND
CITY CLERK TO ENTER INTO AN AGREEMENT
WITH CARROLL ELECTRIC COOPERATIVE
CORPORATION FOR THE RELOCATION OF
ELECTRIC INFRASTRUCTURE, WAIVING THE
REQUIREMENT OF COMPETITIVE BIDDING**

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

Section 1: That the Mayor and City Clerk be and are hereby authorized to enter into an agreement with Carroll Electric Cooperative Corporation for the relocations of overhead electric to underground across Bentonville Municipal Airport property.

Section 2: Because this electric infrastructure is wholly owned and maintained by Carroll Electric Cooperative Corporation and must be installed, monitored and repaired by the same; it would be neither practical nor feasible to advertise for competitive bidding, and said requirement is herein waived.

PASSED and APPROVED this _____ day of _____, 2015

APPROVED:

Mayor

ATTEST:

City Clerk



BENTONVILLE CITY COUNCIL AGENDA

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

**Monday, November 9, 2015 6:00 p.m.
305 SW "A" Street**

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

**Tuesday, November 10, 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: October 27, 2015**

AGENDA

1. Planning:
- 1a. **Walmart Stores, Inc.: Lot Split, Lots 16 & 17 Block 1 Braithwaite Park Addition, 1400 North Walton Boulevard, Zoned C-2.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split for property at 1400 North Walton Boulevard. The property is currently zoned C-2, General Commercial. The plat as provided by the applicant shows the creation of two new lots from existing Lot 12. The new lots will be known as Lot 16 (6.95 acres) and Lot 17 (0.22 acres), Block 1 of Braithwaite Park Addition. Utility and drainage easements are being dedicated with this plat. Water and sewer services are available to both lots.

- 1b. **J Street Company LLC: Lot Split, Lots 37 & 38 Cottonwood Village Phase III, Southeast Corner of Southeast 'G' Street & Southeast 22nd Street, Zoned C-2, General Commercial.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split for property at southeast corner of the intersection of Southeast 22nd and Southeast 22nd Streets. The property is currently zoned C-2, General Commercial. The plat provided by the applicant shows the creation of two new lots from existing Lot 24. The new lots will be known as Lot 37 (0.95 acres) and Lot 38 (5.21 acres), of Cottonwood Village Phase III subdivision. A 15' utility easement is being dedicated along Southeast 'G' Street. Water and sewer services are available to both lots.

- 1c. **McFann's Holdings LLC: Rezoning, PRD, Planned Residential Development, to C-1 Neighborhood Commercial, 2606 East Central Avenue.**

The planning commission voted 6-0 recommending approval.

- 1d. **Cabe Ranch Leasing LLC: Rezoning, A-1, Agriculture to C-2, General Commercial, Southwest Regional Airport Boulevard.**

The planning commission voted 6-0 recommending approval.

- 1e. **Elizabeth Foy: Rezoning, A-1, Agriculture District to R-1, Single Family Residential, 610 Southwest 'O' Street.**

The planning commission voted 6-0 recommending approval.

- 1f. **Castlestone, LLC & Lamplighter Restorations LLC: Rezoning, R-1, Single Family Residential to RC-2, Central Residential-Moderate Density.**

The planning commission voted 6-0 recommending approval.

- 1g. **Bentonville Public Schools-District 6: Property Line Adjustment, Southwest Featherston Road and Southwest 28th Street, Zoned A-1.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a property line adjustment for 45.65 acres located at the southeast corner of Southwest Featherston Road and Southwest 28th Street. Lot 1 Coughlin Addition and an un-platted tract will be combined to create the new lot known as Lot 5 Coughlin Addition. Forty-five feet of Right of way is being dedicated for the proposed Southwest 28th Street while 35' is being dedicated for Southwest Featherston road. Easements are being dedicated for proposed public infrastructure improvements on the property. A 20' utility easement is being dedicated along southwest Featherston Road and Southwest 28th Street.

2. Reappointment by City Council of Chris Sooter to the Tree and Landscape Advisory Committee. The term is for three years and shall expire on December 31, 2018.

3. Reappointment by City Council of Debi Havner to the Tree and Landscape Advisory Committee. The term is for three years and shall expire on November 10, 2018.
4. Staff requests City Council approval of a resolution authorizing the Mayor and City Clerk to enter into a revised financial Contract of Obligation with the Arkansas Department of Environmental Quality regarding compost permit #297-SC-R1.
5. Staff recommends Award of Bid# 15-43B, for Dry Cationic Polymer purchases for wastewater bio-solids dewatering to Fort Bend Services, located in Stafford TX, in the amount of \$1.95 per pound. This is a 2015 budget item. (Wastewater Department 479-271-3161)
6. Approval of attached Mutual Aid Police Protection Agreement with the Siloam Springs Arkansas Police Department. In order to provide the highest quality of police services and community safety, it is important that mutual aid agreements with area police departments be established and updated. Such agreements provide for additional manpower or assistance during natural or man-made disasters, exigent circumstances, joint operations, and training. See attached Agreement as approved by the City of Siloam Springs and signed by their City Administrator and Chief of Police.
7. A reconciliation change order for the Runway Safety Area Project at Bentonville Municipal Airport. The change order finalizes the quantities and results in a net contract increase of \$14,701.72. See the attached Change Order for details of the reconciliation.
8. Ordinance authorizing the Mayor and City Clerk to enter into a contract with Carroll Electric for the relocation of overhead electric to underground across the Bentonville Municipal Airport Property. This project is funded and will be fully reimbursed by the FAA and Arkansas Department of Aeronautics through AIP program. A waiver of bid is also requested as this is a single source vendor as the owner of the electric facility that is being modified.
9. Budget Discussion.