

1. Agenda

Documents:

[SEPTEMBER 27, 2016 CITY COUNCIL FULL AGENDA.PDF](#)

2. Short Agenda

Documents:

[SEPTEMBER 27, 2016 CITY COUNCIL SHORT AGENDA.PDF](#)



BENTONVILLE CITY COUNCIL AGENDA

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

**Tuesday, September 27, 2016 6:00 p.m.
305 SW "A" Street**

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

**Tuesday, September 27, 2016 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: September 13, 2016**

AGENDA

1. Fire Prevention Week Proclamation. **(Page 4)**
2. Recognition by Lee Farmer, Recreation Services Manager, of award given to the Bentonville Community Center for Recreation Facility of the Year.
3. An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Roger Reid) **(Pages 5-12)**
4. An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Richard Rushing and Richard Chapman-Trailblazers) **(Pages 13-19)**
5. An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Van and Leola Jacobs) **(Pages 20-26)**
6. Planning:
- 6a. **Lot Split: Lots 3 & 4 of Tennie Russell Addition Phase 1, Robert Lewis, 1303 Northwest 7th Street, Zoned A-1, Agricultural.**
(Pages 29-32)

The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split that will create two new lots from one existing lot. The new lots will be known as Lot 3 (5.50 acres) and Lot 4 (22.67 acres) of Tennie Russell Addition, Phase 1.

- 6b. **Lot Split: Lots 9 & 10 of Dean Maxwell First Addition, Jon L. Seth, 501 Bella Vista Road, Zoned R-1, Single Family Residential.**

(Pages 33-36)

The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split that will create two new lots from one existing lot. The new lots will be known as Lot 9 (0.20 acres) and Lot 10 (0.23 acres) of Dean Maxwell First Addition.

- 6c. **Lot Split: Lot 13 Deming's Second Addition, Bryan Shook, 704 Northwest C Street, Zoned R-1, Single Family Residential.**

(Pages 37-40)

The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split that will create one new lot from the southern portion of three existing lots. The new lot will be known as Lot 13 (0.15 acres) of Deming's Second Addition.

- 6d. **Property Line Adjustment: Lot 9 Gocio Subdivision, Joe Delacruz, 712 Jefferson Street, Zoned R-1, Single Family Residential.**

(Pages 41-44)

The planning commission voted 6-0 recommending approval.

The applicant has submitted a property line adjustment that will create one new lot from all of existing Lot 3 and the western portion of existing Lot 2. The new lot will be known as Lot 9 (0.37 acres) of Gocio Subdivision.

- 6e. **Final plat: Creekstone Subdivision Phase 3, Vancon, LLC, Northwest Riverbend Road, Zoned R-1, Single Family Residential.**

(Pages 45-48)

The planning commission voted 6-0 recommending approval.

Creekstone Subdivision Phase 3 will consist of 38.50 acres and 25 single family lots, all of which are buildable. These lots range in size from 0.57 acres to 4.03 acres. Access to the Subdivision will be from Northwest Riverbend Road.

- 6f. **Rezoning: James and Neomie Ryan Revocable Trust, 2500 Southeast J Street, Rezoning from A-1, Agricultural to C-2, General Commercial.**

(Pages 49-51)

The planning commission voted 6-0 recommending approval.

The C-2, General Commercial zoning designation is designed to serve the entire planning area and highway travelers. It allows for the construction of

businesses that offer a variety of goods and services as well as offices and some light industrial and warehouse uses.

7. Fire Department Staff recommends Council approve increasing the vehicle count for the fire department. **(Pages 52-53)**
8. Adopt resolution certifying the rate of taxation levied on real and personal property in the City of Bentonville. This resolution is required by the Quorum Court and County Clerk in order to facilitate the millage levy to be collected in 2017. **(Pages 54-57)**
9. Approval for the Mayor and City Clerk to enter into a contract with Tri Star Construction for the project Bentonville Sidewalk Improvements 2016. Project consists of constructing approximately 3500 LF of concrete sidewalk and 280 LF of concrete trail. The contract amount for this project is \$210,782.00 which come from the Street Department and Engineering Department sidewalk accounts. **(Pages 58-62)**
- 10a. City Council approval of a resolution to recognize a grant from the Environmental Protection Agency in the amount of \$299,288.00. These funds will be used for the Demonstration of Stream and Wetland Restoration at Little Sugar in Bentonville, Arkansas. **(Pages 63-72)**
- 10b. City Council approval of a Resolution to recognize a grant from the Walton Family Foundation in the amount of \$260,178.00. These funds will be used for the Demonstration of Stream and Wetland Restoration at Little Sugar in Bentonville, Arkansas. **(Pages 73-79)**
- 10c. City Council approval of a Budget Adjustment in the amount of \$560,000.00 (\$299,288.00 from the Environmental Protection Agency and \$260,178.00 from the Walton Family Foundation) to be used for the Demonstration of Stream and Wetland Restoration at Little Sugar Creek in Bentonville, Arkansas. **(Pages 80-81)**
- 11a. A resolution amending the contract with FTN Associates, LTD for the Downtown Stormwater Drainage Network Analysis project. Additional Services generally consist of adding the proposed 8th street drainage into the existing stormwater network generated during the original contract. The cost of this request is not to exceed \$5,000.00 which brings the adjusted contract amount to \$63,500.00. **(Pages 82-87)**
- 12b. City Council approval of a Budget Adjustment in the amount of \$5,000.00 to be used for Additional Services for the Downtown Stormwater Drainage Network Analysis project. **(Pages 88-89)**
12. Budget adjustment in the amount of \$7,629.96 to be used to repair a 2014 Chevy Tahoe, unit # 2010-34. This unit was damaged on August 30, 2016 (MVA #16-02351, CPD) in a minor, one vehicle, parking lot incident. The aforementioned funds to repair this vehicle, not including the deductible, will be sourced from an Arkansas Municipal League Vehicle Program settlement. **(Pages 90-91)**

PROCLAMATION

WHEREAS: The City of Bentonville, Arkansas is committed to ensuring the safety and security of all those living in and visiting Bentonville. Fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk from fire ; and

WHEREAS: U.S. fire departments responded to 369,500 home fires in 2014, according to the National Fire Protection Association (NFPA). U.S. home fires resulted in 2,745 civilian deaths in 2014, representing the majority (84 percent) of all U.S. fire deaths; and

WHEREAS: In one-fifth of all homes with smoke alarms, the smoke alarms are not working. Three out of five home fire deaths result from fires in properties without smoke alarms (38 percent) or with no working smoke alarms (21 percent). Working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS: Many Americans don't know how old the smoke alarms in their homes are, or how often they need to be replaced. All smoke alarms should be replaced at least once every ten years. The age of a smoke alarm can be determined by the date of its manufacture, which is marked on the back of the smoke alarm; and

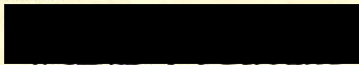
WHEREAS: Bentonville's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS: Bentonville's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS: The 2016 Fire Prevention Week theme, "Don't Wait Check the Date! Replace Smoke Alarms Every 10 Years" effectively serves to educate the public about the vital importance of replacing the smoke alarms in their homes at least every ten years, and to determine the age of their smoke alarms by checking the date of manufacture on the back of the alarms.

NOW, THEREFORE, I Bob McCaslin, Mayor of the City of Bentonville do hereby proclaim the week of October 9-15, 2016, as "**Fire Prevention Week**" in the City of Bentonville, Arkansas. I urge all the people of Bentonville to find out how old the smoke alarms in their homes are, to replace them if they're more than 10 years old, and to participate in the many public safety activities and efforts of Bentonville's fire and emergency services during Fire Prevention Week 2016.

Given this twenty-seventh day of September, 2016, in Bentonville, in the great State of Arkansas, in the United States of America.


Bob McCaslin, Mayor
City of Bentonville





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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 27, 2016

Submitted by:

Camille Thompson

Department

Staff Attorney

Phone

271-5914

ACTION REQUIRED:

ACTION REQUIRED: An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Roger Reid)

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



FILED

2016 SEP -1 PM 2: 12

CLERK OF COURT
BENTON COUNTY, ARKANSAS

IN THE COUNTY COURT OF BENTON COUNTY, ARKANSAS

IN THE MATTER OF ANNEXING TO
THE CITY OF BENTONVILLE,
ARKANSAS, CERTAIN PROPERTY
CONTIGUOUS TO SAID CITY IN
BENTON COUNTY, ARKANSAS

CASE NO. CC 2016-19

Bayer Reid

PETITIONER(S)

PETITION FOR ANNEXATION BY 100% PETITION

Comes now the undersigned petitioner(s), and state as follows:

1. That we, as property owners of the following described area, do hereby petition the County Court of Benton County, Arkansas, to annex the following lands to the City of Bentonville:

SEE ATTACHED LEGAL DESCRIPTION

2. We further state that this petition is signed by 100% of the real estate owners owning the property described.

3. We do further by this Petition appoint Camille Thompson, Staff Attorney, City of Bentonville, to act on behalf of the petitioners herein in presenting this matter to the Court.

4. That said property described herein is contiguous to and adjoining the present city limits of the City of Bentonville, as shown by the attached by the attached map.

5. That a description of services to be provided is attached hereto.

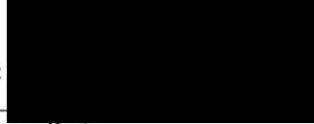
6. That the petitioners request that the Court enter an Order granting this Petition and annexing the territory described herein.

WHEREFORE, petitioner(s) pray that the lands described herein be annexed to the City of Bentonville, Arkansas.

Petitioner(s)

Roger Reid

Address:



8117 S. Morning Star Rd.

And

Camille Thompson, City of Bentonville
Their Agent



Date: March 31, 2016

Subject: Petition for Annexation (CC2016-xx) – Roger and Yvonne Reid
Parcel #: 15-18445-000 (AKA Lot One Reid Subdivision)

I have performed a preliminary review of the subject petition for annexation of territory into the City of Bentonville, AR and find the following:

1. The territory to be annexed is contiguous with the existing city boundary of Bentonville.
2. The acreage (3.98 ac.) on the submitted documents matches the deed(s) of record.
3. The submitted drawing and legal description matches with respect to size and location of the property.
4. The submitted legal description closes and conforms to the deed of record.
5. The map of territory to be annexed conforms to the existing parcel maps.
6. The petitioner names match the owners of record of the parcels.
7. The signers of the petition represent 100% of the owners and 100% of the area to be annexed.
8. No enclaves will be created by this annexation.

Please feel free to contact me if you have any questions.

Michael D. Million P.L.S.
Manager – Mapping Department
Benton County Assessor's Office
Phone: 479-271-1037, ext. 7004
Email: michael.million@bentoncountyar.gov

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF BENTONVILLE, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF BENTONVILLE, AND ASSIGNING SAME TO WARDS.

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

WHEREAS, on the 16th day of September, 2016, the County Court of Benton County, Arkansas, found that the petition was signed by the owners of said territory; that said territory was contiguous and adjoining the present corporate limits of the City of Bentonville, Arkansas; that an accurate plat or map of said territory had been filed with, and made a part of said petition; that proper notice had been given for the time and in the manner prescribed by law, and that all things pertaining thereto had been done in the manner prescribed by law, and that said lands and territory should be annexed to and a part of the City of Bentonville, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

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

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

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

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

APPROVED: _____

Mayor

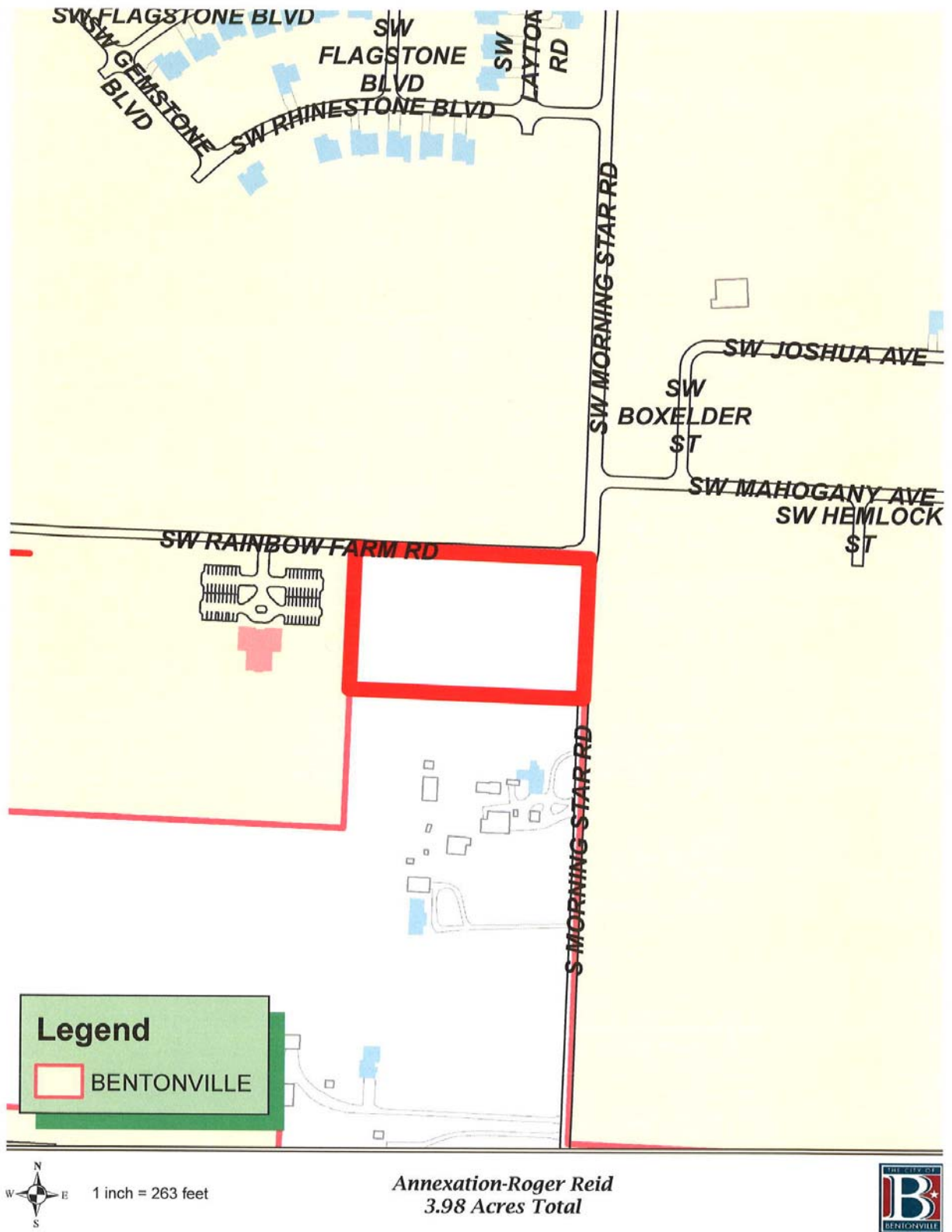
ATTEST: _____

Clerk

Annexation-Roger Reid
Exhibit 'A'

A part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14, Township 19N, Range 31W Benton County, Arkansas and more particularly described as follows:

Beginning at the NE Corner of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$;
Thence S $2^{\circ}27'54''$ W, 321.29';
Thence N $87^{\circ}43'18''$ W, 538.57';
Thence N $2^{\circ}25'59''$ E, 322.18';
Thence S $87^{\circ}37'38''$ E, 538.75' to the point of beginning.





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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 27, 2016

Submitted by:

Camille Thompson

Department

Staff Attorney

Phone

271-5914

ACTION REQUIRED:

ACTION REQUIRED: An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Richard Rushing and Richard Chapman- Trailblazers)

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



IN THE COUNTY COURT OF BENTON COUNTY, ARKANSAS

IN THE MATTER OF ANNEXING TO
THE CITY OF BENTONVILLE,
ARKANSAS, CERTAIN PROPERTY
CONTIGUOUS TO SAID CITY IN
BENTON COUNTY, ARKANSAS

CASE NO. CC _____

PETITIONER(S)

PETITION FOR ANNEXATION BY 100% PETITION

Comes now the undersigned petitioner(s), and state as follows:

1. That we, as property owners of the following described area, do hereby petition the County Court of Benton County, Arkansas, to annex the following lands to the City of Bentonville:

SEE ATTACHED LEGAL DESCRIPTION

2. We further state that this petition is signed by 100% of the real estate owners owning the property described.

3. We do further by this Petition appoint Camille Thompson, Staff Attorney, City of Bentonville, to act on behalf of the petitioners herein in presenting this matter to the Court.

4. That said property described herein is contiguous to and adjoining the present city limits of the City of Bentonville, as shown by the attached by the attached map.

5. That a description of services to be provided is attached hereto.

6. That the petitioners request that the Court enter an Order granting this Petition and annexing the territory described herein.

WHEREFORE, petitioner(s) pray that the lands described herein be annexed to the City of Bentonville, Arkansas.

Petitioner(s)

Address:

Bentonville/Bella Vista Trailblazers Association, Inc. P.O. Box 2821, Bentonville, AR 72712

[Redacted Signature]

R. ERIN RUSHING

EXEC. DIRECTOR

Signature:

Name:

Title:

Open Spaces Forever LLC

P.O. Box 1860, Bentonville, AR 72712

[Redacted Signature]

Signature:

Name:

Title:

And

Camille Thompson, City of Bentonville
Their Agent

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF BENTONVILLE, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF BENTONVILLE, AND ASSIGNING SAME TO WARDS.

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

WHEREAS, on the 16th day of **September, 2016**, the County Court of Benton County, Arkansas, found that the petition was signed by the owners of said territory; that said territory was contiguous and adjoining the present corporate limits of the City of Bentonville, Arkansas; that an accurate plat or map of said territory had been filed with, and made a part of said petition; that proper notice had been given for the time and in the manner prescribed by law, and that all things pertaining thereto had been done in the manner prescribed by law, and that said lands and territory should be annexed to and a part of the City of Bentonville, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

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

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

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

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

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

PASSED AND APPROVED THIS _____ **DAY OF** _____, **2016.**

APPROVED: _____

Mayor

ATTEST: _____

Clerk

SURVEY DESCRIPTION

LOT 1 OF TORRELL CREEK ADDITION (P.B. 2016, PG. 414), LOT 45 OF ANGEL FALLS NORTH (P.B. 2014, PG. 432, LOT 1 OF PEACH HOLLOW SUBDIVISION (P.B. 2015, PG. 333), PART OF THE SOUTHWEST QUARTER (SW^{1/4}) AND PART OF THE NORTHWEST QUARTER (NW^{1/4}) OF SECTION 24, PART OF THE SOUTHWEST QUARTER (SW^{1/4}) AND PART OF THE NORTHWEST QUARTER (NW^{1/4}) OF SECTION 25, AND PART OF THE NORTHEAST QUARTER (NE^{1/4}) OF SECTION 26, ALL IN TOWNSHIP 20 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SE CORNER OF THE NW^{1/4} OF THE SW^{1/4} OF SAID SECTION 25; THENCE S89°58'58"W 367.50 FEET TO THE POINT OF BEGINNING; THENCE S89°58'58"W 317.73 FEET; THENCE S02°09'25"W 15.35 FEET; THENCE N87°29'46"W 234.74 FEET; THENCE N02°08'42"E 416.81 FEET; THENCE N88°08'49"W 406.57 FEET; THENCE N02°16'50"E 893.44 FEET; THENCE N87°22'07"W 651.28 FEET; THENCE N02°38'57"E 2636.71 FEET; THENCE N86°57'23"W 21.00 FEET; THENCE N22°29'27"W 148.21 FEET; THENCE N29°33'32"W 500.40 FEET; THENCE N05°01'01"E 133.59 FEET; THENCE S73°30'08"E 161.78 FEET; THENCE S38°35'34"E 513.19 FEET; THENCE S67°30'34"E 292.94 FEET; THENCE N53°21'41"E 86.78 FEET; THENCE N01°42'59"W 310.00 FEET; THENCE N17°40'08"W 156.79 FEET; THENCE N03°44'25"W 425.27 FEET; THENCE N26°29'15"W 81.58 FEET; THENCE N51°21'32"W 141.80 FEET; THENCE S87°54'57"W 184.87 FEET; THENCE N00°50'22"E 76.75 FEET; THENCE S87°13'08"E 606.04 FEET; THENCE N02°34'11"E 1279.09 FEET; THENCE S87°16'27"E 40.00 FEET; THENCE N02°34'11"E 1359.48 FEET; THENCE S87°16'09"E 75.81 FEET; THENCE N59°20'38"E 34.96 FEET; THENCE N48°52'30"E 195.84 FEET; THENCE N38°09'26"E 167.47 FEET; THENCE N63°07'34"E 482.00 FEET; THENCE S50°40'10"E 289.69 FEET; THENCE S13°05'11"E 368.30 FEET; THENCE S87°16'09"E 46.20 FEET; THENCE S13°49'11"E 185.47 FEET; THENCE S10°37'05"E 680.80 FEET; THENCE S08°59'39"E 319.31 FEET; THENCE S18°08'47"E 178.21 FEET; THENCE N87°16'27"W 193.15 FEET; THENCE S02°35'26"W 857.08 FEET; THENCE N87°24'34"W 300.00 FEET; THENCE S02°35'26"W 471.73 FEET; THENCE S25°28'38"E 153.60 FEET; THENCE S11°32'02"E 78.56 FEET; THENCE N82°03'36"W 91.84 FEET; THENCE S02°35'26"W 325.11 FEET; THENCE S87°24'34"E 300.00 FEET; THENCE S02°35'26"W 593.36 FEET; N88°00'23"W 6.49 FEET; THENCE S57°57'09"W 325.00 FEET; THENCE S03°45'43"E 393.66 FEET; THENCE S36°09'34"W 78.49 FEET; THENCE S44°21'25"W 177.24 FEET; THENCE S03°43'08"W 169.94 FEET; THENCE S33°07'25"E 93.17 FEET; THENCE S58°59'28"E 134.60 FEET; THENCE N86°48'59"E 55.29 FEET; THENCE S77°37'36"E 95.77 FEET; THENCE S87°43'24"E 79.24 FEET; THENCE S02°16'36"W 418.53 FEET; THENCE S02°09'25"W 2143.70 FEET; THENCE S89°59'02"W 367.57 FEET; THENCE S02°18'25"W 421.21 FEET TO THE POINT OF BEGINNING, CONTAINING 12,066,055.10 SQUARE FEET OR 287.56 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.



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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 27, 2016

Submitted by:

Camille Thompson

Department

Staff Attorney

Phone

271-5914

ACTION REQUIRED:

ACTION REQUIRED: An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Van and Leola Jacobs)

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



FILED

2016 AUG 24 AM 10:18

TEENA O'DONEN
CLERK & PROBATE CLERK
BENTON COUNTY, AR

IN THE COUNTY COURT OF BENTON COUNTY, ARKANSAS

IN THE MATTER OF ANNEXING TO
THE CITY OF BENTONVILLE,
ARKANSAS, CERTAIN PROPERTY
CONTIGUOUS TO SAID CITY IN
BENTON COUNTY, ARKANSAS

CASE NO. CC _____

PETITIONER(S)

PETITION FOR ANNEXATION BY 100% PETITION

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SEE ATTACHED LEGAL DESCRIPTION

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3. We do further by this Petition appoint Camille Thompson, Staff Attorney, City of Bentonville, to act on behalf of the petitioners herein in presenting this matter to the Court.

4. That said property described herein is contiguous to and adjoining the present city limits of the City of Bentonville, as shown by the attached by the attached map.

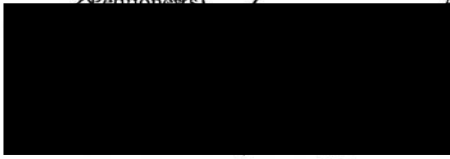
5. That a description of services to be provided is attached hereto.

6. That the petitioners request that the Court enter an Order granting this Petition and annexing the territory described herein.

WHEREFORE, petitioner(s) pray that the lands described herein be annexed to the City of Bentonville, Arkansas.

(Petitioner(s))

Address:



17 W. Central, Bentonville, AR 72712

And

Camille Thompson, City of Bentonville
Their Agent

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF BENTONVILLE, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF BENTONVILLE, AND ASSIGNING SAME TO WARDS.

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

WHEREAS, on the 16th day of September, 2016, the County Court of Benton County, Arkansas, found that the petition was signed by the owners of said territory; that said territory was contiguous and adjoining the present corporate limits of the City of Bentonville, Arkansas; that an accurate plat or map of said territory had been filed with, and made a part of said petition; that proper notice had been given for the time and in the manner prescribed by law, and that all things pertaining thereto had been done in the manner prescribed by law, and that said lands and territory should be annexed to and a part of the City of Bentonville, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

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

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

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

Section 2. That the above described territory shall be annexed to and made a part of Ward 1 of the City of Bentonville, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

APPROVED: _____

Mayor

ATTEST: _____

Clerk

**Jacobs Annexation
Exhibit 'A'**

Part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, Township 20N, Range 30W, Benton County Arkansas
and more particularly described as follows:

Beginning at the SW Corner of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$.

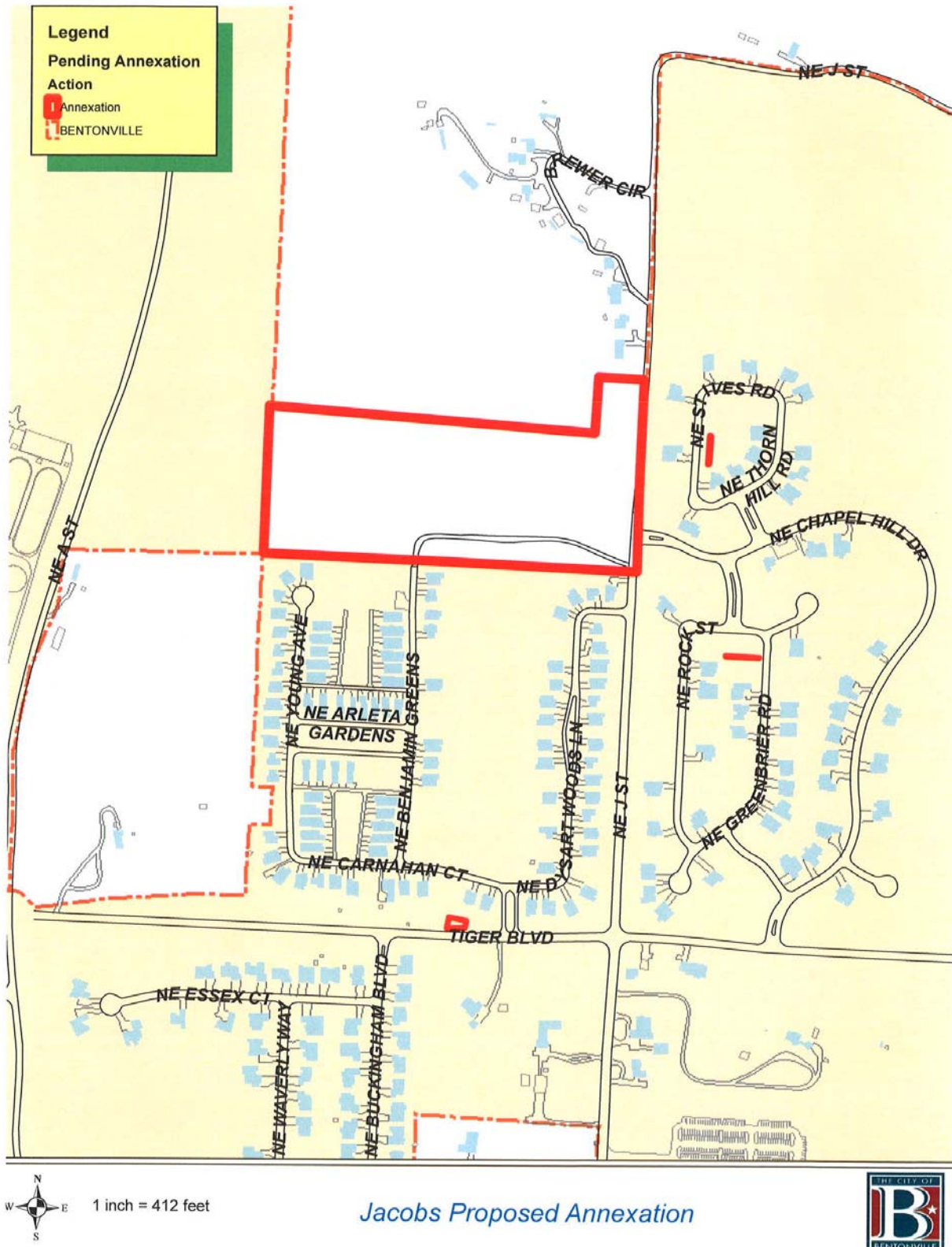
Thence N 01° 38' 25" W, 539.50';
Thence S 89° 00' 30" E, 1163.18;
Thence North, 200';
Thence N 89° 55' 10" E, 163.44';
Thence S 00° 51' 28" E, 366.47;
Thence S 89° 00' 15" W, 660';
Thence S 00° 51' 28" E, 330';
Thence S 89° 00' 15" W, 661.63' to the point of beginning.

AND

The South 100' of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, Township 20N, Range 30W, Benton
County, Arkansas.

AND

The North 230' of the East $\frac{1}{2}$ of the South 10 Acres of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 20,
Township 20N, Range 30W, Benton County, Arkansas.



**City Council
Planning Agenda
September 27, 2016**

Lot Split: Lots 3 & 4 of Tennie Russell Addition Phase 1, Robert Lewis, 1303 Northwest 7th Street, Zoned A-1, Agricultural.

The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split that will create two new lots from one existing lot. The new lots will be known as Lot 3 (5.50 acres) and Lot 4 (22.67 acres) of Tennie Russell Addition, Phase 1.

Lot Split: Lots 9 & 10 of Dean Maxwell First Addition, Jon L. Seth, 501 Bella Vista Road, Zoned R-1, Single Family Residential.

The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split that will create two new lots from one existing lot. The new lots will be known as Lot 9 (0.20 acres) and Lot 10 (0.23 acres) of Dean Maxwell First Addition.

Lot Split: Lot 13 Deming's Second Addition, Bryan Shook, 704 Northwest C Street, Zoned R-1, Single Family Residential.

The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split that will create one new lot from the southern portion of three existing lots. The new lot will be known as Lot 13 (0.15 acres) of Deming's Second Addition.

Property Line Adjustment: Lot 9 Gocio Subdivision, Joe Delacruz, 712 Jefferson Street, Zoned R-1, Single Family Residential.

The planning commission voted 6-0 recommending approval.

The applicant has submitted a property line adjustment that will create one new lot from all of existing Lot 3 and the western portion of existing Lot 2. The new lot will be known as Lot 9 (0.37 acres) of Gocio Subdivision.

Final plat: Creekstone Subdivision Phase 3, Vancon, LLC, Northwest Riverbend Road, Zoned R-1, Single Family Residential.

The planning commission voted 6-0 recommending approval.

Creekstone Subdivision Phase 3 will consist of 38.50 acres and 25 single family lots, all of which are buildable. These lots range in size from 0.57 acres to 4.03 acres. Access to the Subdivision will be from Northwest Riverbend Road.

**Rezoning: James and Neomie Ryan Revocable Trust, 2500 Southeast J Street,
Rezoning from A-1, Agricultural to C-2, General Commercial.**

The planning commission voted 6-0 recommending approval.

The C-2, General Commercial zoning designation is designed to serve the entire planning area and highway travelers. It allows for the construction of businesses that offer a variety of goods and services as well as offices and some light industrial and warehouse uses.

LOT SPLIT STAFF REPORT



Lot Split: Lots 3 & 4 Tennie Russell Addition, Phase 1 1603 Dogwood Drive

PC Date: 9/20/2016

Recommendation: APPROVAL

Reviewer: Jon Stanley, Planner

Project Number	16-05000032
Applicant / Current Owner	Robert Lewis 1303 Northwest 7 th Street Bentonville, Arkansas 72712
Site Area	28.17 acres
Current Zoning	Error! Reference source not found.
Future Land Use Map Designation	Low Density Residential (LDR)

<http://geo.bentonvillear.com/mgweb/PZ/pending/>

Property Description

This property is the location of a vacant agriculture field adjacent to an established single family neighborhood along the eastern boundary and situated in the western part of the city.

Project Description

The applicant has submitted a lot split that will create two new lots from one existing lot. The new lots will be known as Lot 3 (5.50 acres) and Lot 4 (22.67 acres) of Tennie Russell Addition, Phase 1. Additional right-of-way is being dedicated along Dogwood Drive and Northwest 9th Street per the current Master Street Plan. Septic system approval has been obtained from the Benton County Health Department for Lot 3. A sidewalk waiver was granted by the Planning Commission on September 6, 2016 for Lot 3 only.

Projected Traffic Impact

The proposed lot split will not adversely impact traffic in the area. The established street grid will provide multiple options for ingress and egress.

Utility Infrastructure

Per the GIS website, water is available to both lots. Lot 3 has been approved for a septic system by the Benton County Health Department and Lot 4 has direct access to public sewer.

Standard Conditions of Approval

- Provide a digital copy of the plat.
- Address all technical review comments before requesting a building permit.

Drainage Report

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



Waivers

Not applicable

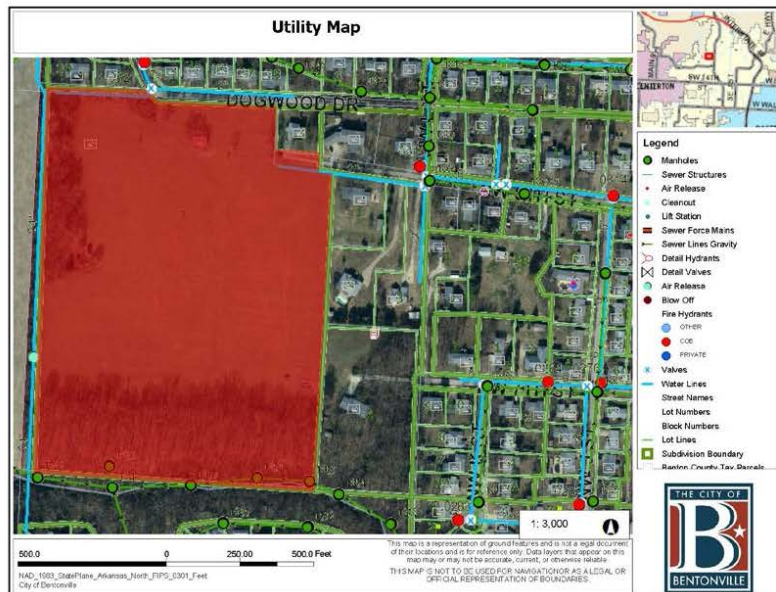
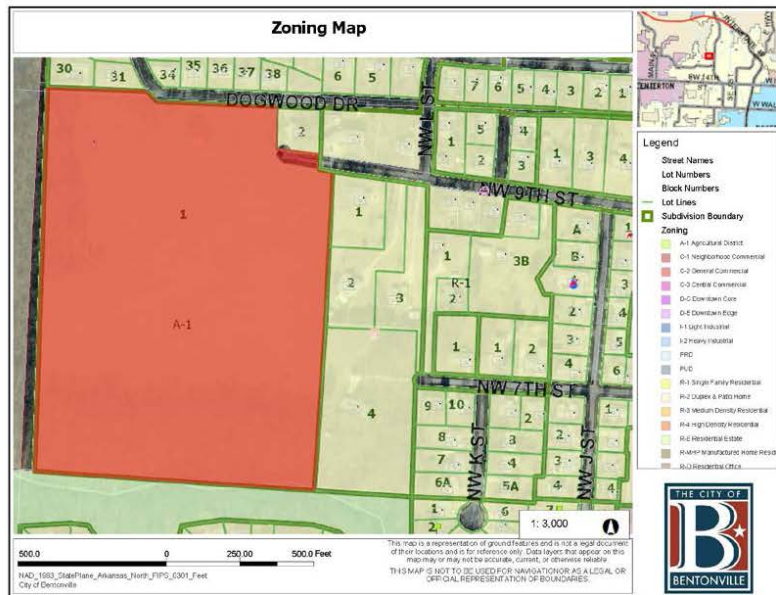
Conclusion

This lot split does meet the minimum requirements of the subdivision regulations.

Recommendation

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends approval.

LOT SPLIT STAFF REPORT



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 3 & 4 TENNIE RUSSELL ADDITION
PHASE 1 TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lots 3 & 4 Tennie Russell Addition Phase 1, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 20th day of September, 2016 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 Bentonville, and after consideration and deliberation said Council is of the option 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 3 & 4 Tennie Addition Phase 1 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 _____, 2016.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

LOT SPLIT STAFF REPORT



Lot Split: Lots 9 & 10 Dean Maxwell First Addition 501 Bella Vista Road

PC Date: 9/20/2016

Recommendation: APPROVAL

Reviewer: Jon Stanley, Planner

Project Number	16-05000029
Applicant / Current Owner	Jon L. Seth PO Box 257 Garfield, Arkansas 72732
Site Area	0.43 acres
Current Zoning	R-1, Single Family Residential
Future Land Use Map Designation	Low Density Residential (LDR)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Property Description

This property is the location of a single family residence in an established single family neighborhood situated in the northwest part of downtown.

Project Description

The applicant has submitted a lot split that will create two new lots from one existing lot. The new lots will be known as Lot 9 (0.20 acres) and Lot 10 (0.23 acres) of Dean Maxwell First Addition. Additional right-of-way is being dedicated along Bella Vista Road and Northwest 5th Street per the current Master Street Plan. A 20' wide private ingress/egress easement will be dedicated by a separate document to allow each lot to access Bella Vista Road and Northwest 5th Street via a half circle driveway that will be shared by both lots. Primary access to both lots will be from Northwest 5th Street. A variance was approved by the Board of Adjustment for lot widths on July 13, 2016. The applicant intends for the existing rock home to remain.

Projected Traffic Impact

The proposed lot split will not adversely impact traffic in the area. The downtown street grid and adjacent collector street will provide multiple options for ingress and egress.

Utility Infrastructure

Per the GIS website, water and sewer are available to this site.

Drainage Report

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

Waivers

Not applicable.



Standard Conditions of Approval

- Provide a digital copy of the plat.
- Address all technical review comments before requesting a building permit.

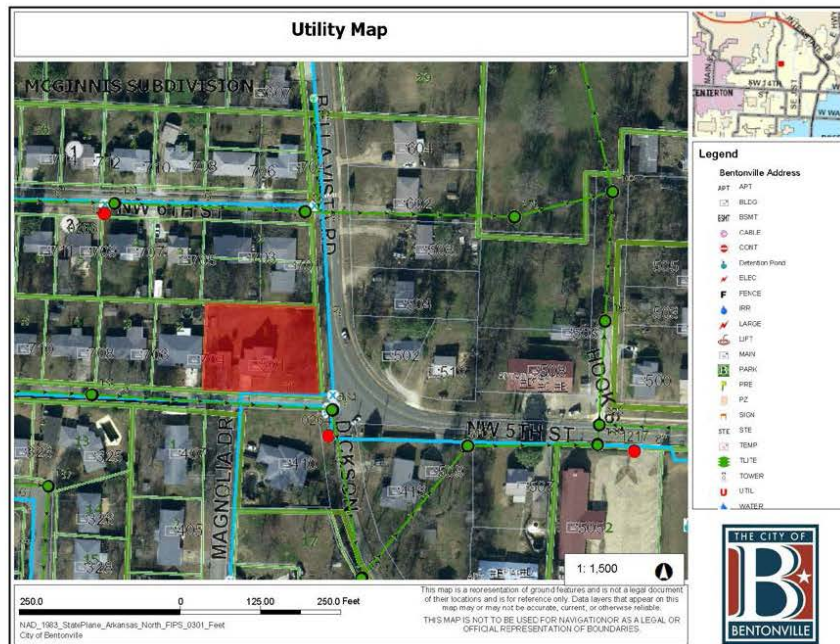
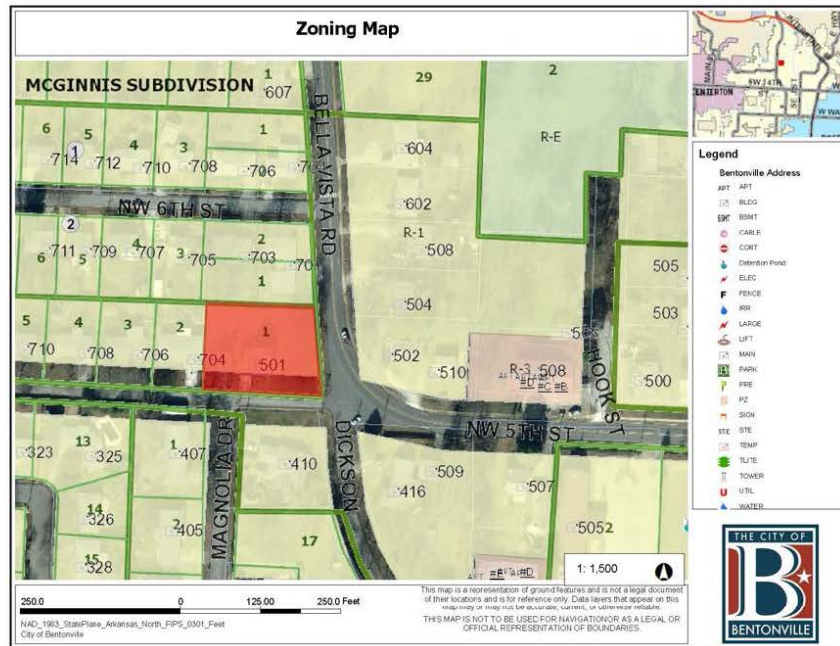
Conclusion

This lot split does meet the minimum requirements of the subdivision regulations.

Recommendation

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends approval.

LOT SPLIT STAFF REPORT



~ 35 ~

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 9 & 10 DEAN MAXWELL FIRST 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 9 & 10 Dean Maxwell First Addition, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 20th day of September, 2016 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 Bentonville, and after consideration and deliberation said Council is of the option 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 9 & 10 Dean Maxwell First 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 _____, 2016.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

LOT SPLIT STAFF REPORT



Lot Split: Lot 13 Deming's Second Addition

704 Northwest C Street

PC Date: 9/20/2016

Recommendation: APPROVAL

Reviewer: Jon Stanley, Planner

Project Number	16-05000035
Applicant / Current Owner	Bryan Shook 311 South Main Street Bentonville, Arkansas
Site Area	0.15 acres
Current Zoning	R-1, Single Family Residential
Future Land Use Map Designation	Low Density Residential (LDR)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Property Description

This property is the location of a single family residence in an established single family neighborhood situated in the northwest part of downtown.

Project Description

The applicant has submitted a lot split that will create one new lot from the southern portion of three existing lots. The new lot will be known as Lot 13 (0.15 acres) of Deming's Second Addition. Additional right-of-way is being dedicated along Northwest C Street per the current Master Street Plan.

Projected Traffic Impact

The proposed lot split will not adversely impact traffic in the area. The downtown street grid will provide multiple options for ingress and egress.

Utility Infrastructure

Per the GIS website, water and sewer are available to this site.

Standard Conditions of Approval

- Provide a digital copy of the plat.
- Address all technical review comments before requesting a building permit.

Drainage Report

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

Waivers

Not applicable.



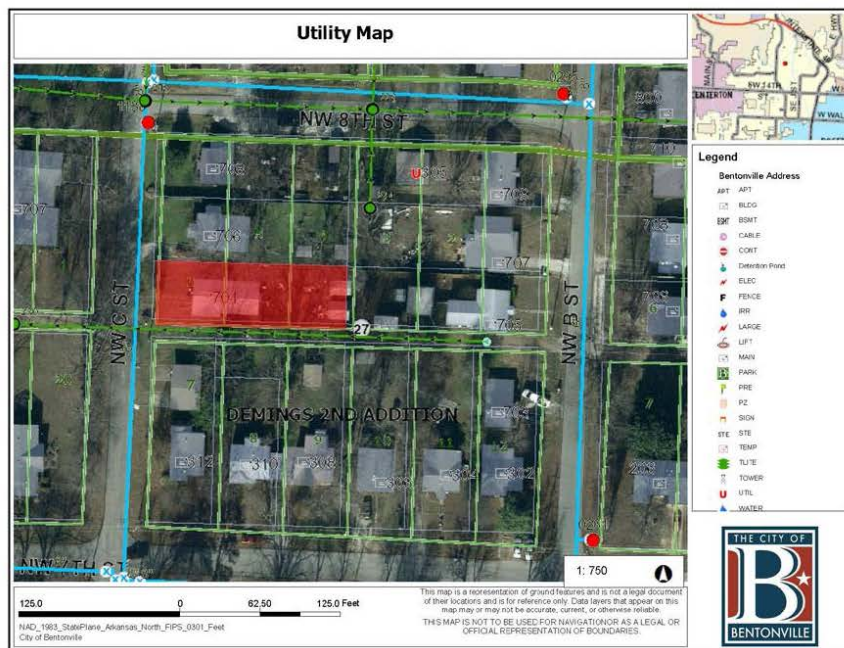
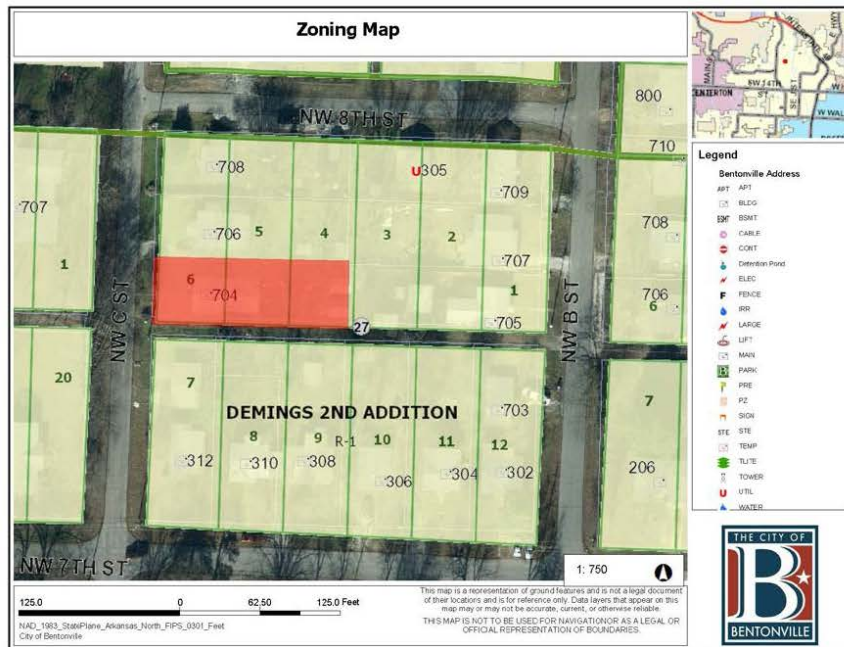
Conclusion

This lot split does meet the minimum requirements of the subdivision regulations.

Recommendation

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends approval.

LOT SPLIT STAFF REPORT



NOTE: THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVATION AND/OR ABOVE-GROUND APPLICANCES. ALL UTILITY LINES APPEARING ON THIS PLAN, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND, NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION, OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAN.

[illegible]

Bates Associates, Inc.

 Engineers • Architects • Architects
 2225 S. American Street • Phoenix, Arizona 85024 • Tel. 483-1000 • Fax 483-1010

HARRISON FRENCH ARCHITECTS
 1701 C. ST. ANDREW ST. N.
 SUITE 200
 WILLOWDALE, ONTARIO
 M2H 3C8
 TEL: (416) 491-1100
 FAX: (416) 491-1101
 WWW.HFARCH.COM



STATE OF
ARKANSAS
NO. 1642
D. L. THOMAS
PROFESSIONAL LAND SURVEYOR
EXPIRATION DATE 12-31-2005

SUBSCRIPTIONS AND ADDRESS CHANGES TO:
 MAY 1955 DAY OF 2006
 POSTAGE PAID BY _____
 PERMIT NO. 1000
 POST OFFICE BOX 1000
 DAYTON, OHIO 45401-1000
 POSTMASTER: PAY TO THE ORDER OF THE NATIONAL FLOOD INSURANCE PROGRAM FUND
 (U.S. MAIL PERMIT NO. 1000)

SOURCE OF TITLE: REF ID: A6286755

DATE OF ACCEPTANCE	DATE OF EXECUTION	DATE OF EXPIRATION
SEN201	REYNOLDS PLANNING COMMISSION CHAIRMAN	
SEN202		MAYOR CITY OF REYNOLDSVILLE
SEN203		

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF LOT 13 DEMING'S SECOND ADDITION
TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lot 13 Deming's Second Addition, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 20th day of September , 2016 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 Bentonville, and after consideration and deliberation said Council is of the option 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 Lot 13 Deming's 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 _____, 2016.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

PROPERTY LINE ADJUSTMENT STAFF REPORT



Property Line Adjustment: Lot 9 Gocio Subdivision 712 Jefferson Street

PC Date: 9/20/2016
Recommendation: APPROVAL
Reviewer: Jon Stanley, Planner

Project Number	16-07000022
Applicant / Current Owner	Joe Delacruz 712 Jefferson Street Bentonville, Arkansas
Site Area	0.37 acres
Current Zoning	R-1, Single Family Residential
Future Land Use Map Designation	Low Density Residential (LDR)

<http://geo.bentonvillear.com/mgweb/PZ/pending/>

Property Description

This property is the location of a single family residence in an established single family neighborhood situated in the southwest part of downtown.

Project Description

The applicant has submitted a property line adjustment that will create one new lot from all of existing Lot 3 and the western portion of existing Lot 2. The new lot will be known as Lot 9 (0.37 acres) of Gocio Subdivision. Additional right-of-way is being dedicated along Jefferson Street per the current Master Street Plan. Sufficient right-of-way exists along Northwest 3rd Street.

Projected Traffic Impact

The proposed property line adjustment will not adversely impact traffic in the area. The downtown street grid will provide multiple options for ingress and egress.

Utility Infrastructure

Per the GIS website, water and sewer are available to this site.

Standard Conditions of Approval

- Provide a digital copy of the plat.
- Address all technical review comments before requesting a building permit.

Drainage Report

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

Waivers

Not applicable.



Conclusion

This property line adjustment does meet the minimum requirements of the subdivision regulations.

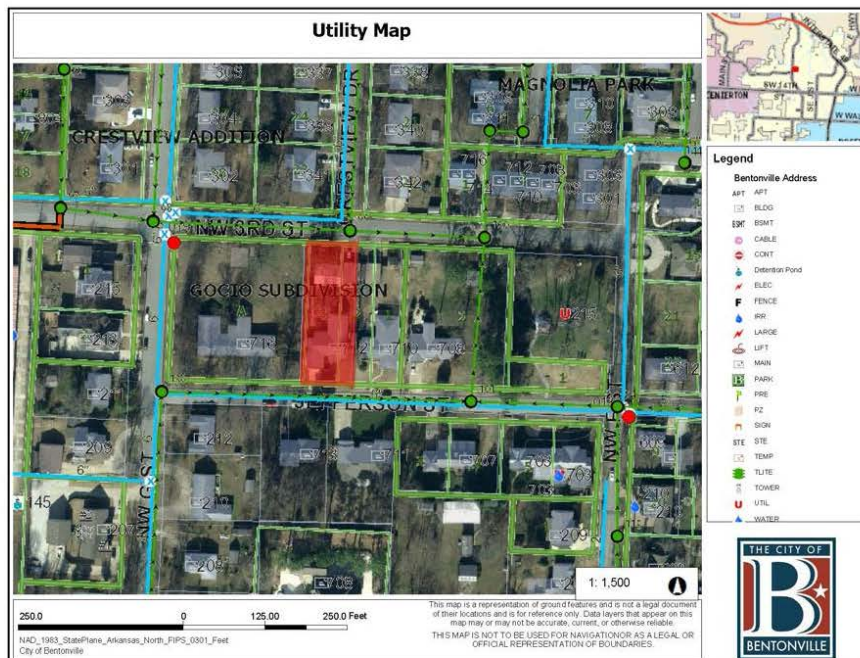
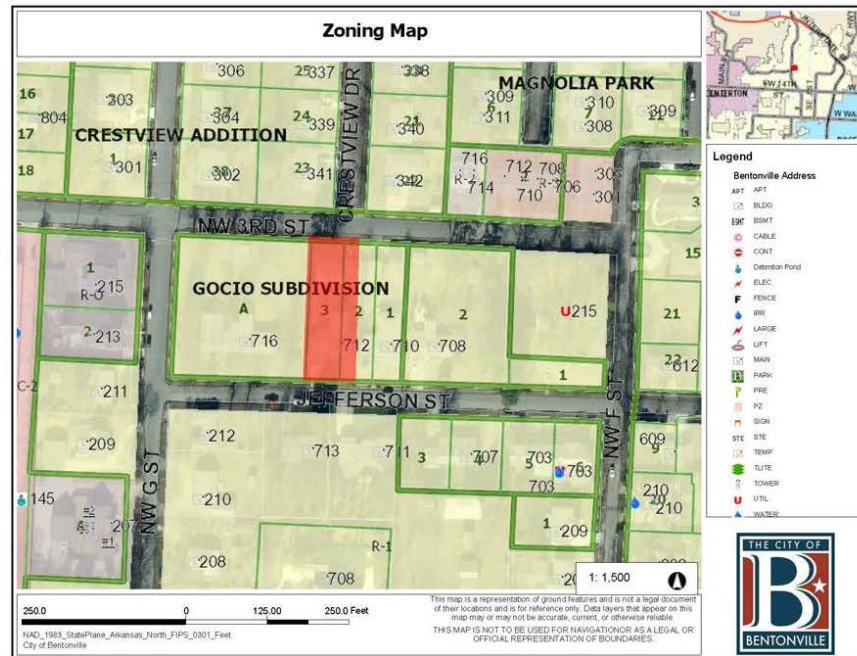
Recommendation

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends approval.

NOTES

- **Street Names:** All street names are preliminary and are for planning purposes only. Street names are not finalized until Final Plat approval.
- **Sidewalks:** Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.
- **Conceptual Approval:** Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer and streets. The information submitted for the property line adjustment was reviewed for general concept only.

PROPERTY LINE ADJUSTMENT STAFF REPORT



SCALE 1"=30'

30 15 0 30

NOTES

1. SPECIAL WARRANTY DEED RECORDED ON JUNE 07, 2013 IN BOOK 2013, PAGE 31500.

2. TAX PARCEL IS 01-02767-000.

LEGEND

○ SET IRON PIN
 ○ FOUND IRON PIN
 ○ SEWER MANHOLE
 ○ PROPERTY LINE
 ○ OVERHEAD ELECTRIC
 ○ CONTROLLING
 ○ FENCE
 ○ ADJ. PROPERTY LINE
 ○ ORIGINAL SUBDIVISION LOT LINE
 ○ EXISTING WATER METER
 ○ EXISTING GAS METER
 ■ DEDICATION AREA

NOTES

1. SPECIAL WARRANTY DEED RECORDED ON JUNE 07, 2013 IN BOOK 2013, PAGE 31500.

2. TAX PARCEL IS 01-02767-000.

3. BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND OR OWNER IS TO CONTACT THE CITY OF BENTONVILLE ENGINEERING AND TRANSPORTATION DEPARTMENTS AND NOTIFY SAID DEPARTMENTS ON THE INTENT AND TYPE OF THE WORK THAT WILL TAKE PLACE WITH-IN THE RIGHT-OF-WAY.

4. OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER, SEWER, AND ELECTRIC SERVICE.

5. SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE.

6. THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.

7. BOARD OF ADJUSTMENT VARIANCE FOR SIDE SETBACK ON WESTERN SIDE EXISTS JULY 23, 2003.

BUILDING SETBACK (R-1 ZONING)

30' FRONT FROM STREET RIGHT-OF-WAY
 20' FRONT FROM STREET RIGHT-OF-WAY IF GARAGE IS RECESSED
 7' ALONG SIDE LOT LINES
 25' ALONG BACK LOT LINES

CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED, AND SUBDIVIDED AND DO HEREBY LAY OFF, PLAT, SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

DATE OF EXECUTION: _____

SIGNED: _____
 JOE DELACRUZ

PRINT: _____

STATE OF ARKANSAS)

COUNTY OF BENTON)

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 2016.

NOTARY PUBLIC SIGNATURE _____

CERTIFICATE OF APPROVAL

PURSUANT TO THE BENTONVILLE SUBDIVISION REGULATIONS AND ALL OTHER CONDITIONS AND APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS CERTIFICATE IS HEREBY EXECUTED UNDER THE AUTHORITY OF THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION: _____

SIGNED: _____

MAYOR

CITY CLERK

PLANNING COMMISSION CHAIRMAN

LOT 9 DESCRIPTION

LOT 3 AND THE WEST 27.5 FEET OF LOT 2, GOCIO SUBDIVISION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD "C" AT PAGE 28, FURTHER DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 3 OF GOCIO SUBDIVISION, THENCE SOUTH 86°52'16" EAST 77.50 FEET TO A SET IRON PIN; THENCE SOUTH 03°00'50" WEST 205.56 FEET TO A SET IRON PIN; THENCE NORTH 88°35'28" WEST 77.53 FEET TO A SET IRON PIN; THENCE NORTH 03°00'50" EAST 207.89 FEET BACK TO THE POINT OF BEGINNING, SAID LOT CONTAINING 0.3678 ACRES MORE OR LESS.

CERTIFICATE OF ACCURACY

I, DAVID B. PLATZ, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION: 9/06/16

SIGN: _____

STATE OF ARKANSAS

BASIS OF BEARING

TIED INTO CITY OF BENTONVILLE MONUMENTATION (MONUMENTS #1 & 56).

SITE ADDRESS:
 712 JEFFERSON ST.

PROP. LINE ADJ

OWNER: JOE DELACRUZ
 712 JEFFERSON STREET
 BENTONVILLE, AR 72712

273-7600
 OR
 362-7600

CONSULTING INC.

P.O. BOX 223
 BENTONVILLE, AR 72712

REVISIONS

No.	BY:	DATE:
1	DP/2S	07/12/16
2	CHECKED BY:	JOB No.: 2016135
3	SCALE: 1"=30'	SHEET: 1

ATLAS PAGE 361

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOT 9 GOCIO SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS.

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the property line adjustment of Lot 9 Gocio Subdivision, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 20th day of September , 2016 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 Bentonville, and after consideration and deliberation said Council is of the option 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 9 Gocio Subdivision to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

FINAL PLAT STAFF REPORT



Final Plat: Creekstone Subdivision Northwest Riverbend Road

PC Date: 9/20/2016
Recommendation: APPROVAL
Reviewer: Jon Stanley, Planner

Project Number	16-03000006
Applicant / Current Owner	Vancon, LLC 632 W. Lancashire Blvd. Bella Vista, AR 72715
Site Area	38.50 acres
Current Zoning	R-1, Single Family Residential
Future Land Use Map Designation	Low Density Residential (LDR)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Property Description

This property is currently vacant and adjacent to an existing single family subdivision in the northwest section of the city.

Project Description

Creekstone Subdivision Phase 3 consist of 38.50 acres and 25 single family lots, all of which are buildable. These lots range in size from 0.57 acres to 4.03 acres. The subdivision will be a gated community and ingress/egress will be from Northwest Riverbend Road. All streets within the subdivision will be private and each lot will have adequate access onto these private streets. Right-of-way was dedicated for the existing cul-de-sac at the end of Northwest Riverbend Road and a 5' wide sidewalk was constructed around the cul-de-sac. Utility easements are being dedicated throughout the subdivision to serve each lot. All non-bondable items have been completed and tentatively accepted by the city engineer.

Utility Infrastructure

Per the GIS website, water and sewer are available to this site. Sewer, water and electricity have been extended to each lot. Easements for the utility infrastructure are being dedicated with this plat.

Standard Conditions of Approval

- Provide a digital copy of the plat.
- Address all technical review comments before requesting a building permit.
- Private street signs must be installed prior to issuance of building permits.

Drainage Report

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

Waivers

Not applicable



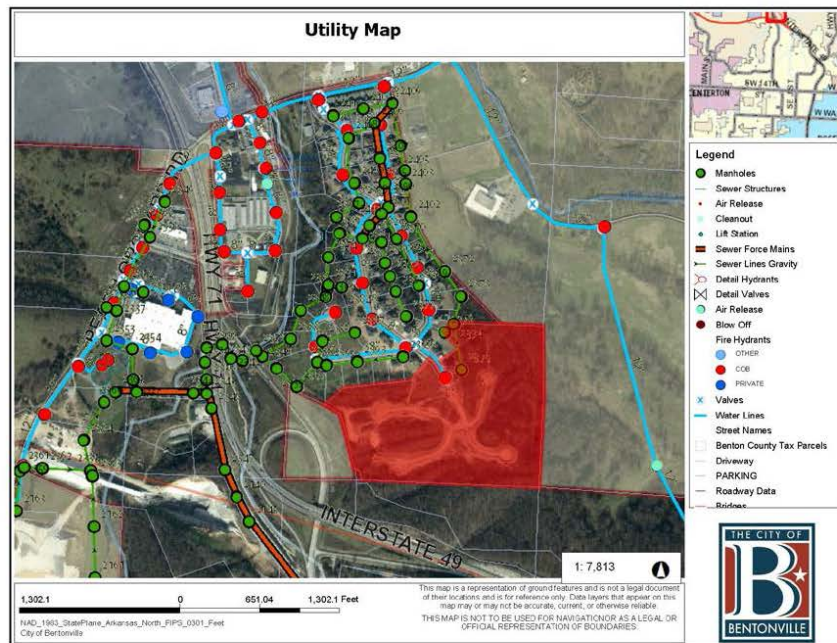
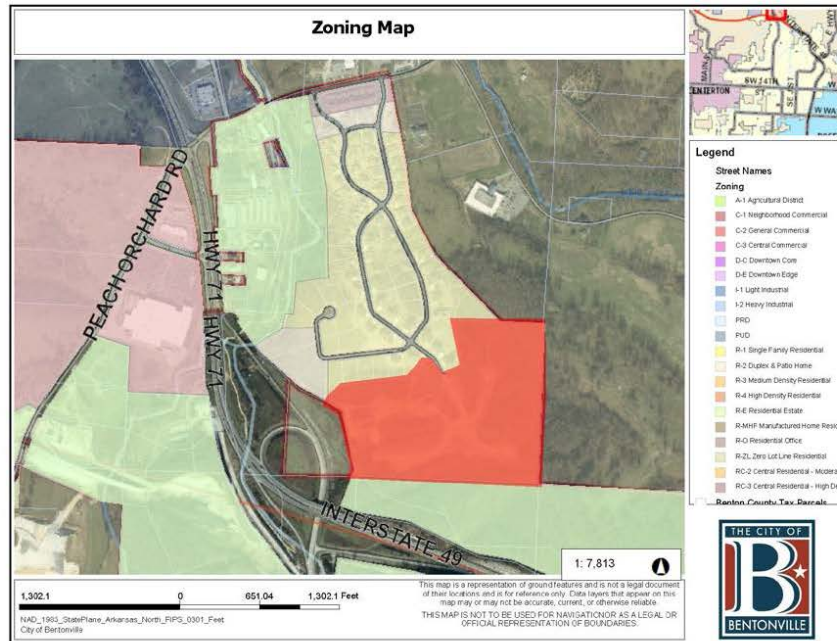
Conclusion

This final plat does meet the minimum requirements of the subdivision regulations. All non-bondable items have been completed.

Recommendation

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends approval.

FINAL PLAT STAFF REPORT



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A FINAL PLAT OF CREEKSTONE SUBDIVISION
PHASE 3, TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the final plat of Creekstone Subdivision Phase 3, to the City of Bentonville, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 20th day of September, 2016 and

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

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

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

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

Section 1: That the final plat of Creekstone Subdivision Phase 3, to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

ATTEST:

APPROVED:

CITY CLERK

MAYOR



Rezoning: Ryan Revocable Trust

2500 Southeast J Street

From: A-1, Agricultural

To: C-2, General Commercial

PC Date: 9/20/2016

Recommendation: APPROVAL

Reviewer: Jon Stanley, Planner

Project Number	16-09000028
Applicant / Current Owner	James and Neaomoie Ryan Revocable Trust 2500 Southeast J street Bentonville, Arkansas
Site Area	0.26 acres
Current Zoning	A-1, Agricultural
Requested Zoning	C-2, General Commercial
Future Land Use Map Designation	Commercial (C)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Property Description

This property is the location of a single family residence adjacent to an office warehouse and a private educational facility.

Projected Traffic Impact

The proposed zoning designation will not adversely impact traffic in the area. The adjacent arterial street will provide adequate options for ingress and egress.

Utility Infrastructure

Water and sewer is available along Southeast J Street on the east side of the property.

Relationship to the General Plan

The Future Land Use Plan depicts this property as Commercial (C). The C-2, General Commercial zoning is an appropriate zoning district for this designation.

ANALYSIS, CONCLUSION AND SUMMARY

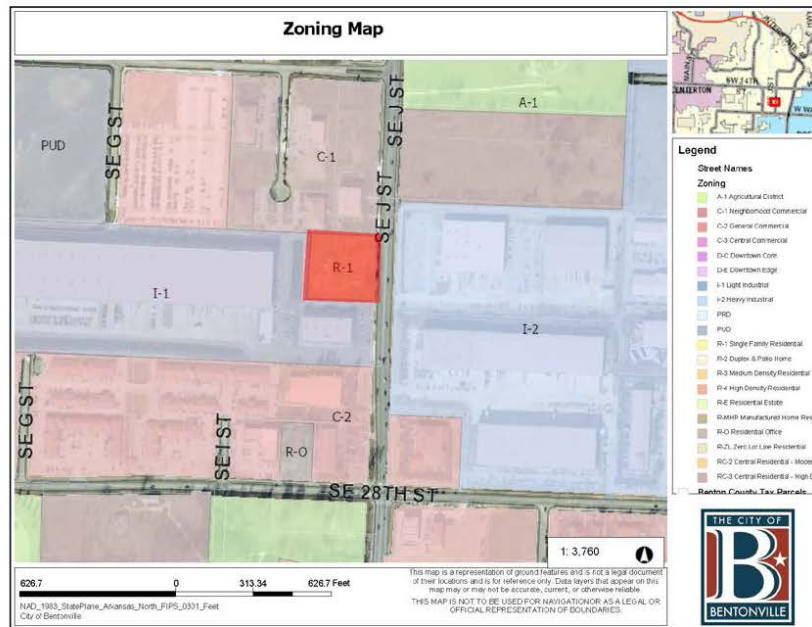
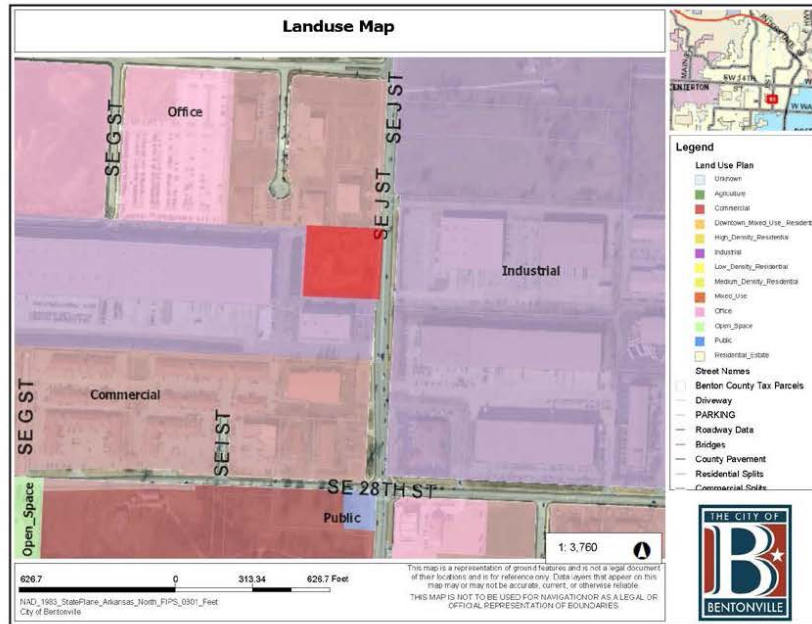
The C-2, General Commercial zoning designation is designed to serve the entire planning area and highway travelers. It allows for the construction of businesses that offer a variety of goods and services as well as offices and some light industrial and warehouse uses. The C-2 zoning designation will allow for in-fill development along an otherwise established commercial and light industrial corridor and is compatible with surrounding uses and zonings. The proposed zoning designation will help support the established commercial uses in the area and will not adversely impact the transportation network and the existing utility infrastructure.



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.

REZONING STAFF REPORT



ORDINANCE NO. _____

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

WHEREAS, James and Neomie Ryan Revocable Trust, duly filed a petition with the City Planning Commission requesting that the hereinafter described 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.

PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION FIVE (5), TOWNSHIP 19 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF THE SW1/4 OF SAID SECTION 5, SAID POINT BEING A FOUND SPINDLE IN THE CENTERLINE OF SOUTHEAST "J" STREET, THENCE ALONG SAID CENTERLINE NORTH 00°00'00" EAST 784.63 FEET FOR THE POINT OF BEGINNING, THENCE SOUTH 89°56'40" WEST 309.57 FEET TO A FOUND IRON PIN, THENCE NORTH 00°45'28" EAST 266.10 FEET TO A FOUND IRON PIN, THENCE SOUTH 89°59'10" EAST 306.05 FEET TO A POINT ON THE EAST LINE SAID SE ¼, BEING IN SOUTHEAST "J" STREET, THENCE ALONG SAID SOUTHEAST "J" STREET AND SAID EAST LINE SOUTH 00°00'00" WEST 265.70 FEET TO THE POINT OF BEGINNING, SUBJECT TO THE RIGHT AWAY OF SOUTHEAST "J" STREET ALONG THE EAST THEREOF W/EXCEPTS

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 20th day of September 2016 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 _____, 2016.

ATTEST:

APPROVED:

CLERK

MAYOR



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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 27, 2016

Submitted by:

Brent Boydston

Department

Fire

Phone

271-5927

ACTION REQUIRED:

Fire Department Staff recommends Council approve increasing the vehicle count for the fire department.

COST TO CITY:

Cost of this Request: \$37,742

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





Inter-office Memorandum

To: Mayor McCaslin and City Council
From: Brent Boydston, Fire Chief
CC: Camille Thompson, Staff Attorney and Denise Land, Finance Director
Date: September 27, 2016
Re: Increase Vehicle Count for the Fire Department

The fire department is requesting to add a staff vehicle to its existing fleet.

In April of this year, the fire department reorganized the Deputy Chief's to two 40-hour positions.

- The fire department Command Staff is on call 24 hours a day to respond to emergencies in the City and out of the City.
- Special events supervisor.
- Attend local, regional and state meetings concerning fire, rescue and hazmat operations.
- Meet with surrounding agencies on mutual aid and fire responses.
- Retrieve equipment from area hospitals.
- Assist Fire Marshal's Office when requested.
- Address maintenance concerns at all fire department facilities.
- Attend training classes.
- Assist with training fire department personnel.



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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 27, 2016

Submitted by:

Denise Land

Department

Administration

Phone

271-3118

ACTION REQUIRED:

Adopt resolution certifying the rate of taxation levied on real and personal property in the City of Bentonville. This resolution is required by the Quorum Court and County Clerk in order to facilitate the millage levy to be collected in 2017.

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



BENTON COUNTY

STATE OF ARKANSAS

RECEIVED SEP 19 2016

TENA O'BRIEN

COUNTY CLERK & VOTER REGISTRAR

215 EAST CENTRAL, SUITE 217
BENTONVILLE, AR 72712-5373

PROBATE COURT CLERK

COURTHOUSE, 102 N.E. "A" STREET
BENTONVILLE, AR 72712-5350

September 15, 2016

MEMORANDUM NOTICE

TO: MAYOR BOB McCASLIN – BENTONVILLE
RE: 2016 TAX LEVY – MILLAGE RATES FOR TAXES COLLECTED 2017

As you are aware, it is time once again for the Benton County Quorum Court to levy millage rates for the various taxing units in the county, including county, municipal, and school taxes for the 2017 collections on 2016 assessments.

As required by Arkansas Code Annotated §26-73-202, please submit your written certificate of the rate of taxation to be levied by your town/city on the real and personal property within your town/city so your levy is included in the Quorum Court Ordinance.

Please send a certified copy of the Resolution or Ordinance passed by the City Council which sets out in detail the millage rate for all funds for both real and personal property. The current millage levy for **BENTONVILLE** is as follows: **General 5.0 mills; Firemen's Pension 0.5 mills.**

I need this certificate by October 21, 2016 in order to prepare the Quorum Court ordinance to be enacted in November, as required by law.

Please note that Amendment 79 requires that the rates for real and personal property be levied at the same rate.

Sincerely,



Tena O'Brien

COUNTY CLERK
(479) 271-1013
FAX (479) 271-1019

VOTER REGISTRAR
(479) 271-5704

BENTONVILLE
(479) 271-1013
FAX (479) 271-1019

SILOAM SPRINGS
(479) 238-0120
FAX (479) 524-8534

PROBATE COURT CLERK
(479) 271-5727
FAX (479) 271-1712

ROGERS
(479) 636-3727
FAX (479) 636-4922
ARCHIVIST (479) 636-1037
FAX (479) 636-1053

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING A PROPERTY TAX LEVY
FOR THE CITY OF BENTONVILLE, ARKANSAS FOR THE
YEAR 2016 TO BE COLLECTED IN THE YEAR 2017.**

WHEREAS, Arkansas Code Annotated §26-25-102 provides that a city may levy a tax on the real and personal property located within the city for general purposes, in any one year, pursuant to the provisions of the Arkansas Constitution; and

WHEREAS, Arkansas Code Annotated §26-73-202 requires the city council of any municipal corporation to make out and certify to the county clerk the rate of taxation levied by the city on all the real and personal property within the city; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Bentonville and its citizens to levy the rate of taxation on the real and personal property located within the said city as set forth herein, and to certify the same to the County Clerk, and authorize the Quorum Court of the County to levy said tax for the year 2016, to be collected in 2017.

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

Section 1. That the property tax rate for the City General purposes on the real and personal property situated within the City and to be collected in the year 2017 shall be fixed and levied at the rate of 5.0 mills on each dollar of assessed value of real and personal property.

Section 2. The property tax for Fireman's Pension purposes for the City on real and personal property situated within the City to be collected in the year 2017 shall be fixed and levied at the rate of .5 mills on each dollar of assessed value of real and personal property.

Section 4. The rate of taxation levied herein on the real and personal property within the city/town shall, by this Resolution, be certified to the County Clerk to be placed upon the tax books and collected in the same manner that the state and county taxes are collected.

Section 5. The Quorum Court of Benton County, Arkansas is authorized to levy the said tax as set forth herein for real and personal property located within the City of Bentonville for the year 2016, at its regular meeting in November according to law.

PASSED and APPROVED this _____ day of _____, 2016.

APPROVED:

Bob McCaslin, Mayor

ATTEST:

Linda Spence, City Clerk



CHECK ALL THAT APPLY			
☒	Bid Award	Bid #	16-35
☐	Budget Adjustment		
☐	Change Order		
☐	Informational		
☐	Ordinance		
☐	Resolution		
☐	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

September 27, 2016

Submitted by:

Bryan Wick

Department

Engineering

Phone

696-0227

ACTION REQUIRED:

Approval for the Mayor and City Clerk to enter into a contract with Tri Star Construction for the project Bentonville Sidewalk Improvements 2016. Project consists of constructing approximately 3500 LF of concrete sidewalk and 280 LF of concrete trail. The contract amount for this project is \$210,782.00 which come from the Street Department and Engineering Department sidewalk accounts.

COST TO CITY:

Cost of this Request: \$210,782.00

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$	323,021.00
Funds Expended to Date		37,946.18
Remaining Budget		285,074.82
Budget Adjustment		-
Remaining After Adjustment	\$	285,074.82

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



Memorandum



To: Mayor and City Council
From: Bryan Wick, Project Manager
Date: Monday, September 19, 2016
Re: Bid Award for Bentonville Sidewalk Improvements 2016

Staff is seeking City Council approval for the Bentonville Sidewalk Improvements 2016 Project. This project includes constructing approximately 3500 LF of concrete sidewalk in various locations around Bentonville and 280 LF of concrete trail at the end of SW F Street. Bentonville Sidewalk Improvements 2016 received the following bids:

• Delsha	\$244,670.50
• Diamond C Construction	\$261,203.00
• Gen X Contracting, Inc.	\$212,412.00
• Hessling	\$242,788.14
• Tri Star	\$210,782.00

The budgeted amount for this project is \$285,074.82, which will come from the Street Department and Engineering Department Sidewalk Accounts. Tri Star Construction's Bid Tab reflects a different amount than the one mentioned above, see bid tab attachment. This is due to a multiplication error that was caught in the bid tab. Line 505.1 "Seeding" should read a total amount of \$660.00 and not \$1320.00. This change reduced the overall contract amount by \$(660.00) bringing the project total from \$211,442.00 to \$210,782.00. Staff is seeking City Council approval for a resolution allowing the Mayor and City Clerk to enter into an agreement with Tri Star Construction.

Staff recommends approval of the contract as written.

Please contact me with any questions or concerns regarding the proposed contract or the project as a whole. My telephone number is (479) 696-0227 or I can be reached via email at bwick@bentonvillear.com.

BID FOR UNIT PRICE CONTRACT

PLACE: City of Bentonville, Arkansas

DATE: September 15, 2016

TIME: 1:00 pm

Proposal of Tri Star Contractors, LLC
(hereinafter called "Bidder") a corporation, organized and existing under the laws of the State of Arkansas,
a partnership, or an individual doing business as partnership
(insert corporation, partnership or individual as applicable)

To the City of Bentonville, Arkansas (hereinafter called "Owner").

Gentlemen:

The Bidder, in compliance with your invitation for bids for construction of Bentonville Sidewalk Improvements 2016, having examined the plans and specifications with related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies, and to construct the project in accordance with the contract documents, within the time set forth therein, and at the prices stated below. These prices are to cover all expenses incurred in performing the work required under the contract documents, of which this proposal is a part.

Bidder hereby agrees to commence work under this contract on or before a date to be specified in written "Notice to Proceed" of the Owner and to fully complete the project within 90 consecutive calendar days thereafter as stipulated in the specifications.

Bidder acknowledges receipt of the following addendum:

Addendum Number and Description

Dated

Addenda # 1 (Informational Notes, NW St Pg. 2 of 2,
-bid for Unit Price)

9-6-16

BID FOR UNIT PRICE CONTRACT

Item #	Item	Unit	QTY	Unit Price	Extended Price
111.1	CONSTRUCTION CONTROL	LS	1	5,000. ⁰⁰	5,000. ⁰⁰
112.1	TRENCH AND EXCAVATION SAFETY SYSTEM	LS	1	500. ⁰⁰	500. ⁰⁰
201.1	CLEARING AND GRUBBING	LS	1	20,000. ⁰⁰	20,000. ⁰⁰
202.1	UNDERCUT AND BACKFILL	CY	20	36. ⁰⁰	720. ⁰⁰
202.4	EXCAVATION (PLAN QUANTITY) (TRAIL)	CY	115	18. ⁰⁰	2,070. ⁰⁰
202.5	EMBANKMENT (PLAN QUANTITY) (TRAIL)	CY	115	18. ⁰⁰	2,070. ⁰⁰
204.1	GRADING AND TOPSOIL PLACEMENT	SY	1675	5. ⁰⁰	8,375. ⁰⁰
301.2	19" x 24" CMP OUTSIDE OF ROADWAY	LF	40	50. ⁰⁰	2,000. ⁰⁰
305.2	CONCRETE CHANNEL PAVING	SY	5	100. ⁰⁰	500. ⁰⁰
501.1	CONCRETE CURB AND GUTTER	LF	216	18. ⁰⁰	3,888. ⁰⁰
502.1	4" CONCRETE SIDEWALK W/ BASE COURSE	SY	1875	42. ⁰⁰	78,750. ⁰⁰
503.2	6" CONCRETE DRIVEWAY W/ BASE COURSE	SY	393	60. ⁰⁰	23,580. ⁰⁰
505.1	SEEDING	AC	.5	1,320. ⁰⁰	1,320. ⁰⁰
505.1	SODDING	SY	130	5. ⁰⁰	650. ⁰⁰
507.6	CROSSWALKS (THERMOPLASTIC)	LF	186	12. ⁰⁰	2,232. ⁰⁰
509.1	EROSION CONTROL	LS	1	2,000. ⁰⁰	2,000. ⁰⁰
510.1	TRAFFIC CONTROL	LS	1	1,500. ⁰⁰	1,500. ⁰⁰
511.1	MOBILIZATION (LIMITED TO 5% OF TOTAL)	LS	1	9,000. ⁰⁰	9,000. ⁰⁰
513.1	CAST-IN-PLACE TACTILE PANEL	SF	128	62.50	8,000. ⁰⁰
513.2	HANDICAP RAMP CONCRETE	EA	16	750. ⁰⁰	12,000. ⁰⁰
517.1	6" CONCRETE TRAIL W/ FIBER REINFORCEMENT	SY	315	60. ⁰⁰	18,900. ⁰⁰
518.1	ADJUST EXISTING WATER VALVE BOX	EA	10	250. ⁰⁰	2,500. ⁰⁰
519.1	MODULAR RETAINING WALL SYSTEM	SF	70	84.10	5,887. ⁰⁰

Total Base Bid: 211,442.⁰⁰

The above unit prices shall include all labor, materials, bailing, shoring, removal, overhead, profit, insurance, etc., to cover the finished work of the several kinds called for.

Bidder understands that the Owner reserves the right to reject any or all bids and to waive any informalities in the bidding.

BID FOR UNIT PRICE CONTRACT

The above unit prices shall include all labor, materials, bailing, shoring, removal, overhead, profit, insurance, etc., to cover the finished work of the several kinds called for.

Bidder understands that the Owner reserves the right to reject any or all bids and to waive any informalities in the bidding.

The Bidder agrees that his bid shall be good and may not be withdrawn for a period of 60 calendar days after closing time for receiving bids.

Upon receipt of written notice of the acceptance of this bid, Bidder will execute the formal contract attached within 10 days and deliver a Performance and Payment Bond or Bonds as required by Section 7 of the Information to Bidders. The bid security attached in the sum of

Ten thousand five hundred seventy two ^{dollars} and ten cents \$ 10,572.10

is to become the property of the Owner in the event the contract and bond are not executed within the time above set forth, as liquidated damages for the delay and additional expenses to the Owner caused thereby as required by Section 7 of the Information to Bidders.

Only the following identified subcontractors will be utilized by the Contractor in this project. The bid must indicate the name and addresses of all such subcontractors to be used in the project listing the description of the work to be performed by each subcontractor or contain the word "none" which is the bidder's verification that no subcontractors(s) will be utilized in the project. Acceptance or rejection of the listed subcontractor(s) shall be made by the Owner.

NAME	ADDRESS	DESCRIPTION OF WORK
NONE		

Respectfully Submitted:



President-Tri Star Contractors
Title

1910 Waukesha Road Siloam Springs, AR
Business Address and Zip Code 72761

0186220317

Contractor's Arkansas License Number

SEAL - (If bid by a Corporation)



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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 27, 2016

Submitted by:

Bryan Wick

Department

Engineering

Phone

696-0227

ACTION REQUIRED:

City Council approval of a resolution to recognize a grant from the Environmental Protection Agency in the amount of \$299,288.00. These funds will be used for the Demonstration of Stream and Wetland Restoration at Little Sugar in Bentonville, Arkansas.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

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

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

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



Memorandum



To: Mayor and City Council

From: Bryan Wick, Project Manager

Date: Monday, September 19, 2016

Re: Grants for Demonstration of Stream and Wetland Restoration at Little Sugar Creek in Bentonville, Arkansas

Little Sugar Creek, one of the City of Bentonville's major waterways that drains into Lake Bella Vista, was selected to undergo a partial stream restoration. This restoration will result in a stable stream system and improved water quality, as well as enhanced aquatic habitat and aesthetic values. Along with the stream restoration, a wetland will be created close to the project site.

Recently, the City of Bentonville has applied and been selected for grants from both the Environmental Protection Agency (EPA) and Walton Family Foundation (WFF) for the "Demonstration of Stream and Wetland Restoration at Little Sugar Creek" in Bentonville, Arkansas. Staff is seeking City Council approval for resolutions to allow the City of Bentonville to recognize these funds and a budget adjustment to adjust the Engineering Departments "Capital budget" to reflect the income. Below is a description of the funds from EPA and WFF:

- EPA – \$299,822.00
- WFF – \$260,178.00
- Total – **\$560,000.00**

These funds will be used concurrently for hiring design consultants, contractors, and procuring equipment and materials necessary to carry out the project scope.

Please contact me with any questions or concerns regarding these Grants or the project. My telephone number is (479) 696-0227 or I can be reached via email at bwick@bentonvillear.com

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement		GRANT NUMBER (FAIN): 01F10801	DATE OF AWARD
			MODIFICATION NUMBER: 0	08/16/2016
			PROGRAM CODE: CD	MAILING DATE
			TYPE OF ACTION	ACH#
RECIPIENT TYPE: Township		Send Payment Request to: Las Vegas Finance Center		
RECIPIENT:		PAYEE:		
City of Bentonville 117 W. Central Ave. Bentonville, AR 72712 EIN: 71-6000642		Denise Land 117 W. Central Ave. Bentonville, AR 72712		
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST
Ben Peters 305 SW A St. Bentonville, AR 72712 E-Mail: bpeters@bentonvillear.com Phone: 479-271-5906		Sondra McDonald 1445 Ross Avenue, Suite 1200, 6WQ-AT Dallas, TX 75202-2733 E-Mail: mcdonald.sondra@epa.gov Phone: 214-665-7187		Lakeia Robinson Management Division, 6MD-CG E-Mail: robinson.lakeia@epa.gov Phone: 214-665-2765
PROJECT TITLE AND DESCRIPTION Demonstration of Stream & Wetland Restoration at Little Sugar Creek The City of Bentonville proposes to implement an urban stream restoration demonstration project on Little Sugar Creek using a natural channel design approach that includes the development of wetlands.				
BUDGET PERIOD 08/16/2016 - 11/30/2019		PROJECT PERIOD 08/16/2016 - 11/30/2019		TOTAL PROJECT PERIOD COST \$560,000.00
NOTICE OF AWARD Based on your Application dated 05/18/2015 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$299,822. EPA agrees to cost-share 53.54% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$299,822. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS		ORGANIZATION / ADDRESS		
Grant Programs Section, 6MD-CG 1445 Ross Avenue, Suite 1200 Dallas, TX 75202-2733		U.S. EPA, Region 6 Water Division 1445 Ross Avenue, Suite 1200 Dallas, TX 75202-2733		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official Donna Miller - Chief, Grant Programs Section				DATE 08/16/2016

EPA Funding Information

CD - 01F10801 - 0 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 299,822	\$ 299,822
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 260,178	\$ 260,178
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 560,000	\$ 560,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.461 - Regional Wetlands Program Development Grants	Clean Water Act: Sec. 104(b)(3)	2 CFR 200 2 CFR 1500 40 CFR 33 and 40 CFR 35 Subpart A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1606WA0010	16	E1	061K	202B07	4153	-	-	299,822
									299,822

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$0
2. Fringe Benefits	\$0
3. Travel	\$2,850
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$35,000
7. Construction	\$0
8. Other	\$522,150
9. Total Direct Charges	\$560,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient 46.46 % Federal 53.54 %.)	\$560,000
12. Total Approved Assistance Amount	\$299,822
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$299,822
15. Total EPA Amount Awarded To Date	\$299,822

Administrative Conditions

A. General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-march-29-2016-or-later>. These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at <http://www.epa.gov/grants/grant-terms-and-conditions>.

B . GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33.

UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

MBE/WBE REPORTING, 40 CFR, Part 33, Subpart E

MBE/WBE reporting is required in annual reports. Reporting is required for assistance agreements where there are funds budgeted for procuring construction, equipment, services and supplies, including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category that exceed the threshold amount of \$150,000, including amendments and/or modifications.

Based on EPA's review of the planned budget, this award meets the conditions above and is subject to the Disadvantaged Business Enterprise (DBE) Program reporting requirements. However, if recipient believes this award does not meet these conditions, it must provide [R6 EPA Grants Programs@epa.gov](mailto:R6_EPA_Grants_Programs@epa.gov) with a justification and budget detail within 21 days of the award date clearly demonstrating that, based on the planned budget, this award is not subject to the DBE reporting requirements.

The recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" report (EPA Form 5700-52A) on an annual basis. All procurement actions are reportable, not just that portion which exceeds \$150,000.

When completing the annual report, recipients are instructed to check the box titled "annual" in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the "last report" of the project in section 1B of the form. Annual reports are due by October 30th of each year. Final reports are due by October 30th or 90 days after the end of the project period, whichever comes first.

The reporting requirement is based on total procurements. Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

MBE/WBE reports should be sent to R6_EPA_Grants_Programs. The current EPA Form

5700-52A can be found at the EPA Office of Small Business Program's Home Page at http://www.epa.gov/osbp/dbe_reporting.htm

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Good Faith Effort requirements as described in 40 CFR Part 33 Subpart C, and Fair Share Objectives negotiation as described in 40 CFR Part 33 Subpart D and explained below.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE participation in procurement under the financial assistance agreements.

In accordance with 40 CFR, Section 33.411 some recipients may be exempt from the fair share objectives requirements described in 40 CFR, Part 33, Subpart D. Recipients should work with their DBE coordinator, if they think their organization may qualify for an exemption.

Current Fair Share Objective/Goal

The dollar amount of this assistance agreement or the total dollar amount of all of the recipient's financial assistance agreements in the current federal fiscal year from EPA is \$250,000, or more. **The Arkansas Department of Environmental Quality** has negotiated the following, applicable MBE/WBE fair share objectives/goals with EPA as follows:

MBE: CONSTRUCTION 8.3%; SUPPLIES 2.6%; SERVICES 13.1%; EQUIPMENT 2.8%
WBE: CONSTRUCTION 11.0%; SUPPLIES 8.7%; SERVICES 20.0%; EQUIPMENT 1.1%

Negotiating Fair Share Objectives/Goals

In accordance with 40 CFR, Part 33, Subpart D, established goals/objectives remain in effect for three fiscal years unless there are significant changes to the data supporting the fair share objectives. The recipient is required to follow requirements as outlined in 40 CFR Part 33, Subpart D when renegotiating the fair share objectives/goals.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts

could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

C. QUALITY MANAGEMENT PLAN (QMP) - The recipient will submit an update or revision of the Quality Management Plan annually to the Region Quality Assurance Manager (6MD) for approval, or a certification that the plan is current, and include a copy of the recipient's new approval pages for the QMP.

D. QUALITY ASSURANCE PROJECT PLAN (QAPP) - Sixty days prior to the initiation of any environmental measurements or data generation, the recipient shall submit to the EPA Project Officer, for review and approval, a written Quality Assurance Project Plan (QAPP) for this grant project. The QAPP shall comply with the guidelines specified in the document entitled "EPA Requirements for Quality Assurance Project Plans for Environmental Data Operations", EPA QA/R5. If any change is required after EPA approval, the recipient must notify the Project Officer **immediately** and request approval for the change **prior to implementation**.

Any costs for environmental measurements or data generation incurred prior to approval of the Quality Assurance Project Plan by the EPA Project Officer will be ineligible for reimbursement.

Programmatic Conditions

E. Project management: Project management and execution will be very closely monitored by EPA representatives throughout the assistance agreement's project and budget periods. Effective implementation of the scope of work involves a jointly supported strong ongoing collaboration between the recipient and EPA. Technical assistance and coordination will be routine. EPA and the recipient will maintain a continuous dialogue for the rapid identification, solution, and escalation of problems to top level managers.

F. Performance reports: Quarterly Reports will be submitted to the EPA Project Officer. Progress Reports must adequately address progress in achieving agreed-upon project/program

outputs and environmental outcomes.

G. EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for performance within the project period and/or the availability of funds necessary to complete the project.

H. Competency of Organizations Generating Environmental Measurement Data: In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement. A copy of the Policy is available online at <http://www.epa.gov/fem/pdfs/competency-policy-aaia-new.pdf> or a copy may also be requested by contacting the EPA project officer for this award.

I. Subaward Reporting: The recipient must report on its subaward monitoring activities under [2 CFR 200.331\(d\)](#). Examples of items that must be reported if the pass-through entity has the information available are:

1. Summaries of results of reviews of financial and programmatic reports.
2. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance
3. Environmental Results the subrecipient achieved.
4. Summaries of audit findings and related pass-through entity management decisions.
5. Actions the pass-through entity has taken to correct deficiencies such as those specified at [2 CFR 200.331\(e\)](#), [2 CFR 200.207](#) and the [2 CFR Part 200.338](#) Remedies for Noncompliance.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR A REGIONAL WETLANDS PROGRAM DEVELOPMENT GRANT FOR PARTIAL FUNDING OF THE DEMONSTRATION OF STREAM AND WETLAND RESTORATION AT LITTLE SUGAR CREEK PROJECT IN BENTONVILLE, ARKANSAS.

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

Section 1: That the Mayor and City Clerk be and are hereby authorized to enter into an agreement with the U.S. Environmental Protection Agency for a Regional Wetlands Program Development Grant for the Demonstration of Stream and Wetland Restoration at Little Sugar Creek project in Bentonville, Arkansas as per the Notice of Award 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 _____, 20____.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 27, 2016

Submitted by:

Bryan Wick

Department

Engineering

Phone

696-0227

ACTION REQUIRED:

City Council approval of a Resolution to recognize a grant from the Walton Family Foundation in the amount of \$260,178.00. These funds will be used for the Demonstration of Stream and Wetland Restoration at Little Sugar in Bentonville, Arkansas.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

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

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

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



Memorandum



To: Mayor and City Council

From: Bryan Wick, Project Manager

Date: Monday, September 19, 2016

Re: Grants for Demonstration of Stream and Wetland Restoration at Little Sugar Creek in Bentonville, Arkansas

Little Sugar Creek, one of the City of Bentonville's major waterways that drains into Lake Bella Vista, was selected to undergo a partial stream restoration. This restoration will result in a stable stream system and improved water quality, as well as enhanced aquatic habitat and aesthetic values. Along with the stream restoration, a wetland will be created close to the project site.

Recently, the City of Bentonville has applied and been selected for grants from both the Environmental Protection Agency (EPA) and Walton Family Foundation (WFF) for the "Demonstration of Stream and Wetland Restoration at Little Sugar Creek" in Bentonville, Arkansas. Staff is seeking City Council approval for resolutions to allow the City of Bentonville to recognize these funds and a budget adjustment to adjust the Engineering Departments "Capital budget" to reflect the income. Below is a description of the funds from EPA and WFF:

- EPA – \$299,822.00
- WFF – \$260,178.00
- Total – **\$560,000.00**

These funds will be used concurrently for hiring design consultants, contractors, and procuring equipment and materials necessary to carry out the project scope.

Please contact me with any questions or concerns regarding these Grants or the project. My telephone number is (479) 696-0227 or I can be reached via email at bwick@bentonvillear.com



P.O. Box 2030 | Bentonville, AR 72712-2030
479.464.1570 phone | 479.464.1580 fax
www.waltonfamilyfoundation.org

September 16, 2016

Bob McCaslin
Mayor
City of Bentonville
117 West Central Boulevard
Bentonville, AR 72712

RE: Grant #2016-870

Dear Bob McCaslin,

It is my pleasure to inform you that The Walton Family Foundation, Inc. ("Foundation") has approved a 3-year grant in the amount of up to \$260,178.00 to the City of Bentonville ("Grantee"). The project term will be September 01, 2016 to January 01, 2019. This grant is subject to the following terms and conditions:

1. **Purpose:** The purpose of the grant is to implement an urban stream restoration and demonstration project on the Little Sugar Creek, located in Bentonville. This grant is more fully described in Grantee's proposal dated June 1, 2016. Grantee agrees to use all grant funds exclusively for the grant's purposes. Any changes in these purposes must be authorized in advance by the Foundation in writing.
2. **Amount: Up to Two Hundred Sixty Thousand, One Hundred Seventy-Eight Dollars (\$260,178.00).**

Grant payment will be made as follows:

Installment	Amount	Requirement
#1	Up to \$260,178.00	Upon completion of a signed grant agreement as well as evidence of match funding in the amount of \$299,822.00

3. **Payable:** This grant shall be initiated upon receipt of this completed letter from Grantee acknowledging the terms and conditions set forth herein as well as evidence of match funding in the amount of \$299,822.00. All payment requests need to be received by December 1, 2016 to be eligible for payment.
4. **Accounting:** (a) The Foundation encourages, whenever feasible, the deposit of grant funds in an interest-bearing account. For purposes of this letter, the term "grant funds" includes the grant and any income earned thereon.

(b) Grantee will maintain records of receipts and expenditures made in connection with the grant funds and will keep these records during the period covered by the Grantee's reporting obligations specified in paragraph 5 and for at least four years thereafter ("Maintenance Period"). Grantee will make its books and records in connection with the grant funds available for inspection by the Foundation during normal business hours as the Foundation may request at any time during the Maintenance Period.
5. **Reporting and Evaluation:** Grantee will provide the Foundation with financial and narrative reports by the due dates listed in the report schedule below. Each report shall include an account of

expenditures of grant funds, and a brief narrative of what was accomplished (including a description of progress made in fulfilling the purposes of the grant and a confirmation of Grantee's compliance with the terms of the grant).

Report Date	Report Type
12/15/2017	Interim Financial and Narrative
1/31/2019	Final Financial and Narrative

Success will be measured against the outputs and outcomes described in Appendix A.

All reports will be sent electronically to HomeRegion@wffmail.com. Please reference Grant #2016-870 on all reports submitted.

Grantee payments are always contingent upon the Foundation's approval of Grantee's operations based on the above reports and the Foundation's satisfaction with such information as it chooses to obtain from other sources.

6. **Representations:** Grantee represents and warrants to the Foundation that:

(a) Grantee is an organization in good standing, is either an organization described in section 501(c) (3) of the Internal Revenue Code ("Code") or a governmental unit, and is not a "private foundation" described in section 509(a) of the Code. Grantee will promptly notify the Foundation of any change in Grantee's tax status under the Code.

(b) In no event will Grantee use any grant funds:

(i) to carry on propaganda, or otherwise to attempt, to influence legislation;

(ii) to influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drive; or

(iii) to undertake any activity other than for a charitable, educational or other exempt purpose specified in section 170(c)(2)(B) of the Code.

(c) Grantee will comply with all applicable laws and regulations.

7. **Repayment:** Grantee agrees to repay to the Foundation any portion of the grant funds not used for the grant's purposes. In addition, the Foundation may discontinue any further payments to Grantee, and may direct Grantee to repay any unexpended grant funds to the Foundation, if any of the following events occurs:

(a) Grantee ceases to maintain its tax-exempt status as described in paragraph 6(a) above;

(b) Grantee fails to comply with the terms of this letter; or

(c) There is a material change in Grantee's key personnel that in the sole opinion of the Foundation adversely affects Grantee's management of the grant.

8. **Release and Indemnity:** Without waiving immunity pursuant to law, Grantee shall release, indemnify, defend and hold harmless the Foundation and its directors, officers, employees and agents from and against any and all claims, actions, suits, demands, damages, losses, expenses and liabilities, arising out of or related in any way to the actions or omissions of Grantee (or its directors, officers, employees, agents or contractors) in connection with the Grant and the project funded by the Grant, except to the extent caused by the Foundation's (or its directors', officers', employees' or agents') negligent actions or omissions.

9. **Grant Publicity:** Grant publicity related to this grant consistent with Grantee's normal practice is permitted, subject to the following provisions. The Foundation expects any announcements and other publicity to focus on Grantee's work and the project or issue funded by the grant. Recognition of the Foundation's role in funding the project is permitted, provided that the timing, content and strategic focus of such publicity should be approved by the Foundation contact listed in paragraph 11. Publicizing the grant and the Foundation in Grantee's publications and communications in a manner consistent with similar grants obtained by Grantee is permitted.

The Foundation may ask Grantee to provide illustrations, photographs, videos, recordings, information or other materials related to the grant (collectively "Grant Work Product") for use in Foundation communications including the Foundation's website, annual report, newsletters, board materials, presentations, communications and other publications. Grantee agrees to provide the Foundation with such items upon the Foundation's reasonable request and hereby grants to the Foundation and anyone acting under the authority of the Foundation a fully paid-up, world-wide, right and license to use, reproduce, display and distribute the Grant Work Product in connection with the Foundation's charitable operations and activities. In connection therewith, Grantee shall be responsible for obtaining all necessary rights and permissions from third parties for the Foundation to use the Grant Work Product for these purposes. By signing this Agreement, Grantee also acknowledges and agrees to use by the Foundation of historical, programmatic and other information relating to Grantee and the grant hereunder.

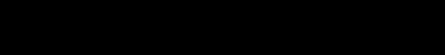
10. **Gratuities:** The Foundation desires that all of Grantee's resources be dedicated to accomplishing its philanthropic purposes. Therefore, Grantee agrees that it will not furnish the Foundation or its Board of Directors, officers, staff or affiliates with any type of benefit related to this grant including tickets, tables, memberships, commemorative items, recognition items, or any other benefit or gratuity of any kind.

11. **Contact:** For all communications regarding this grant, please contact the Foundation by email at HomeRegion@wffmail.com. Please reference Grant #2016-870 in your communication.

We have enclosed the grant letter. By electronically signing this item the Grantee acknowledges and agrees to the terms and conditions herein. A copy of the completed document will be emailed to the Grantee through DocuSign. If the electronic signing of these items is not completed by September 23, 2016 the Foundation will consider the Grantee to have declined the grant.

On behalf of the Foundation, I extend every good wish for the success of your organization's endeavors.

Sincerely,



Kyle J. Peterson
Executive Director

ACKNOWLEDGED AND AGREED

By: _____
Bob McCaslin (Date)
City of Bentonville

Appendix A: City of Bentonville
Stream and Wetland Restoration of Little Sugar Creek

Outputs And Outcomes		
Who will do what and how much?	By when?	Measured or evaluated by?
Goal: Demonstration of Stream and Wetland Restoration of Little Sugar Creek		
Outputs		
The City of Bentonville will establish a baseline for nutrient and sediment loading in the area identified for restoration.	12/31/2016	Nutrient and sediment load report
The City of Bentonville will ensure the development of a Quality Assurance Project plan (QAPP) designed to assure quality data collection.	8/1/2017	Submission of QAPP document
The City of Bentonville will ensure that a design of the restoration is completed. The design will include a site survey, restoration plan for wetland, re-vegetation plan, construction drawings as well as flood plain analysis.	8/1/2017	Submission of design materials
The City of Bentonville will gain all required permits for this project (e.g.; FEMA, Corps of Engineers...) prior to beginning construction.	10/31/2017	Copy of Permit Records
The City of Bentonville will ensure the restoration of 1,350 LF of stream bank and 2 acres of wetland. Items will be constructed according to specifications outlined in the design.	12/31/2017	Final Inspection Report sent to Engineer of Record
Outcomes		
Sediment and nutrient loads in the area of the restoration will decrease by 80% over baseline established in 2016.	12/31/2018	Water samples as spelled out in QAPP

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY
CLERK TO ENTER INTO AN AGREEMENT WITH THE
WALTON FAMILY FOUNDATION FOR A GRANT FOR
PARTIAL FUNDING OF THE DEMONSTRATION OF
STREAM AND WETLAND RESTORATION AT LITTLE
SUGAR CREEK PROJECT IN BENTONVILLE,
ARKANSAS

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

Section 1: That the Mayor and City Clerk be and are hereby authorized to enter into an agreement with the Walton Family Foundation for a Grant for the Demonstration of Stream and Wetland Restoration at Little Sugar Creek project in Bentonville, Arkansas as per Grant Contract # 2016-870 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 _____, 20____.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 27, 2016

Submitted by:

Bryan Wick

Department

Engineering

Phone

696-0227

ACTION REQUIRED:

City Council approval of a Budget Adjustment in the amount of \$560,000.00 (\$299,288.00 from the Environmental Protection Agency and \$260,178.00 from the Walton Family Foundation) to be used for the Demonstration of Stream And Wetland Restoration at Little Sugar Creek in Bentonville, Arkansas.

COST TO CITY:

Cost of this Request: \$560,000.00

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	560,000.00
Remaining After Adjustment	\$ 560,000.00

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







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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 27, 2016

Submitted by:

Ben Peters

Department

Engineering

Phone

271-5993

ACTION REQUIRED:

A resolution amending the contract with FTN Associates, LTD for the Downtown Stormwater Drainage Network Analysis project. Additional Services generally consist of adding the proposed 8th street drainage into the existing stormwater network generated during the original contract. The cost of this request is not to exceed \$5,000.00 which brings the adjusted contract amount to \$63,500.00.

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



Memorandum



To: Mayor and City Council

From: Ben Peters P.E., City Engineer

Date: Monday, September 19, 2016

Re: Additional Services for Downtown Stormwater Drainage Network Analysis

Staff is seeking City Council approval for an amendment to the FTN Associates LTD contract to add additional services to the Downtown Stormwater Drainage Network Analysis project.

The area of study for the original contract is the Southwest quadrant of downtown, more precisely described as an area bounded by SW A street on the east, W Central Ave on the North, SW 8th street on the South and SW F street on the west.

The additional services will add the 8th street drainage improvements into the hydrologic/hydraulic model generated by the original contract and updates will be included in the final report. Additional services will be based on time and materials from Attachment A "2016 Fee Schedule".

Staff recommends approval of the contract as written.

Please contact me with any questions or concerns regarding the proposed contract or the project as a whole. My telephone number is (479) 271-5993 or I can be reached via email at bpeters@bentonvillear.com.



water resources / environmental consultants

124 W Sunbridge Drive, Suite 3 • Fayetteville, AR 72703 • (479) 571-3334 • FAX (479) 571-3338

September 9, 2016

Via email: bpeters@bentonvillear.com

Mr. Ben Peters, PE, CFM[®]
City Engineer
City of Bentonville
305 Southwest A Street
Bentonville, AR 72712

RE: Proposal for ADDITIONAL SERVICES for
Downtown Stormwater Drainage Network Analysis
Bentonville, Arkansas
FTN No. P04209-1090-001

Dear Mr. Peters:

FTN Associates, Ltd. (FTN) appreciates the opportunity to submit the following proposal to provide Additional Services related to analyzing the existing stormwater network generated for the southwest downtown quadrant generally extending from SW 2nd Street south to SW 8th Street and SW A Street west to the eastern property limit of the Walmart General Office, located in downtown Bentonville, Arkansas (the Project).

These Additional Services will generally consist of adding the proposed 8th Street drainage improvements to the hydrologic/hydraulic models of the existing stormwater network generated during the performance of the Basic Services, subject to the Standard Terms and Conditions of the original contract dated November 16, 2015 and signed November 24th, 2015. The revisions to the model will be based on the design plans provided to FTN by Ben Peters via email on August 17th, 2016. The results of the updated model run will be included in the final report and additional figures depicting the proposed conditions will be provided. Any other modifications to the model will be considered Additional Services. We expect to begin these Additional Services within 1 month of receipt of this signed contract.

You are expected to furnish us with full information as to your requirements including any special or extraordinary considerations for the Project or special services needed and also to make available all pertinent existing data. In addition, we request that you provide information concerning the potential health and/or physical hazards present at the facility to which FTN employees could be exposed. This information (i.e., Material Safety Data Sheets, etc.) is needed to ensure FTN's compliance with the OSHA Hazard Communication Standard.

Initial _____

Corporate Office: 3 Innwood Circle, Suite 220 • Little Rock, AR 72211 • (501) 225-7779 • Fax (501) 225-6738
Regional Offices: Fayetteville, AR; Baton Rouge, LA; Jackson, MS • www.ftn-assoc.com • ftn@ftn-assoc.com

Mr. Ben Peters, PE, CFM®
September 9, 2016
Page 2

Our fee for Additional Services will be based on time and materials using the revised 2016 Client Rates in Exhibit A for services rendered by our principals and employees engaged directly on the Project. Client Rates may be updated January 1st of each year; new rates will be provided when they become available. The total fee for Additional Services will not exceed \$5,000 without prior approval from you. Any further Additional Services will be charged on the basis of time and materials (Exhibit A).

We will bill you monthly for Services and Reimbursable Expenses with invoices to be paid within 30 days. The above financial arrangements are on the basis of prompt payment of our bills and the orderly and continuous progress of the Project.

If there are protracted delays for reasons beyond our control, we would expect to negotiate with you an equitable adjustment of our compensation taking into consideration the impact of such delays, including but not limited to changes in price indices and pay scales applicable to the period when services are in fact being rendered.

This proposal and the preceding agreement dated November 16, 2015 represents the entire understanding between you and us with respect to the Project and may only be modified in writing signed by both of us. If it satisfactorily sets forth your understanding of our agreement, we would appreciate your printing a copy of this letter, signing in the space below, initialing each page at the bottom and returning it to us. This proposal will be open for acceptance until October 10, 2016 unless changed by us in writing.

Thank you very much for the opportunity to present this proposal. Please do not hesitate to call me or Travis Scott, PE, CFM® if you have any questions relating to this proposal or additional services offered by FTN.

Respectfully submitted,
FTN ASSOCIATES, LTD.

Accepted this _____ day
of _____, 2016

K.L. Farmer, PE, CFM®
Project Manager

By _____
Authorized Representative
City of Bentonville

KLF/kae

Attachments

S:\PROPOSALS\04209-1090-001\FINAL\P-B PETERS 2016-09-09_ADDSVCS.DOCX



Initial _____

EXHIBIT A

2016 Fee Schedule¹ - FTN Associates, Ltd.

<u>Labor Category</u>	<u>Hourly Rate</u>
Professional 7	\$ 181.00
Professional 6	162.00
Professional 5	143.00
Professional 4	124.00
Professional 3	112.00
Professional 2	97.00
Professional 1	85.00
Technician 4	87.00
Technician 3	75.00
Technician 2	67.00
Technician 1	51.00
Executive Assistant	67.00
Word Processing	57.00

Direct Expenses

All direct project expenses will be invoiced at cost plus 10 percent. Direct project expenses include such items as travel, meals, lodging, shipping, supplies, consultants, subcontractors, etc. Vehicle mileage will be charged at standard IRS rates.

A charge of 2 percent is applied to the total labor amount to cover communication charges and computer expenses associated with computer applications, data storage and backup.

Should back-up data be requested for reimbursable expenses, it will be provided for an administrative fee.

Payment Terms

Unless other arrangements are made in writing invoicing will be monthly for services completed. Payment is due in full within 30 days of invoice. A service charge of 1.5 percent per month will be charged on all balances over 30 days.

¹Effective January 1, 2016 - December 31, 2016



Initial _____

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY
CLERK TO ENTER INTO AN AMENDED AGREEMENT
WITH FTN & ASSOCIATES FOR ADDITIONAL
SERVICES ASSOCIATED WITH THE DRAINAGE STUDY
OF THE SOUTHWEST DOWNTOWN QUADRANT.**

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

Section 1: That the Mayor and City Clerk be and are hereby authorized to enter into an amended agreement with FTN & Associates for additional services associated with the drainage study of the southwest downtown quadrant in an amount not to exceed \$5,000.00 as set forth in the agreement FTN No. P04209-1090-001 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 _____, 20____.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 27, 2016

Submitted by:

Ben Peters

Department

Engineering

Phone

271-5993

ACTION REQUIRED:

City Council approval of a Budget Adjustment in the amount of \$5,000.00 to be used for Additional Services for the Downtown Stormwater Drainage Network Analysis project.

COST TO CITY:

Cost of this Request: \$5,000

Additional Budget Amount \$5,000

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$	57,500
Funds Expended to Date		56,889
Remaining Budget		611
Budget Adjustment		5,000
Remaining After Adjustment	\$	5,611

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





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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 27, 2016

Submitted by:

Jon Simpson

Department

Police

Phone

271-3172

ACTION REQUIRED:

Budget adjustment in the amount of \$7,629.96 to be used to repair a 2014 Chevy Tahoe, unit # 2010-34. This unit was damaged on August 30, 2016 (MVA # 16-02351, CPD) in a minor, one vehicle, parking lot incident. The aforementioned funds to repair this vehicle, not including the deductible, will be sourced from an Arkansas Municipal League Vehicle Program settlement.

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







BENTONVILLE CITY COUNCIL AGENDA

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

**Tuesday, September 27, 2016 6:00 p.m.
305 SW "A" Street**

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

**Tuesday, September 27, 2016 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: September 13, 2016**

AGENDA

1. Fire Prevention Week Proclamation.
2. Recognition by Lee Farmer, Recreation Services Manager, of award given to the Bentonville Community Center for Recreation Facility of the Year.
3. An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Roger Reid)
4. An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Richard Rushing and Richard Chapman-Trailblazers)
5. An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Van and Leola Jacobs)
6. Planning:
- 6a. **Lot Split: Lots 3 & 4 of Tennie Russell Addition Phase 1, Robert Lewis, 1303 Northwest 7th Street, Zoned A-1, Agricultural.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split that will create two new lots from one existing lot. The new lots will be known as Lot 3 (5.50 acres) and Lot 4 (22.67 acres) of Tennie Russell Addition, Phase 1.

- 6b. **Lot Split: Lots 9 & 10 of Dean Maxwell First Addition, Jon L. Seth, 501 Bella Vista Road, Zoned R-1, Single Family Residential.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split that will create two new lots from one existing lot. The new lots will be known as Lot 9 (0.20 acres) and Lot 10 (0.23 acres) of Dean Maxwell First Addition.

- 6c. **Lot Split: Lot 13 Deming's Second Addition, Bryan Shook, 704 Northwest C Street, Zoned R-1, Single Family Residential.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a lot split that will create one new lot from the southern portion of three existing lots. The new lot will be known as Lot 13 (0.15 acres) of Deming's Second Addition.

- 6d. **Property Line Adjustment: Lot 9 Gocio Subdivision, Joe Delacruz, 712 Jefferson Street, Zoned R-1, Single Family Residential.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a property line adjustment that will create one new lot from all of existing Lot 3 and the western portion of existing Lot 2. The new lot will be known as Lot 9 (0.37 acres) of Gocio Subdivision.

- 6e. **Final plat: Creekstone Subdivision Phase 3, Vancon, LLC, Northwest Riverbend Road, Zoned R-1, Single Family Residential.**

The planning commission voted 6-0 recommending approval.

Creekstone Subdivision Phase 3 will consist of 38.50 acres and 25 single family lots, all of which are buildable. These lots range in size from 0.57 acres to 4.03 acres. Access to the Subdivision will be from Northwest Riverbend Road.

- 6f. **Rezoning: James and Neomie Ryan Revocable Trust, 2500 Southeast J Street, Rezoning from A-1, Agricultural to C-2, General Commercial.**

The planning commission voted 6-0 recommending approval.

The C-2, General Commercial zoning designation is designed to serve the entire planning area and highway travelers. It allows for the construction of businesses that offer a variety of goods and services as well as offices and some light industrial and warehouse uses.

7. Fire Department Staff recommends Council approve increasing the vehicle count for the fire department.
8. Adopt resolution certifying the rate of taxation levied on real and personal property in the City of Bentonville. This resolution is required by the Quorum Court and County Clerk in order to facilitate the millage levy to be collected in 2017.
9. Approval for the Mayor and City Clerk to enter into a contract with Tri Star Construction for the project Bentonville Sidewalk Improvements 2016. Project consists of constructing approximately 3500 LF of concrete sidewalk and 280 LF of concrete trail. The contract amount for this project is \$210,782.00 which come from the Street Department and Engineering Department sidewalk accounts.
- 10a. City Council approval of a resolution to recognize a grant from the Environmental Protection Agency in the amount of \$299,288.00. These funds will be used for the Demonstration of Stream and Wetland Restoration at Little Sugar in Bentonville, Arkansas.
- 10b. City Council approval of a Resolution to recognize a grant from the Walton Family Foundation in the amount of \$260,178.00. These funds will be used for the Demonstration of Stream and Wetland Restoration at Little Sugar in Bentonville, Arkansas.
- 10c. City Council approval of a Budget Adjustment in the amount of \$560,000.00 (\$299,288.00 from the Environmental Protection Agency and \$260,178.00 from the Walton Family Foundation) to be used for the Demonstration of Stream and Wetland Restoration at Little Sugar Creek in Bentonville, Arkansas.
- 11a. A resolution amending the contract with FTN Associates, LTD for the Downtown Stormwater Drainage Network Analysis project. Additional Services generally consist of adding the proposed 8th street drainage into the existing stormwater network generated during the original contract. The cost of this request is not to exceed \$5,000.00 which brings the adjusted contract amount to \$63,500.00.
- 11b. City Council approval of a Budget Adjustment in the amount of \$5,000.00 to be used for Additional Services for the Downtown Stormwater Drainage Network Analysis project.
12. Budget adjustment in the amount of \$7,629.96 to be used to repair a 2014 Chevy Tahoe, unit # 2010-34. This unit was damaged on August 30, 2016 (MVA #16-02351, CPD) in a minor, one vehicle, parking lot incident. The aforementioned funds to repair this vehicle, not including the deductible, will be sourced from an Arkansas Municipal League Vehicle Program settlement.