

Bentonville City Council
Meeting minutes
July 12, 2016

The City Council of Bentonville, Arkansas, met in regular session Tuesday, July 12, 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, Tim Robinson, Chris Sooter, Bill Burckart, Octavio Sanchez and Jim Webb, with James Smith 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.

Mayor McCaslin recognized two Boy Scouts from Troop 777 who were present working on earning their Citizenship in the Community and Communication merit badges.

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

Motion was made by Alderman Sanchez to approve the minutes of the June 28, 2016 meeting as presented, second by Alderman Burckart. There was no discussion. Motion carried (7-0) with Alderman Smith absent.

Motion was made by Alderman Sooter to suspend the rules regarding the reading of all ordinances on three separate days and further that all ordinances and resolutions be read by title only, second by Alderman Webb. There was no discussion. Motion carried (7-0) with Alderman Smith absent.

- 1a. Ordinance No. 2016-93: Ordinance accepting a lot split of Lots 18 and 19 of Medlin Meadows Subdivision to the City of Bentonville, Arkansas.

[Applicant: Cross-Mar Investments;
Location: 2200 Southeast 28th Street]

City Attorney Spence read the ordinance by title only.
Motion to pass by Alderman Webb, second by Alderman Sanchez.
There was no discussion. Motion carried (7-0) with
Alderman Smith absent.

- 1b. Ordinance No. 2016-94: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-ZL, zero lot line.

[Applicant: Little Osage Farms, LLC;
Location: Southwest Elington Street]

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 (6-0) with
Alderman Burckart abstaining and Alderman Smith absent.

2. Impact Fee Analysis Report presentation.

Mayor McCaslin recognized Troy Galloway, Community Development Director. Mr. Galloway addressed the Council regarding the impact fee ordinances before them. He stated the proposals were the result of City staff meetings with TischlerBise representatives and that the approach taken in the calculations was an incremental one to maintain the existing level of City services. He also stated that the fees reflected in the ordinances were the highest justifiable fees, but that the Council could adopt lower fees.

Mr. Galloway then introduced Carson Bise of TischlerBise, who gave a power point aided presentation about the process of calculating the fees as well as recommendations about the process of how lower fees could be charged if the Council so desired.

Several members of the Council addressed questions to Mr. Bise. In response to a question from Alderman Sanchez about charging lower fees, Mr. Bise stated that if a lower fee was desired, his recommendation was to reduce the fees based on removing whole portions of the fees calculated rather than simply reducing the overall fee calculated by a percentage. He stated that reducing the proposed fee pro rata would more likely be legally problematical.

Alderman Orman asked about the use of the fees in the budget. Denise Land, Finance Director, stated that \$235,000 was currently being used annually for water improvements and that the current fees also funded a park project every year.

Alderman Burckart stated he was pointed toward funding parks through general fund spending. He added that one of his concerns was the use of City facilities by non-Bentonville residents.

Alderman Webb asked about charging more for non-Bentonville residents to participate in organized activities in Bentonville parks. David Wright, Parks and Recreation Director, indicated that such was being looked at, but that a decision to bring such a proposal forward was still pending further consideration.

Alderman Burckart stated that the level of service being maintained was not being maintained solely for Bentonville residents. He stated it was his view that the proposed fees would be asking residents of the City to pay for parks for non-residents.

Alderman Sanchez stated it was his opinion that the proposed police and fire fees were easy to justify, but that the parks fee proposal needed to be more closely examined.

Alderman Burckart argued that revenue generated by new development was already more than sufficient to pay for the City's needs.

In response to a question from Alderman Sanchez about other options the Council might have to avoid the increase,

Mr. Bise stated that a reduction of services could be planned for but that such was a policy decision.

Alderman Burckart asked about the fire fees indicating that the past methodology was to exempt areas of town based on existing stations. Mr. Bise stated that the new proposal did not address any new stations, just new equipment.

Alderman Burckart stated there was no question of legality regarding the fees, but that the question was one of fairness. He also stated he wanted to table the proposals to give additional time to study the materials presented.

Alderman Sanchez stated he thought the only real issue was the fee for parks and that the amount should be decreased from \$13 million to \$9.9 million.

Alderman Burckart stated he wanted to look at sales taxes as an alternative.

Motion was made by Alderman Burckart to table Items 3 through 8 to the next council meeting, second by Alderman Robinson. Motion carried (6-1) with Alderman Sanchez voting no and Alderman Smith absent.

3. Tabled: Ordinance suspending sewer impact/capacity fees.
4. Tabled: Ordinance suspending water impact/capacity fees.
5. Tabled: Ordinance amending fire/EMS impact fees.
6. Tabled: Ordinance amending parks impact fees.
7. Tabled: Ordinance reinstating library impact fees.
8. Tabled: Ordinance reinstating police impact fees.
9. Approval to install four pieces of artwork in four tunnels in the Bentonville trail system.

Motion to approve by Alderman Burckart, second by Alderman Sanchez. There was no discussion. Motion carried (7-0) with Alderman Smith absent.

10. Resolution No. 7-12-16 A: Resolution authorizing the Mayor and Clerk to enter into an amendment to the existing contract with Crafton, Tull and Associates for additional services related to the Tributary 2 drainage project.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Robinson. There was no discussion. Motion carried (7-0) with Alderman Smith absent.

11. Resolution No. 7-12-16 B: Resolution authorizing the Mayor and Clerk to enter into an agreement with Morrison-Shipley Consulting Engineers for professional services related to the Town Vu bridge replacement project.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Burckart. There was no discussion. Motion carried (7-0) with Alderman Smith absent.

12. Resolution No. 7-12-16 C: Resolution authorizing the Mayor and Clerk to enter into an agreement with Fisher and Arnold for a site assessment related to an electric substation.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Webb, second by Alderman Sanchez. There was no discussion. Motion carried (7-0) with Alderman Smith absent.

13. Resolution No. 7-12-16 D: Resolution authorizing the Mayor and City Clerk to enter into a land lease agreement with Ace's Hangar, LLC for a hangar site located at the Bentonville Municipal Airport.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (7-0) with Alderman Smith absent.

14. Resolution No. 7-12-16 E: Resolution authorizing the Mayor and City Clerk to endorse and adopt the Master Plan Update for the Bentonville Municipal Airport.

City Attorney Spence read the resolution by title only.
Motion to pass by Alderman Burckart, second by Alderman Webb.
There was no discussion. Motion carried (7-0) with
Alderman Smith absent.

Motion to adjourn by Alderman Burckart, second by Alderman Webb.
Motion carried (7-0).

Linda Spence

Linda Spence, City Clerk

Bob McCaslin

Bob McCaslin, Mayor

