

Bentonville City Council
Meeting Minutes
June 28, 2016

The City Council of Bentonville, Arkansas, met in regular session Tuesday, June 28, 2016, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Stephanie Orman, John Skaggs, James Smith, Octavio Sanchez and Jim Webb, with Tim Robinson, Chris Sooter and Bill Burckart absent. Also present were Mayor Bob McCaslin, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

At 6:00 p.m., prior to calling the meeting to order, Mayor McCaslin invited public comments. There was no response so the Mayor declared the comment period closed. The Mayor then invited questions or comments from the Council about items on the agenda and there were none.

Thereafter Mayor McCaslin called the meeting to order. The Mayor then led everyone present in the pledge of allegiance followed by a moment of silence in support of our armed forces.

Motion was made by Alderman Sanchez to approve the minutes of the June 14th, 2016 meeting as presented, second by Alderman Webb. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

Mayor McCaslin recognized Police Chief Jon Simpson. Chief Simpson then introduced Mitch Brown, Danny Henry and Miguel Medina-Bravo, who were then sworn in as police officers by Mayor McCaslin.

Mayor McCaslin recognized the City Attorney to address an agenda item. City Attorney Spence stated that he recommended that Item 2 be removed from the agenda. He stated that there had been two issues arise about the public hearing, the first being a notice issue with regard to lien holders on the properties and the second being that the property owners wanted additional time to do additional engineering study regarding the properties.

Mr. Spence stated that the original plan had been to open the hearing and allow anyone to speak who cared to, recess the hearing and then reopen it at a future meeting. He added that after additional consideration, he thought it would be a problem to split the hearing as it might result in aldermen voting on the issues who had not been present for both sessions of the public hearing. Accordingly, Mr. Spence stated that he recommended that Item 2 simply be removed from the agenda and that the process with regard to the properties be started over.

Motion to remove Item 2 from the agenda by Alderman Webb, second by Alderman Smith. There was no discussion. Motion carried (5-0).

Motion was made by Alderman Webb to suspend the rules regarding the reading of all ordinances on three separate days and further that all ordinances and resolutions be read by title only, second by Alderman Skaggs. There was no discussion. Motion carried (6-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent and Mayor McCaslin voting yes.

- 1a. Ordinance No. 2016-89: Ordinance accepting a lot split of Lots 21, 22 and 23 Block 6 Clark's 2nd Addition to the City of Bentonville, Arkansas.

[Applicant: Newell Development (Jake Newell);
Location: 305 Southwest D Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Orman, second by Alderman Webb. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

- 1b. Ordinance No. 2016-90: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-2, duplex and patio home residential.

[Applicant: Stephanie and Jamal Parker;
Location: 1111 Southwest Parnell Drive]

City Attorney Spence read the ordinance by title only.
Motion to pass by Alderman Sanchez, second by Alderman Webb.
There was no discussion. Motion carried (5-0) with
Alderman Robinson, Alderman Sooter and Alderman Burckart
absent.

- 1c. Ordinance No. 2016-91: Ordinance accepting a final plat of
Rolling Acres Phase 2 Subdivision to the City of Bentonville,
Arkansas.

[Applicant: Rolling Acres properties, LLC;
Location: Southwest Shell Road and Southwest Airport
Boulevard]

City Attorney Spence read the ordinance by title only.
Motion to pass by Alderman Sanchez, second by Alderman Webb.
There was no discussion. Motion carried (5-0) with
Alderman Robinson, Alderman Sooter and Alderman Burckart
absent.

- 1d. Motion to approve amendments to the 2015 Community
Development Block Grant Action Plan.

Alderman Orman asked how the block grants were determined.
Mayor McCaslin asked Troy Galloway, Community Development
Director, to explain the amendments to the Council.
Mr. Galloway stated that the grants had historically been
sought initially through the leadership of Danielle Shasteen
along with a committee, followed by the specific grants
passing through the Planning Commission and Mayor.

Mayor McCaslin indicated the City had determined to
discontinue seeking the grants after the ones addressed by
this amendment due to the rewards from the program not being
worth the risk. Mr. Galloway expanded on this noting that
the environmental rules being imposed by the program were
cause for concern.

Motion to approve amendments by Alderman Webb, second by
Alderman Sanchez. There was no discussion. Motion carried
(5-0) with Alderman Robinson, Alderman Sooter and
Alderman Burckart absent.

2. Item removed from agenda.

[Public hearing regarding condemnation of homes located at 1405 Crescent Street, 1407 Crescent Street and 1409 Crescent Street.]

3. Approval of a budget adjustment in the amount of \$150,000 to recognize a grant from the Walton Family Foundation and create the Razorback Greenway Tree Planting project.

Motion to approve by Alderman Sanchez, second by Alderman Orman. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

4. Ordinance No. 2016-92: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Select Trees of Athens, Georgia and waiving the requirement of competitive bidding.

Motion to pass by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

5. Approval of a budget adjustment in the amount of \$63,000 to recognize a grant from the Walton Family Foundation for the purchase and installation of new fitness equipment along the North Bentonville Trail and Razorback Greenway.

Motion to approve by Alderman Sanchez, second by Alderman Orman. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

6. Resolution No. 6-28-16 A: Resolution authorizing the Mayor and Clerk to enter into an agreement with Ozark Tennis Academy for a tennis program at Memorial Park.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Webb, second by Alderman Orman. There was no discussion. Motion carried (5-0) with

Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

7. Approval of a final reconciliation change order in the amount of \$979.42 for the Citizens Park restrooms.

Motion to pass by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

8. Approval of a budget adjustment in the amount of \$200,000 to recognize a grant from the Walton Family Foundation for the Parks and Recreation Department to begin the process of adopting a new ten-year master plan for the department.

Motion to approve by Alderman Webb, second by Alderman Sanchez. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

9. Resolution No. 6-28-16 B: Resolution authorizing the Mayor and Public Works Director to execute a utility relocation agreement for relocation of water and sanitary sewer utilities associated with the 8th Street improvement project (AHTD Project No. 090218).

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

10. Approval of a budget adjustment in the amount of \$100,900 for additional costs associated with construction improvements at the McKissic Creek lift station.

Motion to pass by Alderman Webb, second by Alderman Orman. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

11. Approval to award Bid No. 16-18 to Crow Paving in an amount not to exceed \$138,850 for removal and replacement of a damaged section of concrete on the wastewater plant clarifier floor.

Motion to pass by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

12. Approval of a bid award to Bill's Electric, Inc. for street light installation for a period of one year.

Motion to approve by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

13. Approval of a six-month blanket bid for water and sewer materials in the amount of \$269,787.34 to Ferguson Waterworks, NW Arkansas, Winwater and HD Supply. (July through December 2016)

Motion to approve by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

14. Approval of a six-month blanket bid for electric materials in the amount of \$470,648.68 to Arkansas Electric, Stuart Irby, Techline, Anixter Electrical Supply and Wesco Supply. (July through December 2016)

Motion to approve by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

15. Approval of a six-month blanket bid for 1 phase transformers in the amount of \$247,490 to Stuart Irby and Techline.

Motion to approve by Alderman Webb, second by Alderman Sanchez. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

16. Approval of a six-month blanket bid for 3 phase transformers in the amount of \$233,733 to Stuart Irby and Techline.

Motion to approve by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

17. Approval of a six-month blanket bid for double bushing pole mount transformers in the amount of \$164,745 to Stuart Irby and Techline.

Motion to approve by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

18. Resolution No. 6-28-16 C: Resolution authorizing the Mayor and City Clerk to release 0.9 acres of land from FAA obligation at the Bentonville Municipal Airport.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Smith. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

19. Resolution No. 6-28-16 D: Resolution declaring certain property belonging to the Bentonville Police Department as surplus property. (nine firearms)

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (5-0) with Alderman Robinson, Alderman Sooter and Alderman Burckart absent.

Mayor McCaslin called on Alderman Smith who he indicated had wanted to add something to the agenda. Alderman Smith stated that he planned to defer the item to a future meeting.

Motion to adjourn by Alderman Smith, second by Alderman Webb.
Motion carried (5-0).

Linda Spence

Linda Spence, City Clerk

Bob McCaslin

Bob McCaslin, Mayor

