

Bentonville City Council
Meeting Minutes
July 25, 2017

The City Council of Bentonville, Arkansas, met in regular session Tuesday, July 25, 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, Thomas Hoehn, Octavio Sanchez, Jim Webb, with Alderman Burckart absent. Also present were Mayor Bob McCaslin, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

Prior to calling the meeting to order, Mayor McCaslin invited public comments. Michelle Hood spoke regarding agenda item 1G and her opposition to its passage. There were no other comments. The Mayor then invited questions or comments from the Council about items on the agenda and there were none.

Thereafter, Mayor McCaslin called the meeting to order at 6:03 p.m. The Mayor led everyone present in the pledge of allegiance followed by a moment of silence in support of our armed forces.

Motion was made by Alderman Sanchez to approve the minutes of the July 11, 2017 meeting as presented, second by Alderman Webb. There was no discussion. Motion carried (7-0), with Alderman Burckart absent.

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

- 1a. Ordinance No. 2017-115: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of A-1, agricultural to C-2, general commercial.

[Applicant: PMD Enterprises, LLC;
Location: Rice Lane and Rice Road]

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), with Alderman Burckart absent.

- 1b. Ordinance No. 2017-116: Ordinance accepting a lot split of Lots 7, 8 and 9 Lehman Addition to the City of Bentonville, Arkansas.

[Applicant: Affordable Arkansas Homes, LLC;
Location: Northeast A Street and Northeast 7th 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), with Alderman Burckart absent.

- 1c. Ordinance No. 2017-117: Ordinance accepting a lot split of Lot 77 Kristyl Heights Addition Phase 2 to the City of Bentonville, Arkansas.

[Applicant: Michael and Sandra Fitzgerald;
Location: Southwest Tunbridge Drive]

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

- 1d. Ordinance No. 2017-118: Ordinance accepting a property line adjustment of Lot 1 Torrell Creek Addition Phase 2 to the City of Bentonville, Arkansas.

[Applicant: Open Spaces Forever;
Northwest 3rd Street/Peach Orchard Road/Punkin Hollow 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), with Alderman Burckart absent.

- 1e. Ordinance No. 2017-119: Ordinance accepting a lot split of Lots 28 and 29 Deming's 2nd Addition to the City of Bentonville, Arkansas.

[Applicant: Nancy Chandler;
Location: Northeast A Street and Northeast 7th 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), with Alderman Burckart absent.

- 1f. Ordinance No. 2017-120: Ordinance accepting a final plat of Cornerstone Ridge Phase 6 to the City of Bentonville, Arkansas.

[Applicant: Riggins Construction and Development;
Location: Southwest Rainbow Farm Road and
Southwest Gemstone Boulevard]

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

- 1g. Ordinance No. 2017-121: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of A-1, agricultural to PRD, planned residential development.

[Applicant: C Street Properties, LLC;
Location: Northwest A Street]

City Attorney Spence read the ordinance by title only.

Alderman Orman asked that traffic issues in the area be addressed. Troy Galloway, Community Development Director, stated that a traffic study had been conducted. He added that the intersection of A Street and Tiger Boulevard is designated as a Class C intersection and that the estimated 1100 added

trips a day there would not be expected to cause a significant change in the functionality of the intersection.

Alderman Orman also expressed her concerns regarding the agricultural zoning and possible sale of produce and whether that would require some additional approval. Mr. Galloway stated that the planned residential development was not specific in those areas and that such could be addressed through conditional use permits. He added that if regular commerce was planned more than a day or two a week, it might be necessary for the developer to consider coming back to seek a change to PUD zoning if the issue was considered important by them and could not otherwise be worked through.

Alderman Orman also asked about concerns related to the animals. Mr. Galloway stated that with animals the concerns would probably be noise and odors. He indicated that was also still subject to further approval noting that the noise concerns for animals usually related to roosters, which would not be allowed under the City's ordinances. He added that the odor concerns would be addressed through the development plan taking into account the location of any animal facilities and prevailing winds.

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

- 1h. Ordinance No. 2017-122: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of R-1, single family residential to DN-2, downtown medium-density residential.

[Applicant: Mayadventures, Inc.;
Location: North Main Street and Northeast Park 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), with Alderman Burckart absent.

- 1i. Ordinance No. 2017-123: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of R-1, single family residential to DN-2, downtown medium-density residential.

[Applicant: Nancy Chandler;
Location: 702 Northeast A 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), with Alderman Burckart absent.

- 1j. Ordinance No. 2017-124: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of A-1, agricultural to C-1, neighborhood commercial.

[Applicant: Real Assets, Inc.;
Location: 2415 Southwest Regional Airport Boulevard]

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), with Alderman Burckart absent.

- 1k. Ordinance No. 2017-125: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of A-1, agricultural to R-3, medium-density residential.

[Applicant: First Federal Bank;
Location: Southwest 2nd Street and Northwest Elm Tree Road]

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), with Alderman Burckart absent.

- 1l. Ordinance No. 2017-126: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of R-1, single family residential, A-1, agricultural, C-1,

neighborhood commercial, C-2, general commercial to I-1, light industrial.

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

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

2. Approval for the appointment of Natham Lembke to a three-year term on the Tree and Landscape Committee, said term to expire on July 25, 2020.

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

3. Ordinance No. 2017-127: Ordinance vacating a utility easement located in East Acres Subdivision to the City of Bentonville, Arkansas, Benton County, Arkansas.

[Applicant: Specialized Real Estate Group;
Location: 901 Southeast 3rd Street]

Mayor McCaslin declared a public hearing open for comments. There was no response so Mayor McCaslin declared the hearing closed.

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), with Alderman Burckart absent.

4. Ordinance No. 2017-128: Ordinance vacating a utility easement located in East Acres Subdivision to the City of Bentonville, Arkansas, Benton County, Arkansas.

[Applicant: Specialized Real Estate Group;
Location: 903 Southeast 3rd Street]

Mayor McCaslin declared a public hearing open for comments. There was no response so Mayor McCaslin declared the hearing closed.

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), with Alderman Burckart absent.

5. Ordinance No. 2017-129: Ordinance vacating a utility easement located in East Acres Subdivision to the City of Bentonville, Arkansas, Benton County, Arkansas.

[Applicant: Specialized Real Estate Group;
Location: 907 Southeast 3rd Street]

Mayor McCaslin declared a public hearing open for comments. There was no response so Mayor McCaslin declared the hearing closed.

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

6. Ordinance No. 2017-130: Ordinance vacating a utility easement located at 1040 Tunbridge, Kristyl Heights Subdivision to the City of Bentonville, Arkansas, Benton County, Arkansas.

[Applicant: Mike Fitzgerald;
Location: 1040 Tunbridge Drive]

Mayor McCaslin declared a public hearing open for comments. There was no response so Mayor McCaslin declared the hearing closed.

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Robinson, second by Alderman Sanchez.

There was no discussion. Motion carried (7-0), with Alderman Burckart absent.

7. Ordinance No. 2017-131: Ordinance vacating a drainage easement located at 1040 Tunbridge of Kristyl Heights Subdivision to the City of Bentonville, Arkansas, Benton County, Arkansas.

[Applicant Mike Fitzgerald;
Location: 1040 Tunbridge Drive]

Mayor McCaslin declared a public hearing open for comments. There was no response so Mayor McCaslin declared the hearing closed.

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), with Alderman Burckart absent.

8. Ordinance No. 2017-132: Ordinance vacating right-of-way and establishing a utility easement located in First Baptist Church Addition to the City of Bentonville, Arkansas, Benton County, Arkansas.

[Applicant: First Baptist Church;
Location: Southwest B Street]

Mayor McCaslin declared a public hearing open for comments.

Alderman Sooter clarified that the effect of this ordinance would be vacating the street itself. Mayor McCaslin stated that was his understanding. Alderman Sooter commented that that didn't happen very often.

There was no further response so Mayor McCaslin declared the hearing closed.

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

9. Resolution No. 7-25-17 A: Resolution authorizing the Mayor and Clerk to enter into an agreement with Garver Engineers for engineering services associated with certain improvements to Northwest 3rd Street in Bentonville, Arkansas.

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

10. Resolution No. 7-25-17 B: Resolution accepting and approving an FFA grant for the west side taxiway project at the Bentonville Municipal Airport.

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

11. Resolution No. 7-25-17 C: Resolution authorizing the Mayor and Clerk to enter into an agreement with Garver Engineers for construction phase services related to the west side taxiway project.

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

12. Approval of a bid award to Tri Star Construction in the amount of \$2,250,610.67 for construction of the west side taxiway at the Bentonville Municipal Airport.

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

13. Resolution No. 7-25-17 D: Resolution authorizing the Mayor and Clerk to enter into an agreement with Charles R. Chadwick for

legal and professional services associated with the Bentonville Municipal Airport.

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

14. Approval of a bid award to BBC Electric in the amount of \$2,603,010.80 for the 8th Street overhead electric relocation project.

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

15. Approval of a budget adjustment in the amount of \$15,000 for replacement of the lighting control panel at the Bentonville Public Library.

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

16. Resolution No. 7-25-17 E: Resolution authorizing the Mayor and Clerk to enter into an agreement with WER Architects for services related to the design and construction of a police/fire/EMS communications center for the Bentonville Police Department.

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

17. Approval to add a command staff member/captain position to the Bentonville Police Department.

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

18. Ordinance No. 2017-133: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Arkansas Valley Communications for purchase and installation of radio communication equipment and software at the new City maintenance facility 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), with Alderman Burckart absent.

19. Approval for the appointment of Whitney Sutherland to the Parks and Recreation Advisory Board, said term to expire December 31, 2017.

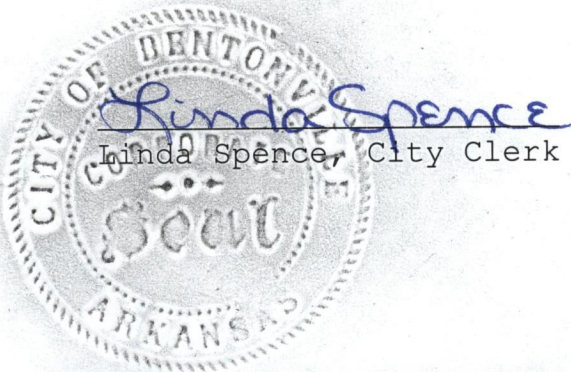
Motion to approve by Alderman Sanchez, second by Alderman Orman. There was no discussion. Motion carried (7-0), with Alderman Burckart absent.

20. Approval to award Bid No. 17-15 to 81 Construction in the amount of \$248,909.70 for construction of a fitness trail at Citizens Park.

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

Mayor McCaslin reminded Council that there would be a Committee of the Whole meeting on Monday, August 7th.

Motion to adjourn by Alderman Sooter, second by Alderman Robinson. Motion carried (7-0), with Alderman Burckart absent.




Bob McCaslin, Mayor