

Bentonville City Council  
Meeting Minutes  
July 11, 2017

The City Council of Bentonville, Arkansas, met in regular session Tuesday, July 11, 2017, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

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

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

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

Motion was made by Alderman Burckart to approve the minutes of the June 27, 2017 meeting as presented, second by Alderman Sanchez. There was no discussion. Motion carried (7-0).

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

Mayor McCaslin recognized Police Chief Jon Simpson. Chief Simpson introduced Mario Garcia, who was then sworn in as a police officer by Mayor McCaslin.

- 1a. Ordinance No. 2017-107: Ordinance accepting a property line adjustment of Lot 2 Groundhog Addition to the City of Bentonville, Arkansas.

[Applicant: Thaden School; Location: Southeast 8<sup>th</sup> Street, South Main Street, Southeast 10<sup>th</sup> Street and Southeast C Street]

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

- 1b. Ordinance No. 2017-108: Ordinance accepting a lot split of Lots 20 and 21 Corley's Addition to the City of Bentonville, Arkansas.

[Applicant: Casey Koenigseder;  
Location: 208 Southwest F Street]

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

- 1c. Ordinance No. 2017-109: Ordinance accepting a lot split of Lots 1, 2 and 3 The ROC Subdivision to the City of Bentonville, Arkansas.

[Applicant: CrossMar Investments;  
Location: Corner of Rice Lane and Rice Road]

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

- 1d. Resolution No. 7-11-17 A: Resolution adopting revisions to the Future Land Use Map of the City of Bentonville to change real estate from its present land use classification of commercial to industrial.

[Applicant: CrossMar Industrial IV, LLC;  
Location: Southwest Regional Airport Boulevard]

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

- 1e. Ordinance No. 2017-110: Ordinance accepting a lot split of Lots 1 through 4 Northwest Prairie Addition to the City of Bentonville, Arkansas.

[Applicant: Bentonville P & R Fund;  
Location: Southwest 14<sup>th</sup> Street and Southwest I Street]

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

- 1f. Ordinance No. 2017-111: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of A-1, agricultural to R-1, single family residential.

[Applicant: Crestwood Homes, LLC;  
Location: Been Road and Southwest Elington Street]

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

- 1g. Ordinance No. 2017-112: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of A-1, agricultural to C-2, general commercial.

[Applicant: Bentonville P & R Fund, LLC;  
Location: Southwest 14<sup>th</sup> Street and Southwest I Street]

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

2. Approval of a budget adjustment in the amount of \$4,000 for the Planning Department to recognize revenue awarded in the form of a grant from the Walton Family Foundation to help purchase trees for the 2017 spring tree giveaway.

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

3. Discussion concerning miscalculation of sewer capacity fees.

Mayor McCaslin recognized Troy Galloway, Community Development Director. Mr. Galloway explained how the miscalculation had occurred and how the procedure was corrected. He indicated staff wanted the Council's guidance on how it wished to proceed.

Alderman Sooter stated he felt it best to not pursue the matter.

Alderman Burckart stated the situation was regrettable, but that developers had already made cost decisions based on the mistakes having been made and it would be unfair to try to correct it now. He also stated that he thought the City would be in a difficult legal situation trying to collect the fees.

Alderman Burckart made a motion to not try to collect the uncollected fees, second by Alderman Webb. Motion carried (7-0).

4. Approval of change order No. 4 to TriStar Contractors, LLC in the amount of \$26,312 for water and sewer relocations associated with the widening of 8<sup>th</sup> Street.

Motion to approve by Alderman Sanchez, second by Alderman Robinson. There was no discussion. Motion carried (7-0).

5. Ordinance No. 2017-113: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Mission Communications, LLC for certain alarm services for the City of Bentonville wastewater system and waiving the requirement of competitive bidding.

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

6. Approval of a change order to the Burns and McDonnell contract for the design of the 8<sup>th</sup> Street overhead electric utility relocation in the amount of \$22,800.

Motion to approve by Alderman Robinson, second by Alderman Orman. There was no discussion. Motion carried (7-0).

7. Approval to award Bid No. 17-17 to Stuart Irby in the amount of \$133,197 and to Techline in the amount of \$245,242.20, for a six-month period beginning July 2017 through December 2017, to purchase 3-phase transformers as needed.

Motion to approve by Alderman Sooter, second by Alderman Burckart. There was no discussion. Motion carried (7-0).

8. Approval to award Bid No. 17-18 in the amount of \$256,254 to Techline, for a six-month period beginning July 2017 through December 2017, to purchase single phase transformers as needed.

Motion to approve by Alderman Webb, second by Alderman Burckart. There was no discussion. Motion carried (7-0).

9. Approval of Bid No. 17-19 to Stuart Irby in the amount of \$21,828 and Techline in the amount of \$71,586.65, for a six-month period beginning July 2017 through December 2017, to purchase pole mounted transformers as needed.

Motion to approve by Alderman Webb, second by Alderman Sooter. There was no discussion. Motion carried (7-0).

10. Approval to add one power line electrician position to the Electric Department dedicated to conducting new or modified electric service construction inspections.

Motion to approve by Alderman Sooter, second by Alderman Burckart. There was no discussion. Motion carried (7-0).

11. Approval to add three custodians to support the new Bentonville utilities complex.

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

12. Ordinance No. 2017-114: Ordinance amending the pay plan for the City of Bentonville, Arkansas to allow for reorganization within the City of Bentonville wastewater utility.

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

13. Approval to award a bid to Crossland Heavy Contractors, Inc. in the amount of \$2,426,365.96 for the Northwest 3<sup>rd</sup> Street, Phase III project.

Motion to approve by Alderman Sooter, second by Alderman Orman. There was no discussion. Motion carried (7-0).

14. Resolution No. 7-11-17 B: Resolution setting a public hearing for July 25, 2017, regarding a petition filed by Specialized Real Estate Group requesting a utility easement vacation located at 901 Southeast 3<sup>rd</sup> Street.

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

15. Resolution No. 7-11-17 C: Resolution setting a public hearing for July 25, 2017, regarding a petition filed by Specialized Real Estate Group requesting a utility easement vacation located at 903 Southeast 3<sup>rd</sup> Street.

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

16. Resolution No. 7-11-17 D: Resolution setting a public hearing for July 25, 2017, regarding a petition filed by Specialized Real Estate Group requesting a utility easement vacation located at 907 Southeast 3<sup>rd</sup> Street.

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

17. Resolution No. 7-11-17 E: Resolution setting a public hearing for July 25, 2017, regarding a petition filed by Mike Fitzgerald requesting a utility easement vacation located at 1040 Tunbridge Drive.

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

18. Resolution No. 7-11-17 F: Resolution setting a public hearing for July 25, 2017, regarding a petition filed by Mike Fitzgerald requesting a drainage easement vacation located at 1040 Tunbridge Drive.

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

19. Resolution No. 7-11-17 G: Resolution setting a public hearing for July 25, 2017, regarding a petition filed by First Baptist Church of Bentonville requesting a street right-of-way vacation located at Southwest B Street between Southwest 2<sup>nd</sup> Street and Southwest 3<sup>rd</sup> Street.

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

- 20a. Resolution No. 7-11-17 H: Resolution authorizing the Mayor and Clerk to enter into an agreement with Traffic Engineering Consultants for a traffic signal timing study and coordination plan.

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

- 20b. Approval of a budget adjustment in the amount of \$12,000 to the Transportation Department to fund the traffic signal timing study.

Motion to approve by Alderman Sanchez, second by Alderman Orman. There was no discussion. Motion carried (7-0).

- 21a. Resolution No. 7-11-17 I: Resolution authorizing the Mayor and City Clerk to enter into an amended agreement with Morrison Shipley Engineers for the engineering and design services for the North Main sidewalk project.

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

- 21b. Approval of a budget adjustment in the amount of \$8,400 to the Engineering Department to cover additional engineering and design services for the North Main sidewalk project.

Motion to approve by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (7-0).

22. Ward discussion.

Alderman Sooter stated that Map 4D would be his choice.

Alderman Goss asked how the change of ward boundaries would affect the new alderman to be chosen. City Attorney Spence stated there would be no effect as all aldermen would be selected based on the new ward lines in the next election, but that those changes would not occur until then.

Alderman Burckart made a motion to adopt Map 4D, second by Alderman Webb. Motion carried (6-1), with Alderman Orman voting no.

23. Alderman discussion.

City Attorney Spence briefly explained the rules and procedures to be followed in selecting the new alderman as they had been sent out by email.

The following persons then addressed the Council concerning their interest in being appointed to fill the alderman position left vacant by the resignation of James Smith: T.J. Campbell, Jordan Garcia, Thomas Hoehn, Jason Holyfield, R. Scott Richardson, David Jay Sawyer, II, Samuel R. Slaton and Charles P. Walsh.

Alderman Goss made a motion to appoint Thomas Hoehn, second by Alderman Robinson. There was no discussion. Motion carried (5-2), with Alderman Orman and Alderman Sanchez voting no.

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

Linda Spence  
Linda Spence, City Clerk

Bob McCaslin  
Bob McCaslin, Mayor