

1. Agenda

Documents:

[SEPTEMBER 12, 2017 CITY COUNCIL FULL AGENDA.PDF](#)

2. Short Agenda

Documents:

[SEPTEMBER 12, 2017 CITY COUNCIL SHORT AGENDA.PDF](#)



**Revised Agenda:
Adding item 10**

BENTONVILLE CITY COUNCIL AGENDA

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

**Tuesday, September 12, 2017 6:00 p.m.
305 SW "A" Street**

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

**Tuesday, September 12, 2017 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: August 22, 2017**

AGENDA

1. Planning:

1a. Lot Split: Lots 1-5 Norman Park Subdivision, Bowser Shattuck Group, LLC, Northwest 'A' Street, DN-2, Downtown Medium-Density Residential.

(Pages 9-12)

The Planning Commission voted 6-0, recommending approval.

The applicant has submitted a proposal for a lot split that will create 5 new lots from two un-platted parcels. The new lots will be known as Lot 1 (0.18 acres), Lot 2 (0.16 acres), Lot 3 (0.19 acres), Lot 4 (0.23 acres) and Lot 5 (0.18 acres) of Norman Park Subdivision. Pre the requirements of the Master Street Plan, right-of-way will be dedicated along NW 'A' Street. A private cross access easement will be provided for each lot to access NW 'A' Street at a single location, none of the new lots shall have direct access to NW 'A' Street. All lots have access to public utilities and a public street.

1b. Lot Split: Lots 10-13 Dogwood Acres Subdivision, C Street Properties, Northwest 'A' Street, PRD, Planned Residential Development.

(Pages 13-16)

The Planning Commission voted 6-0, recommending approval.

The applicant has submitted a proposal for a lot split that will create 4 new lots from one existing lot and three un-platted parcels. The new lots will be known as Lot 10 (2.21 acres), Lot 11 (26 acres), Lot 12 (6 acres) and Lot 13 (8.76 acres) of Dogwood Acres Subdivision. Pre the requirements of the Master Street Plan, right-of-way will be dedicated along NW 'A' Street. Right-of-way will also be dedicated for the construction of a new public street that will provide access to the interior of the property. There are various utility easements being dedicated with the plat to serve each of the new lots. All lots have access to public utilities and a public street.

- 1c. **Property Line Adjustment: Lots 20 & 21 Medlin Meadows Subdivision, Bathke Investments, LLLP (Ann Standley), 2300 Southeast 28th Street, C-1, Neighborhood Commercial & R-3, Medium Density Residential.**

(Pages 17-20)

The Planning Commission voted 6-0, recommending approval.

The applicant has submitted a property line adjustment that will adjust the common lot of existing lots 12 & 14 to remove the floodway from the existing lot 12. The new lots will be known as Lot 20 (4.29 acres) and Lot 21 (3.55 acres) of Medlin Meadows Subdivision. Per the Master Street plan requirements, additional right-of-way will be dedicated along SE 28th Street. Both of the new lots will have access to public utilities and a public street.

- 1d. **Property Line Adjustment: Lots 9 & 10, Block 3, McClain Ridge at Woods Creek Phase I Subdivision, Alfred Dall Sacco , 7 Churchwell Drive, R-1, Single Family Residential.**

(Pages 21-24)

The Planning Commission voted 6-0, recommending approval.

The applicant has submitted a property line adjustment that will adjust the lot lines between existing lot 4 and the adjacent common property lot. The new lots will be known as Lot 9 (0.33 acres) and Lot 10 (0.75 acres), Block 3 of McClain Ridge @ Woods Creek Phase 1. A 20' wide public utility easement is being dedicated along Churchwell Drive, existing right-of-way is adequate. Both of the new lots will have access to public utilities and a public street. The Woods Creek POA has approved this proposed property line adjustment.

- 1e. **Final Plat: Lot 7 Prime Parc Subdivision.**

(Pages 25-28)

The Planning Commission voted 6-0, recommending approval.

The applicant has submitted a final plat for Phase 1 of the Prime Parc Apartments project that will create Lot 7 of Prime Parc Subdivision (13.26+/- acres). This final plat dedicates right-of-way for the three public streets (SE Parc St., SW Prime Ave. & SW Lakewood Rd.) that will serve the new development. Various utility and drainage easements are also being dedicated to serve the

new lot. The sections of sidewalk the developer are responsible for have been installed. A stub out for future connection has been constructed per the approved plan. All public infrastructure has been inspected and accepted by the utility departments and all non-bondable items have been completed.

- 1f. **Resolution, General Plan Amendment: Chambers Bank, Ginn Road & Brookside Road, From Agricultural to Medium Density Residential.**
(Pages 29-34)
The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan depicts this property as Agricultural (A). Policy LU-23 Housing Types within the General Plan suggest that the city should encourage the development of a mix of housing types to meet the needs of residents throughout their lives. As utilities are extended to new locations within the city, the city should reevaluate and adjust the land uses accordingly. The proposed subdivision will help to reduce the impact on city infrastructure by the extension of public utilities that will be required with the development of this land, all helping to meet the intent of the policy.

- 1g. **Resolution, General Plan Amendment: Chambers Bank & FH&G LLC, Ginn Road & North Rainbow Farm Road, From Agricultural to Low Density Residential.**
(Pages 35-40)
The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan depicts this property as Agricultural (A). Policy LU-23 Housing Types within the General Plan suggest that the city should encourage the development of a mix of housing types to meet the needs of residents throughout their lives. As utilities are extended to new locations within the city, the city should reevaluate and adjust the land uses accordingly. The proposed subdivision will help to reduce the impact on city infrastructure by the extension of public utilities that will be required with the development of this land, all helping to meet the intent of the policy.

- 1h. **Rezoning: Virginia Carol King, 228 Southeast 7th Street, From R-1, Single Family Residential to DE, Downtown Edge.**
(Pages 41-44)
The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan depicts this property as Downtown Mixed Use Residential (DMUR). The intent of the Downtown Mixed-Use Residential district is to allow for increased neighborhood density and increased local commerce through the development of multi-family housing and mixed-use structures.

- 1i. **Rezoning: First Baptist Church of Bentonville, 200 Southwest 'A' Street, From DE, Downtown Edge & DN-2, Downtown Medium-Density Residential to DC, Downtown Core.**
(Pages 45-49)
The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan depicts this property as Mixed Use (MU). The DC, Downtown Core zoning district is an appropriate zoning district for this land use designation.

- 1j. **Lot Split: Lots 23, 24, & 25 Huffman Addition, Ryan Hardin, 211 Northwest 'D' Street, R-1, Single Family Residential.**

(Pages 50-54)

The Planning Commission voted 6-0, recommending approval.

The applicant has submitted a proposal for a lot split that will create 3 new lots from one existing lot. The new lots will be known as Lot 23 (0.14 acres), Lot 24 (0.14 acres) and Lot 25 (0.14 acres) of Huffman Addition. Per the requirements of the Master Street Plan, right-of-way will be dedicated along Jefferson Street and NW 'D' Street. A private cross access easement will be provided to allow rear access to each of the new lots. All lots have access to public utilities and a public street.

- 1k. **Ordinance: Zoning Amendment for Medical Marijuana Dispensaries & Cultivation Facilities.**

(Pages 55-57)

The Planning Commission voted 6-0, recommending approval.

Approval of an amendment to the Zoning Code to bring the City of Bentonville zoning regulations into compliance with Amendment 98 of the Arkansas Constitution regarding zoning for medical marijuana dispensaries and cultivation facilities.

2. City Council approval of a budget adjustment recognizing revenue and allocating future expenses, in the amount of \$731,000.00, for the Memorial Park Ballfield Improvements. **(Pages 58-61)**
3. City Council approval of a budget adjustment, in the amount of \$10,124.00, to fund a new entry kiosk at the Bentonville Community Center. **(Pages 62-64)**
4. City Council approval of a budget adjustment, in the amount of \$30,350.00, to fund the emergency repair needed for damaged ballfield lights at Phillips Park. **(Pages 65-67)**
5. An ordinance authorizing the Mayor and City Council to waive the requirements of competitive bidding and enter into an agreement with Siemens Industry, Inc. for the purchase of hook stick operated switches for the 8th Street Widening Project in the amount of \$36,000.00 plus tax. **(Pages 68-73)**
6. City council approval of a Resolution allowing the Mayor to enter into an agreement with Grubbs, Hoskyn, Barton & Wyatt Consulting Engineers for geotechnical services for the NW 3rd Street Phase 3 Improvements project. The cost of this agreement is \$30,000.00 which will come from bond. **(Pages 74-98)**
7. Staff requests approval to waive the requirement of competitive bidding and authorize the purchase of the SnowEx Brine Pro. This is a specialized type of

machine that produces salt brine which is what the Street Department uses to pretreat and de-ice the roadways with in a snow/ice event. **(Pages 99-105)**

8. Staff requests approval to waive the requirement of competitive bidding and authorize the purchase of road salt from Oakley Fertilizer which is the sole source for this material in bulk quantity in the state of Arkansas. **(Pages 106-110)**
- 9a. Staff recommends City Council approval of a resolution authorizing the Mayor and City Clerk to enter into an agreement with NWA Trailblazers, to accept the additional funding of \$576,504.83 required to complete the relocation of utilities and construction of the pedestrian tunnel located at the intersection of SE 8th St./SE J St. The original Walton Family Foundation grant that the City of Bentonville has received for \$1,650,000.00 is less than the cost to fully fund the project. NWA Trailblazers has agreed to complete the funding of the pedestrian tunnel project. **(Pages 111-118)**
- 9b. City Council approval of a budget adjustment accepting additional funding from the NWA Trailblazers organization in the amount of \$576,504.83 for the construction of the pedestrian tunnel and relocation of utilities at the intersection of SE 8th/SE "J". See attached budget adjustment form and developer agreement. This funding will be additional to the Walton Family Foundation grant that the City of Bentonville received for \$1,650,000.00. **(Pages 119-122)**
10. 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. (Voluntary Annexation - Norton et al) **(Pages 123-135)**



City Council Agenda Items

For City Council Meeting of September 12, 2017

From the September 5, 2017 Planning Commission Meeting

Lot Split: Lots 1-5 Norman Park Subdivision, Bowser Shattuck Group, LLC, Northwest 'A' Street, DN-2, Downtown Medium-Density Residential.

The Planning Commission voted 6-0, recommending approval.

The applicant has submitted a proposal for a lot split that will create 5 new lots from two un-platted parcels. The new lots will be known as Lot 1 (0.18 acres), Lot 2 (0.16 acres), Lot 3 (0.19 acres), Lot 4 (0.23 acres) and Lot 5 (0.18 acres) of Norman Park Subdivision. Pre the requirements of the Master Street Plan, right-of-way will be dedicated along NW 'A' Street. A private cross access easement will be provided for each lot to access NW 'A' Street at a single location, none of the new lots shall have direct access to NW 'A' Street. All lots have access to public utilities and a public street.

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LOT SPLIT STAFF REPORT



Lots 1-5, Norman Park Subdivision

NW A Street

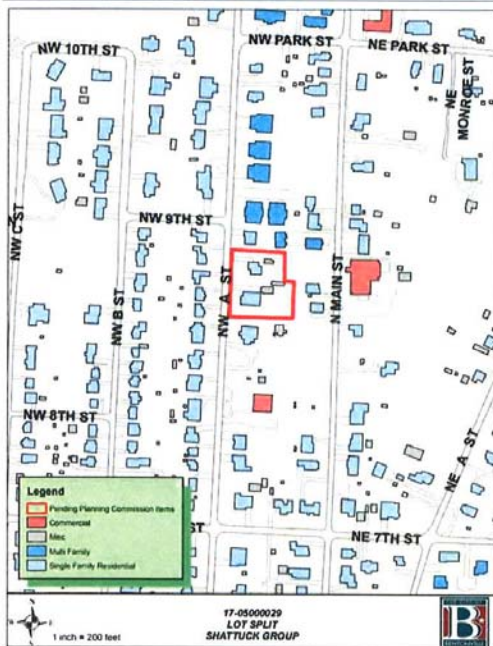
PC Date: 9/5/2017

Reviewer: Jon Stanley, Planner

Project Number	17-05000029
Applicant / Current Owner	Bowser Shattuck Group, LLC 1402 SW Susanna Street Bentonville, AR 72712
Site Area	0.94+/- acres
Current Zoning	DN-2, Downtown Medium-Density Residential
Future Land Use Map Designation	Downtown Medium-Density Residential (D-MDR)

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

Location Map



Property Description

This property is the location of two DN-2, Downtown Medium Density Residential, zoned lots that face onto NW A Street. Adjacent zonings include R-1, Single Family Residential on all adjacent sides and R-3, Medium Family Residential to the northeast and east.

Project Details

The applicant has submitted a proposal for a lot split that will create five new lots from two un-platted parcels. The new lots will be known as Lot 1 (0.18 acres), Lot 2 (0.16 acres), Lot 3 (0.19 acres), Lot 4 (0.23 acres) and Lot 5 (0.18 acres) of Norman Park Subdivision. Per the requirements of the Master Street Plan, right-of-way will be dedicated along NW A Street. A private cross access easement will be provided for each lot to access NW A Street at a single location. None of the new lots will have direct access to NW A Street. All lots have access to public utilities and a public street.

Projected Traffic Impact

The proposed lot split will not adversely impact traffic in the area. The property is located within the downtown area where the existing street grid network will provide adequate 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.

Waivers

No waivers requested.

Conclusion

In conclusion, this lot split does meet the minimum requirements of the subdivision regulations.

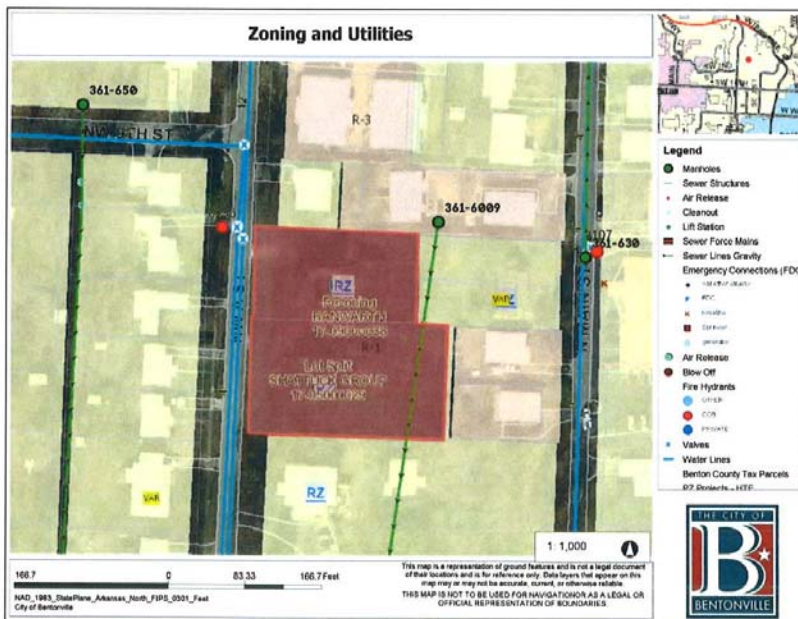
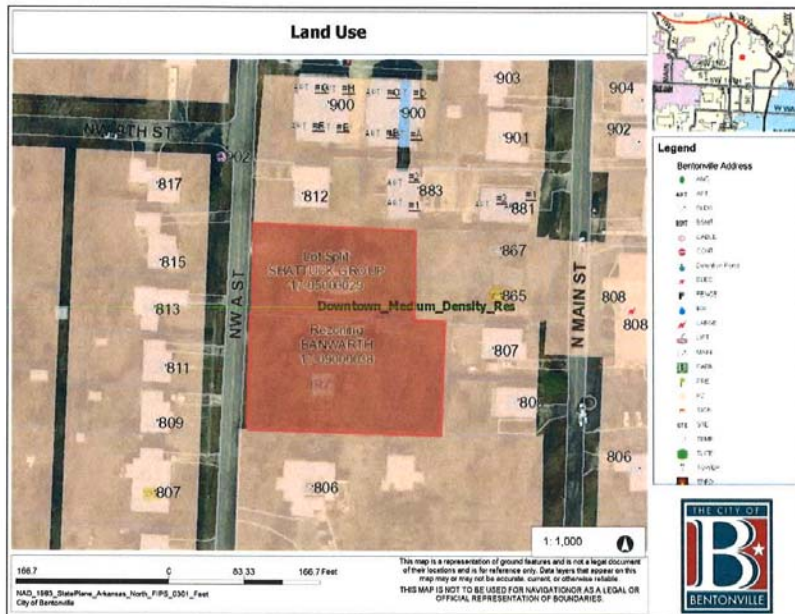
Standard Conditions of Approval

1. Provide a digital copy of the plat.
2. All technical review comments before requesting a building permit.

NOTES

- Sidewalks. Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.

LOT SPLIT STAFF REPORT



James Layout Services, LLC
P.O. Box 611
Farmington, Arkansas 72730
Telephone: (479) 439-9928
survey@jlsnwa.com

LOT SPLIT
CREATING LOTS

LOCAL ROOM	008 & 810 NW A STREET BETHONVILLE, AR 72712	TELEPHONE	17-121 SPURT
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DECEMBER 1980



LEGEND

LEGEND MONITORING POINTS (AS NOTED) MONITORING POINTS (AS NOTED) MONITORING POINTS (AS NOTED) MONITORING POINTS (AS NOTED) MONITORING POINTS (AS NOTED)	MONITORING POINTS (AS NOTED)	MONITORING POINTS (AS NOTED)
	STREET POLE	STREET POLE
	TELEPHONE POLE	TELEPHONE POLE
	UNDER PASSAGE	UNDER PASSAGE
	PROPERTY LINE	PROPERTY LINE
PROPERTY EASEMENT	PROPERTY EASEMENT	
EXISTING CROSS	EXISTING CROSS	
EXISTING SIDEWALK	EXISTING SIDEWALK	
EXISTING-TO-BE DEMOLISHED	EXISTING-TO-BE DEMOLISHED	

[illegible]

8. (BY GRAPHICAL PLOTTING ONLY)
This property shown herein lies within FLOOD
ZONE "X" as shown on FEMA Flood Insurance
Rate Map number 55007C0002 with an
effective date of September 25, 2007 areas
determined to be outside the 500 year Flood
Plain.

Owner/Developer
THE SHATTUCK GROUP LLC
25 S. SIERRA ST.

Engineer/Surveyor
JAMES LANDOLT SERVICES, LLC
1501 W. MIDWAY DR.

06
DANVILLE, AR 72712

CITY OF BENTONVILLE PROJECT NUMBER: 17-05000029

SURVEY CERTIFICATION

I, **LEONARD GARBARD**, HEREBY CERTIFY THAT
THIS DOCUMENT 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.

LEONARD F. GARBARD **DATE** _____

E 860042.59
CONVENIENCE - 1' 17" 07.76"

Owner/Developer shall coordinate with all local utilities to insure each lot has water, sewer and electric service.

Sidewalks shall be the responsibility of the builder/owner at the time of building permit issuance.

All lots shall not have direct access to NW A Street.

20' Utility Easement on exterior lot. Hoses and 15' Utility Easement centered on lot for fire truck access.

All structures must maintain minimum

	F DEAR
--	-----------

DATE	DESCRIPTION	
1	YASD 2	
	REMAINDER OF	
	TOTAL BUT NO LESS	25'
	THAN 5'	
	REMAINDER OF	
	TOTAL BUT NO LESS	25'
	THAN 5'	
	REMAINDER OF	
	TOTAL BUT NO LESS	25'
	THAN 5'	
	10'	25'

		DN-2	
		C8	S

INTEAK SIZE	TOTAL MIN.		MAX.		YARD
10"	15'	20'	12"	N/A	5'
12"	15'	25'	12"	N/A	10'
14"	15'	25'	12"	N/A	5'
16"	15'	25'	12"	N/A	10'

[illegible]

SPLIT ENTRANCE	SINGLE-FAMILY- LOT > 50' & TWO-FAMILY	NEW ALLEY ACCESS	WITHOUT ALLEY ACCESS
	SINGLE-FAMILY-LOT WIDTH < 50' & TWO-FAMILY		
	TOWNHOUSE CLUSTER BLOCK- END		

~ 12 ~

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 1-5, NORMAN PARK
SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lots 1-5, Norman Park Subdivision, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on September 5, 2017; 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 of Bentonville and, after consideration and deliberation, said Council is of the opinion 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 1-5, Norman Park 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 lot split by certifying said acceptance on the approved lot split.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

LOT SPLIT STAFF REPORT



Lots 10-13, Dogwood Acres Subdivision

NW A Street

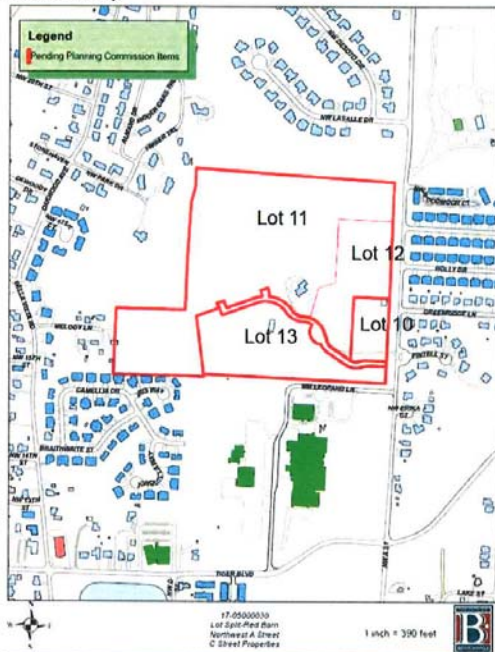
PC Date: 9/5/2017

Reviewer: Jon Stanley, Planner

Project Number	17-05000030
Applicant / Current Owner	C Street properties PO Box 1860 Bentonville, AR 72712
Site Area	44.9+/- acres
Current Zoning	PRD, Planned Residential Development
Future Land Use Map Designation	Low Density Residential (LDR)

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

Location Map



Property Description

This property is the location of three vacant parcels in a low density residential area. The property fronts NW A Street and lies directly north of Lincoln Junior High School. The southwest corner of the property contains a tributary to Hidden Springs Creek.

Project Details

The applicant has submitted a proposal for a lot split that will create 4 new lots from one existing lot and three un-platted parcels. The new lots will be known as Lot 10 (2.21 acres), Lot 11 (26 acres), Lot 12 (6 acres) and Lot 13 (8.76 acres) of Dogwood Acres Subdivision. Per the requirements of the Master Street Plan, right-of-way will be dedicated along NW A Street. Right-of-way will also be dedicated for the construction of a new public street that will provide access to the interior of the property. There are various utility easements being dedicated with the plat to serve each of the new lots. All lots have access to public utilities and a public street.

Projected Traffic Impact

Please reference the traffic analysis for the proposed development as submitted by Peters & Associates Engineers, Inc.

Utility Infrastructure

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

Drainage Report

A drainage report is not required.

Waivers

No waivers requested.

Conclusion

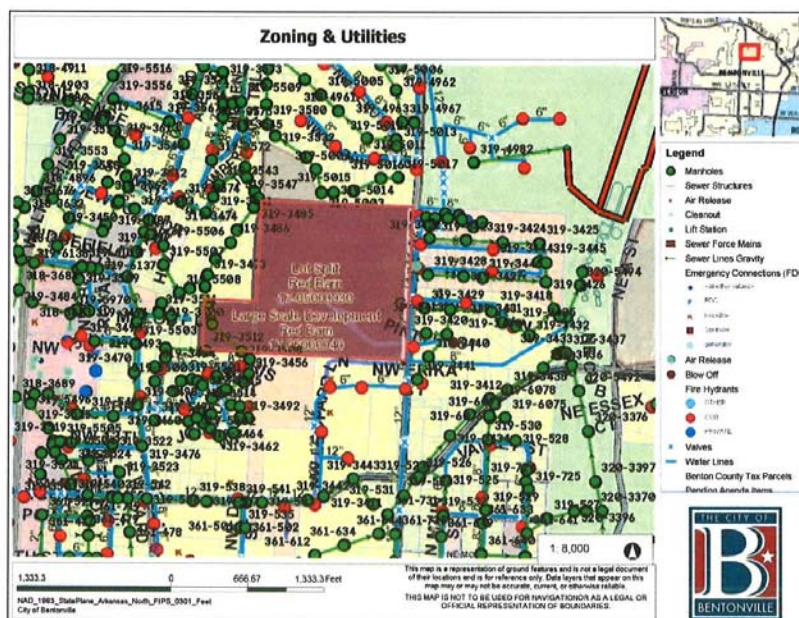
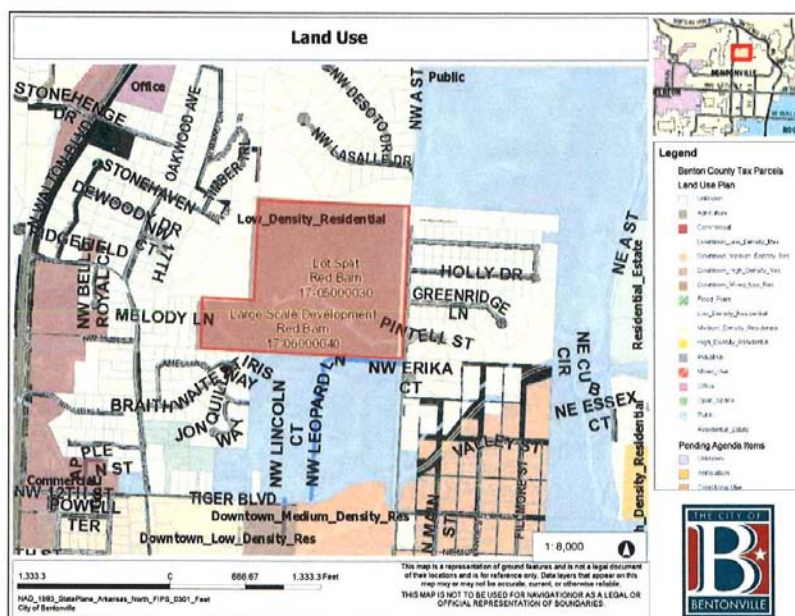
In conclusion, this lot split does meet the minimum requirements of the subdivision regulations.

Standard Conditions of Approval

1. Provide a digital copy of the plat.
2. All technical review comments before requesting a building permit.

NOTES

- Sidewalks. Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 10-13 DOGWOOD
ACRES SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lots 10-3 Dogwood Acres Subdivision, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on September 5, 2017; 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 of Bentonville and, after consideration and deliberation, said Council is of the opinion 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 10-3 Dogwood Acres 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 lot split by certifying said acceptance on the approved lot split.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PROPERTY LINE ADJUSTMENT STAFF REPORT



Lots 20 & 21 Medlin Meadows Subdivision 2300 SE 28th Street

PC Date: 9/5/2017

Reviewer: Jon Stanley, Planner

Project Number	17-07000033
Applicant / Current Owner	Bathke Investments, LLLP (Ann Standley) 2300 SE 28 th Street Bentonville, AR 72712
Site Area	4.41 & 3.45 acres
Current Zoning	C-1, Neighborhood Commercial and R-3, Medium Density Residential
Future Land Use Map Designation	Commercial (C)

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

Location Map



Property Description

The property is the location of The Meadows Assisted Living Facility at 2300 SE 28th Street.

Project Details

The applicant has submitted a property line adjustment that will adjust the common lot of existing lots 12 & 14 to remove the floodway from the existing lot 12. The new lots will be known as Lot 20 (4.29 acres) and Lot 21 (3.55 acres) of Medlin Meadows Subdivision. Per the Master Street Plan requirements, additional right-of-way will be dedicated along SE 28th Street. Both of the new lots will have access to public utilities and a public street.

Utility Infrastructure

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

Drainage Report

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

Waivers

No waivers requested.

Standard Conditions of Approval

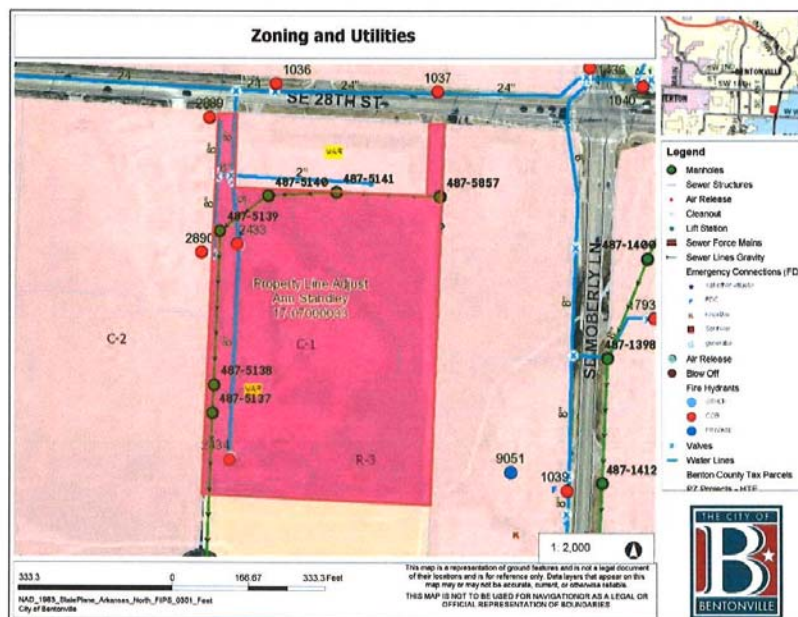
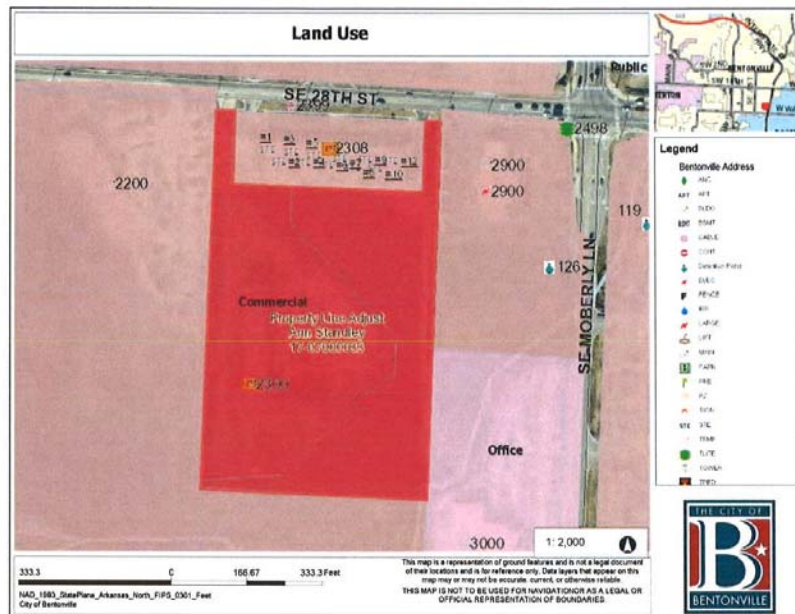
1. Provide digital copy of the plat.
2. Address all technical review comments before requesting a building permit.

Conclusion

In conclusion, this property line adjustment does meet the minimum requirements of the subdivision regulations.

NOTES

- Sidewalks. Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.



City of Bentonville, Arkansas | Community & Economic Development Department
Brian Bahr, Community & Economic Development Director | 305 SW A Street, Bentonville, AR | (p) 479-271-3122 | (f) 479-271-5906



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT FOR LOTS
20 & 21 MEDLIN MEADOWS 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 Lots 20 & 21 Medlin Meadows Subdivision of the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on September 5, 2017; 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 for the City of Bentonville, and after consideration and deliberation, said Council is of the opinion 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 for Lots 20 & 21 Medlin Meadows 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 _____, 2017.

APPROVED:

ATTEST:

MAYOR

CITY CLERK

PROPERTY LINE ADJUSTMENT STAFF REPORT



Lots 9 & 10, Blk 3, McClain Ridge @ Woods Creek Subdivision, Ph. I

7 Churchwell Drive

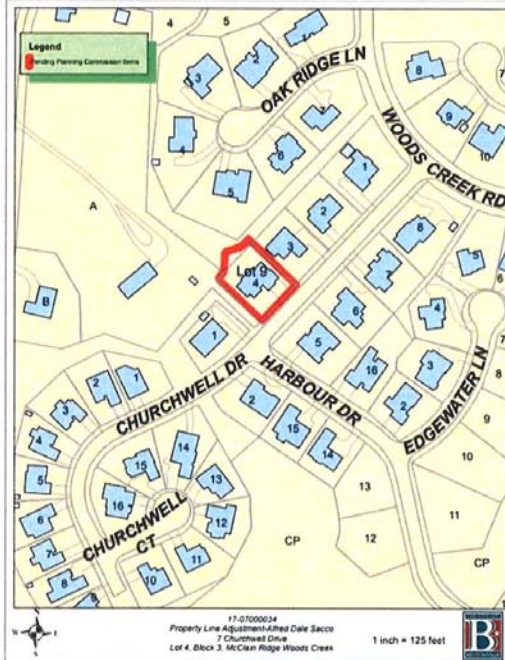
PC Date: 9/5/2017

Reviewer: Jon Stanley, Planner

Project Number	17-07000034
Applicant / Current Owner	Alfred Dall Sacco 7 Churchwell Drive Bentonville, AR 72712
Site Area	0.28 acres
Current Zoning	R-1, Single Family Residential
Future Land Use Map Designation	Low Density Residential (LDR)

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

Location Map



Property Description

The property is the location of a single family residence at #7 Churchwell Drive and a portion of common property, both located in the McClain Ridge @ Woods Creek Subdivision, Phase 1.

Project Details

The applicant has submitted a property line adjustment that will adjust the lot lines between existing lot 4 and the adjacent common property lot. The new lots will be known as Lot 9 (0.33 acres) and Lot 10 (0.75 acres), Block 3 of McClain Ridge @ Woods Creek Subdivision, Phase 1. A 20' wide public utility easement is being dedicated along Churchwell Drive, existing right-of-way is adequate. Both of the new lots will have access to public utilities and a public street. The Woods Creek POA has approved this proposed property line adjustment.

Utility Infrastructure

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

Drainage Report

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

Waivers

No waivers requested.

Standard Conditions of Approval

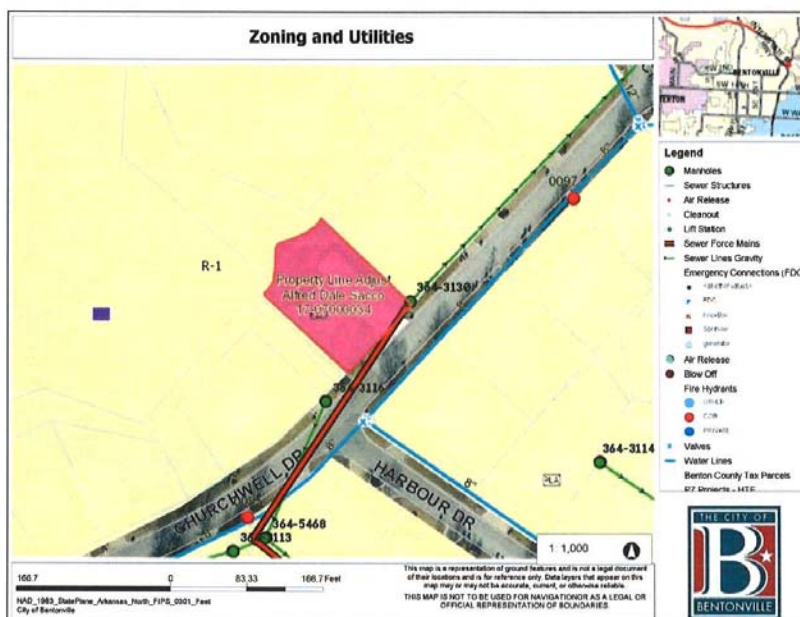
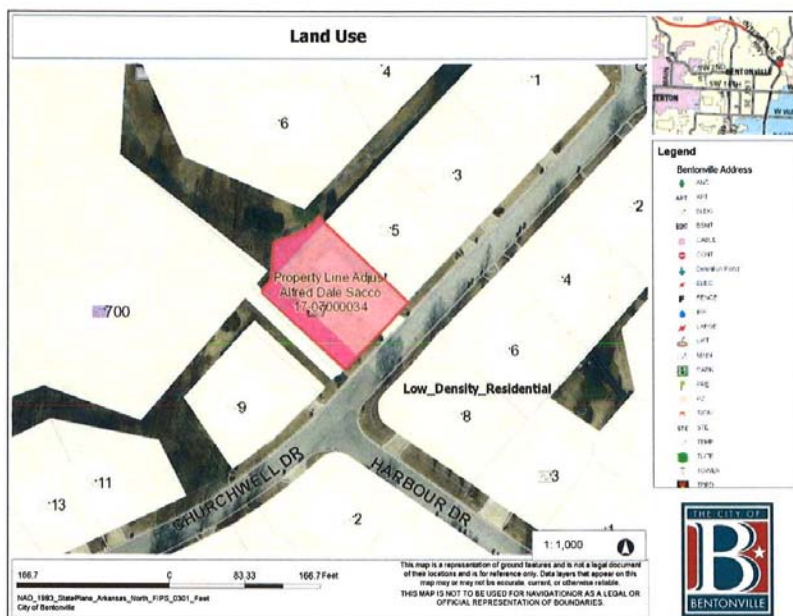
1. Provide digital copy of the plat.
2. Address all technical review comments before requesting a building permit.

Conclusion

In conclusion, this property line adjustment does meet the minimum requirements of the subdivision regulations.

NOTES

- Sidewalks. Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOTS 9
& 10, BLOCK 3, MCCLAIN RIDGE AT WOODS CREEK PHASE I
SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the property line adjustment for Lots 9 & 10, Block 3, McClain Ridge at Woods Creek Phase I Subdivision of the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on September 5, 2017; 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 for the City of Bentonville, and after consideration and deliberation, said Council is of the opinion 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 for Lots 9 & 10, Block 3, McClain Ridge at Woods Creek Phase I 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 _____, 2017.

APPROVED:

ATTEST:

MAYOR

CITY CLERK

FINAL PLAT STAFF REPORT



Lot 7 Prime Parc Subdivision

5806 SW Crozier Circle

PC Date: 9/5/2017

Reviewer: Jon Stanley, Planner

Project Number	17-03000003
Applicant / Current Owner	Abby Bentonville, LLC 1603 LBJ FWY, STE 300 Dallas, TX 75234
Site Area	13.26+/- acres
Current Zoning	PUD, Planned Unit Development
Future Land Use Map Designation	Industrial (I)
No. of Lots	1
Subdivision Name	Prime Parc Subdivision

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

Location Map



Property Description

The property is a multi-family residential apartment complex, zoned PUD and known as Prime Parc Subdivision, located at 5806 SW Crozier Circle.

Project Details

The applicant has submitted a final plat for Phase 1 of the Prime Parc Apartments project that will create Lot 7 of Prime Parc Subdivision (13.26+/- acres). This final plat dedicates right-of-way for the three public streets (SE Parc St., SW Prime Ave. & SW Lakewood Rd.) that will serve the new development. Various utility and drainage easements are also being dedicated to serve the new lot. The sections of sidewalk the developer are responsible for have been installed. A stub out for future street connections have been constructed per the approved plan. All public infrastructure has been inspected and accepted by the utility departments and all non-bondable items have been completed.

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

No waivers requested.

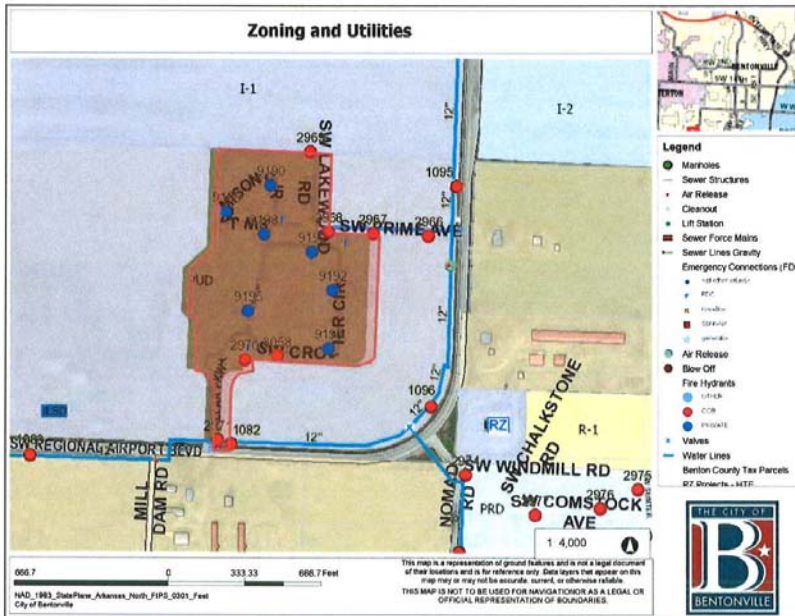
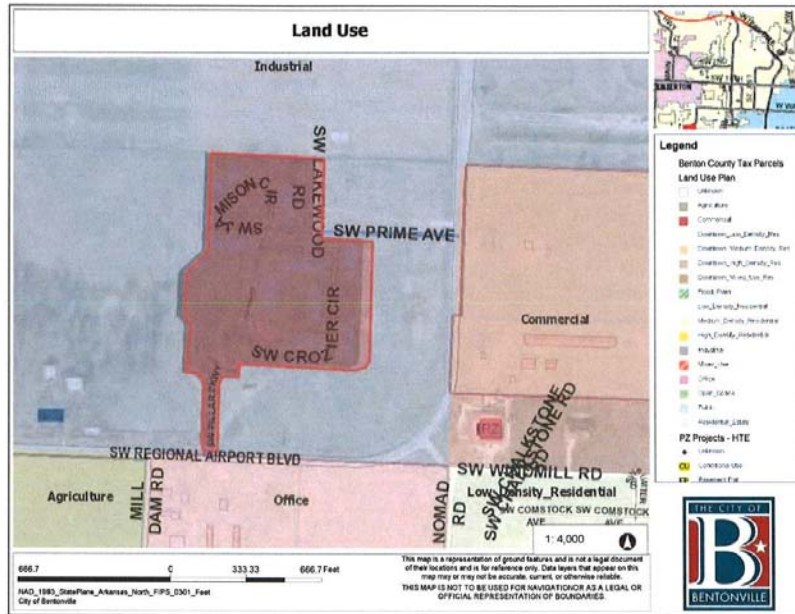
Conclusion

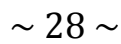
In conclusion, this final plat does meet the minimum requirements of the subdivision regulations.

Standard Conditions of Approval

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

FINAL PLAT STAFF REPORT





ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A FINAL PLAT OF LOT 7 PRIME PARC
SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the final plat of Lot 7 Prime Parc Subdivision to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on September 5, 2017; 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 Lot 7 Prime Parc 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 final plat by certifying said acceptance on the approved final plat.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

ATTEST:

MAYOR

CITY CLERK

GENERAL PLAN AMENDMENT STAFF REPORT



Chambers Bank

Ginn Road & Brookside Road

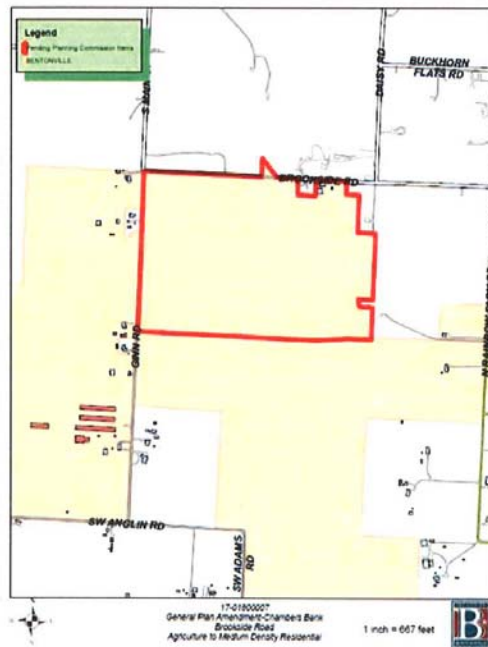
PC Date: 9/5/2017

Reviewer: Jon Stanley, Planner

Project Number	17-01800007
Applicant/ Current Owner	Chambers Bank 901 Main Street Danville, AR 727833
Site Area	100+/- acres
Current Zoning	PRD, Planned Residential Development
Current Future Land Use Map Designation	Agricultural (A)
Requested Future Land Use Map Designation	Medium Density Residential (MDR)

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

Location Map



Property Description

This property is the location of a 100+/- acre parcel that is currently being used for agricultural practices on the SE corner of Ginn Road and Brookside Road. The property was zoned PUD in 2005; that zoning has since expired.

Projected Traffic Impact

The proposed land use designation will not adversely impact traffic in the area. The development of the property is scheduled to occur in phases. As these phases come on-line and density in the area increases, additional and improved access to the area will be necessary.

Utility Infrastructure

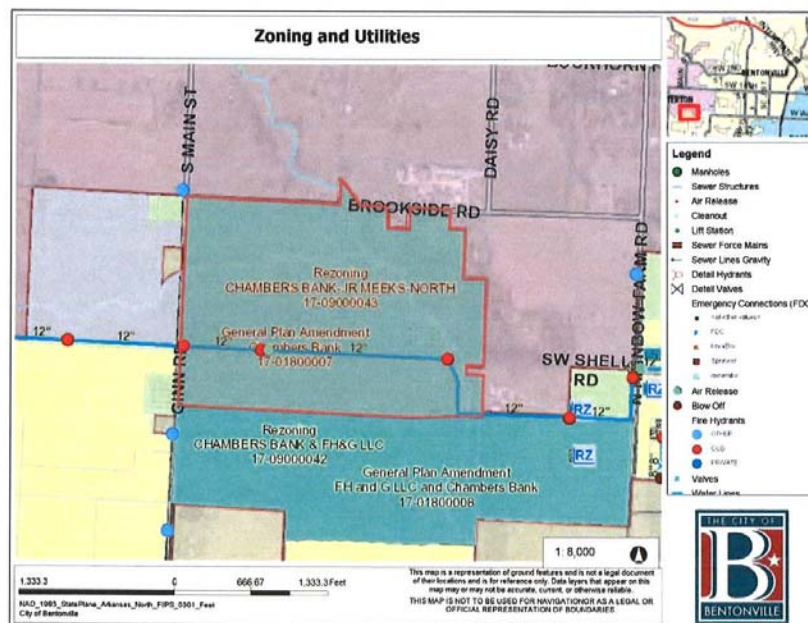
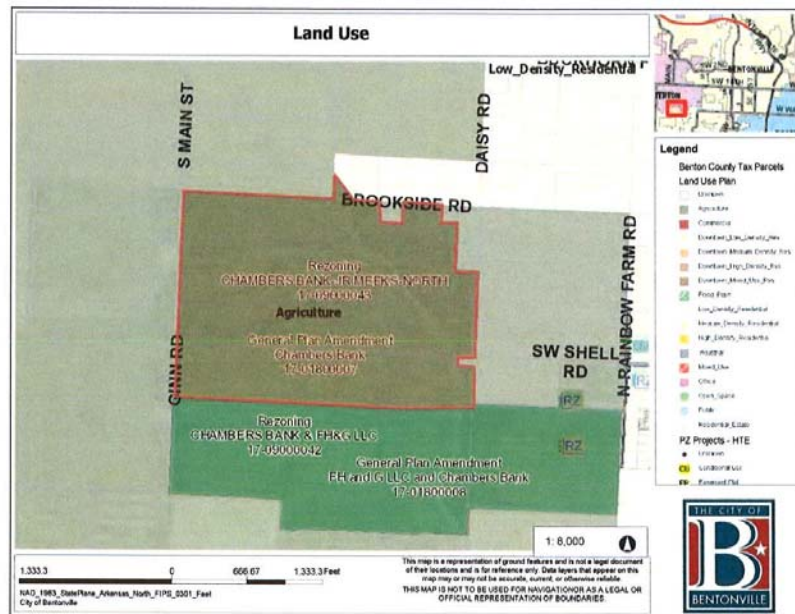
Per GIS website, water is available however, sewer is not available at the time of this report.

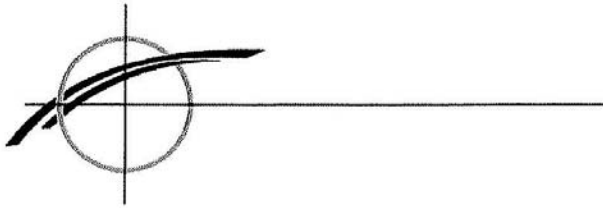
Relationship to the General Plan

The Future Land Use Plan depicts this property as Agricultural (A). Policy LU-23 Housing Types within the General Plan suggest that the city should encourage the development of a mix of housing types to meet the needs of residents throughout their lives. As utilities are extended to new locations within the city, the city should reevaluate and adjust the land uses accordingly. The proposed subdivision will help to reduce the impact on city infrastructure by the extension of public utilities that will be required with the development of this land, all helping to meet the intent of the policy.

Analysis

In conclusion, the requested Future Land Use Map designation of Medium Density Residential (MDR) will offer a variety of two-family housing types and opportunities in a rapidly developing sector of the city. The proposed land use designation will promote future growth in the area and create opportunities for commercial, mixed-use and industrial development that will ultimately provide goods and services to residences in and near this area. Error! Reference source not found.





SWOPE ENGINEERING
Civil Engineering
3511 SE J Street, Suite 9
Bentonville, AR 72712 479-685-8399

July 27, 2017

City of Bentonville Planning Department

Attn: Jon Stanley
305 SW "A" Street
Bentonville, AR 72712

**Re: Requested Narrative, Medium-Density Residential
General Plan Amendment- Chambers Bank (Osage Hills 2)
(parcels 01-00828-500) & a portion of 01-00828-550)**

Dear Jon:

Please accept this narrative, as required, for the subject properties. Listed below are the application-required questions, each of which is followed by our response.

1. Reasons for initiation of this proposal. Has information become available that was not available at the time of adoption of the Future Land Use Map? Or, since the adoption of the map has land use in the area changed?

The owner is proposing to develop the subject property as single-family residential. As you know, the General Plan shows the future land use of this property as agriculture.

Information has changed since adoption of the map, and that consists of a growing demand for single-family housing. At the time, this map was adopted, no infrastructure was available nearby. There are now plans to extend these nearby.

2. How will this change impact the land use and character of the property in question and surrounding areas?

The character of the property will change in that it will receive water, sewer, and electric extensions that future residents on this land will then pay in utility bills to the city.

The map amendment would allow more surrounding properties to develop and also provide improvements to Rainbow Farm Road and Adams Road – which would benefit the city's overall infrastructure.

3. How is the property more suitable for the proposed land use designation than for the current land use classification presented on the Future Land Use Map?

The proposed single-family designation is more suitable because development on this land would provide a greater benefit to more people than if it is left agricultural. The benefits come in the way of more housing, and revenue for construction workers and city employees (taxes, utility bills, etc).

4. Would the uses permitted by the proposed change be detrimental in any way to the surrounding property?

The only two negatives are that the land won't be left as it is, and the traffic count would increase. However, the proposed improvements on Rainbow Farm Road and Adams Road will help mitigate the increased traffic load.

5. What are the alternative courses of action if the proposed land use change is not approved?

If the land use is not changed, other lands will be found to develop single-family, and the land will go for years before homes are built (if ever).

6. What are your plans for the property if the proposed land use change is approved?

The current proposal is a medium density residential subdivision that will comply with all city zoning and development requirements.

7. What alternatives other than changing the land use designation have been discussed?

There is no alternative to this request other than to do nothing, and leave the property as-is.

8. Additional information that is pertinent to support this request.

Regarding the request to convert land to single-family, please keep in mind the natural pressures of housing that the city encounters now in this time of growth. While the current economic cycle has seen a focus on apartment construction, the supply of single-family housing is not keeping up.

The market needs to provide for this demand. Your support of this request will bring needed housing to an area that is a great fit.

Please let me know if you have any questions or concerns.

Regards,



Phil R Swope, PE
President

RESOLUTION NO. _____

**AN 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
AGRICULTURAL TO MEDIUM DENSITY RESIDENTIAL.**

WHEREAS, Chambers Bank duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present classification of Agricultural to Medium Density Residential on the City of Bentonville Future Land Use Map, which property is described as follows:

A PART OF THE S1/2 OF THE NE1/4, A PART OF THE N1/2 OF THE SE1/4, AND A PART OF THE N1/2 OF N1/2 OF SE1/4 OF SECTION 9 TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:BEGINNING AT THE NORTHEAST CORNER OF NE1/4, SE1/4, OF SAID SECTION 9, THENCE N87°15'55"W 163.22' ALONG THE SOUTH LINE OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 9; THENCE LEAVING SAID SOUTH LINE RUNNING S07°32'02"E 86.41'; THENCE S87°39'47"E 148.59' TO A POINT ON THE EAST LINE OF THE NE1/4 OF THE SE1/4 OF SAID SECTION 9; THENCE S02°12'48"W 364.00'; THENCE N87°28'33"W 272.95'; THENCE S86°14'12"E 337.65'; THENCE N87°11'12"W 2,010.66'; THENCE N02°22'47"E 484.46'; THENCE N02°22'47"E 484.46' TO THE SOUTHWEST CORNER OF SW1/4 OF THE NE1/4 OF SAID SECTION 9; THENCE N02°00'07"E 1319.23' TO THE NORTHWEST CORNER OF SW1/4 OF THE NE1/4 OF SAID SECTION 9; THENCE S87°12'16"E 1319.62' TO THE NORTHEAST CORNER OF SW1/4 OF THE NE1/4 OF SAID SECTION 9; THENCE N02°06'59"E 210.67'; THENCE S37°35'56"E 276.52' TO A POINT ON THE NORTH LINE OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 9; THENCE ALONG SAID NORTH LINE S87°13'23"E 233.05'; THENCE LEAVING SAID NORTH LINE AND RUNNING S00°25'43"W 181.73'; THENCE S87°15'27"E 201.12'; THENCE N00°25'43"E 181.61' TO A POINT ON THE NORTH LINE OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 9; THENCE ALONG SAID NORTH LINE S87°13'23"E 348.87'; THENCE LEAVING SAID NORTH LINE AND RUNNING S02°13'20"W 148.84'; THENCE S87°17'51"E 146.00'; THENCE S02°19'34"W 422.36'; THENCE S87°13'23"E 200.00' TO A POINT ON THE EAST LINE OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 9; THENCE ALONG SAID EAST LINE S02°20'13"W 745.90' TO THE POINT OF BEGINNING, CONTAINING 164.07 ACRES, MORE OR LESS.SUBJECT TO ANY RIGHTS-OF-WAY, EASEMENTS, MINERAL RIGHTS, COVENANTS OR DEED RESTRICTIONS PREVIOUSLY FILED; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 5, 2017 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public 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 Planning Commission voted to recommend to the City Council that the petition be approved and that said future land use classification as presented on the property be changed.

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 of Agricultural to Medium Density Residential on the Future Land Use Map.

Section 2: That this resolution shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

Bob McCaslin, Mayor

ATTEST:

City Clerk

GENERAL PLAN AMENDMENT STAFF REPORT



Chambers Bank and FH&G LLC

Ginn Road & N. Rainbow Farm Road

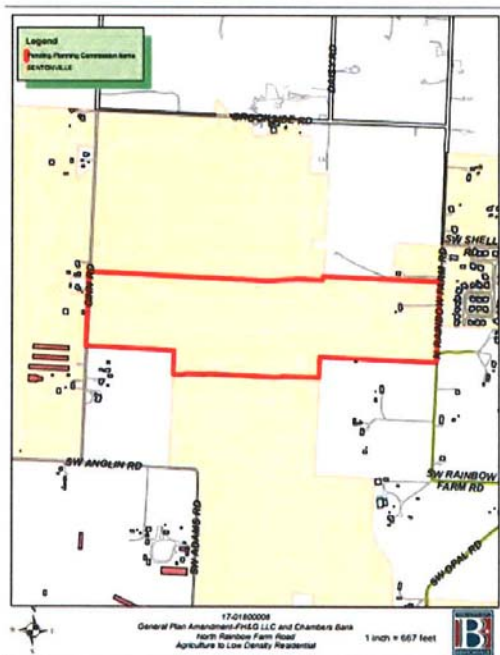
PC Date: 9/5/2017

Reviewer: Jon Stanley, Planner

Project Number	17-01800008
Applicant/ Current Owner	Chambers Bank and FH&G LLC PO Box 1653 Springdale, AR 72762
Site Area	80 acres
Current Zoning	PUD, Planned Unit Development
Current Future Land Use Map Designation	Agricultural (A)
Requested Future Land Use Map Designation	Low Density Residential (LDR)

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

Location Map



Property Description

This property is the location of an 80+/- acre parcel that is currently being used for agricultural practices situated between Ginn Road and N. Rainbow Farm Road. The property was zoned PUD in 2005; that zoning has since expired.

Projected Traffic Impact

The proposed land use designation will not adversely impact traffic in the area. The development of the property is scheduled to occur in phases. As these phases come on-line and density in the area increases, additional and improved access to the area will be necessary.

Utility Infrastructure

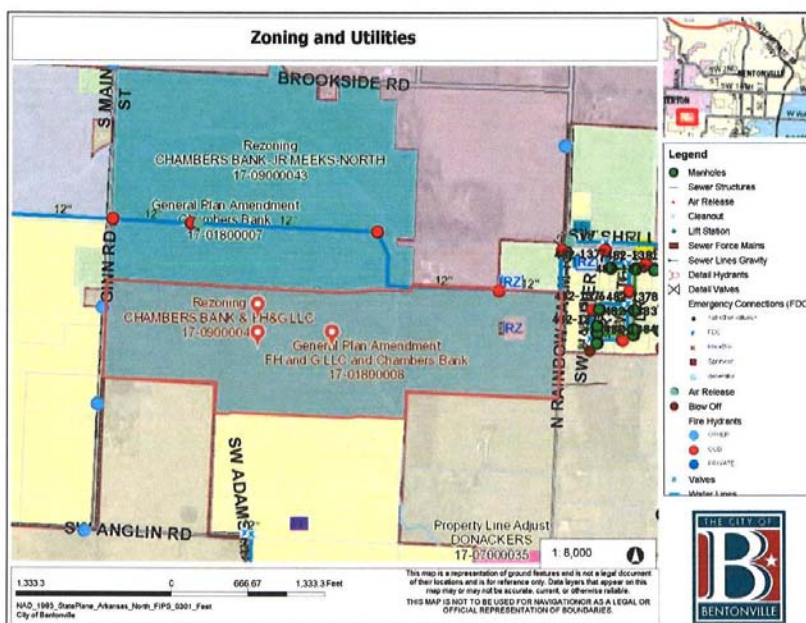
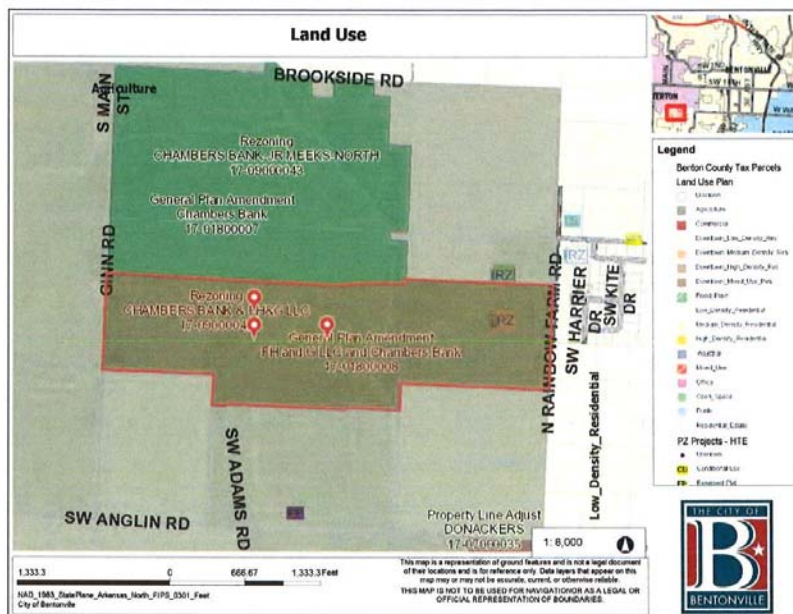
Per GIS website, water is available however, sewer is not available at the time of this report.

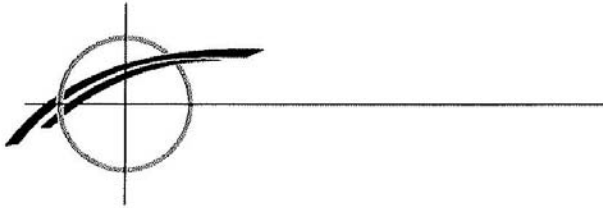
Relationship to the General Plan

The Future Land Use Plan depicts this property as Agricultural (A). Policy LU-23 Housing Types within the General Plan suggest that the city should encourage the development of a mix of housing types to meet the needs of residents throughout their lives. As utilities are extended to new locations within the city, the city should reevaluate and adjust the land uses accordingly. The proposed subdivision will help to reduce the impact on city infrastructure by the extension of public utilities that will be required with the development of this land, all helping to meet the intent of the policy.

Analysis

In conclusion, the requested Future Land Use Map designation of Low Density Residential (LDR) will offer a variety of single-family housing types and opportunities in a rapidly developing sector of the city. The proposed land use designation will promote future growth in the area and create opportunities for commercial, mixed-use and industrial development that will ultimately provide goods and services to residences in and near this area. Error! Reference source not found.





SWOPE ENGINEERING
Civil Engineering
3511 SE J Street, Suite 9
Bentonville, AR 72712 479-685-8399

July 27, 2017

City of Bentonville Planning Department

Attn: Jon Stanley
305 SW "A" Street
Bentonville, AR 72712

**Re: Requested Narrative, Low-Density Residential
General Plan Amendment- FH&G Properties LLC (Osage Hills 2)
(parcels 01-07928-040) & a portion of 01-00828-550)**

Dear John:

Please accept this narrative, as required, for the subject properties. Listed below are the application-required questions, each of which is followed by our response.

1. Reasons for initiation of this proposal. Has information become available that was not available at the time of adoption of the Future Land Use Map? Or, since the adoption of the map has land use in the area changed?

The owner is proposing to develop the subject property as single-family residential. As you know, the General Plan shows the future land use of this property as agriculture.

Information has changed since adoption of the map, and that consists of a growing demand for single-family housing. At the time, this map was adopted. No infrastructure was available nearby. There are now plans to extend these nearby.

2. How will this change impact the land use and character of the property in question and surrounding areas?

The character of the property will change in that it will become a part of the city limits, and will receive water, sewer and electric extensions that future residents on this land will then pay in utility bills to the city.

The map amendment would allow more surrounding properties to develop and also provide improvements to Rainbow Farm Road – which would benefit the city's overall infrastructure.

3. How is the property more suitable for the proposed land use designation than for the current land use classification presented on the Future Land Use Map?

The proposed single-family designation is more suitable because development on this land would provide a greater benefit to more people than if it is left agricultural. The benefits come in the way of more housing, and revenue for construction workers and city employees (taxes, utility bills, etc).

4. Would the uses permitted by the proposed change be detrimental in any way to the surrounding property?—

The only two negatives are that the land won't be left as it is, and the traffic count would increase. However, the proposed improvements on Rainbow Farm Road and Adams Road will help mitigate the increased traffic load.

5. What are the alternative courses of action if the proposed land use change is not approved?

If the land use is not changed, other lands will be found to develop single-family, and the land will go for years before homes are built (if ever).

6. What are your plans for the property if the proposed land use change is approved?

The current proposal is a single-family residential subdivision that will comply with all city zoning and development requirements.

7. What alternatives other than changing the land use designation have been discussed?

There is no alternative to this request other than to do nothing, and leave the property as-is.

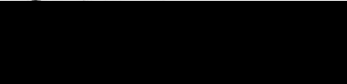
8. Additional information that is pertinent to support this request.

Regarding the request to convert land to single-family, please keep in mind the natural pressures of housing that the city encounters now in this time of growth. While the current economic cycle has seen a focus on apartment construction, the supply of single-family housing is not keeping up.

The market needs to provide for this demand. Your support of this request will bring needed housing to an area that is a great fit.

Please let me know if you have any questions or concerns.

Regards,



Phil R. Swope, PE
President

RESOLUTION NO. _____

**AN 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
AGRICULTURAL TO LOW DENSITY RESIDENTIAL.**

WHEREAS, Chambers Bank & FH&G LLC duly filed a petition with the Planning Commission requesting that the hereinafter-described property situated in Benton County, Arkansas, be changed from its present classification of Agricultural to Low Density Residential on the City of Bentonville Future Land Use Map, which property is described as follows:

A PART OF THE S1/2 OF THE NE1/4, A PART OF THE N1/2 OF THE SE1/4, AND A PART OF THE N1/2 OF N1/2 OF SE1/4 OF SECTION 9 TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF NE1/4, SE1/4, OF SAID SECTION 9, THENCE N87°15'55"W 163.22' ALONG THE SOUTH LINE OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 9; THENCE LEAVING SAID SOUTH LINE RUNNING S07°32'02"E 86.41'; THENCE S87°39'47"E 148.59' TO A POINT ON THE EAST LINE OF THE NE1/4 OF THE SE1/4 OF SAID SECTION 9; THENCE S02°12'48"W 363.97' TO THE POINT OF BEGINNING. THENCE CONTINUING S2°12'48"W 876.04'; THENCE S2°10'53"W 222.17'; THENCE N88°09'06"W 406.32'; THENCE S77°00'41"W 51.67'; THENCE N87°12'08"W 773.17'; THENCE S84°12'25"W 50.51'; THENCE N87°39'04"W 202.00'; THENCE S76°23'18"W 52.00'; THENCE N87°39'04"W 101.00'; THENCE N02°20'56"E 268.09'; THENCE N87°11'02"W 990.19'; THENCE N02°22'47"E 835.84'; THENCE S87°11'12"E 2,010.66'; THENCE N86°14'12"E 337.65'; THENCE S87°28'33"E 272.95' TO THE POINT OF BEGINNING, CONTAINING 59.75 ACRES, MORE OR LESS. SUBJECT TO ANY RIGHTS-OF-WAY, EASEMENTS, MINERAL RIGHTS, COVENANTS OR DEED RESTRICTIONS PREVIOUSLY FILED. And A PART OF THE NW1/4 OF THE SW1/4, OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT, N02°12'48"E 911.04' THENCE ALONG THE WEST LINE OF SAID 40 ACRE TRACT; THENCE LEAVING SAID WEST LINE AND RUNNING S87°28'33"E 1319.26' TO A POINT ON THE EAST LINE OF SAID 40 ACRE TRACT; THENCE S02°38'31"W 909.08' TO THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE N87°33'39"W 1312.45' TO THE POINT OF

BEGINNING, CONTAINING 27.49 ACRES, MORE OR LESS. SUBJECT TO ANY RIGHTS-OF-WAY, EASEMENTS, MINERAL RIGHTS, COVENANTS OR DEED RESTRICTIONS PREVIOUSLY FILED; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 5, 2017 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public 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 Planning Commission voted to recommend to the City Council that the petition be approved and that said future land use classification as presented on the property be changed.

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 of Agricultural to Low Density Residential on the Future Land Use Map.

Section 2: That this resolution shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

Bob McCaslin, Mayor

ATTEST:

City Clerk

REZONING STAFF REPORT



King

228 SE 7th Street

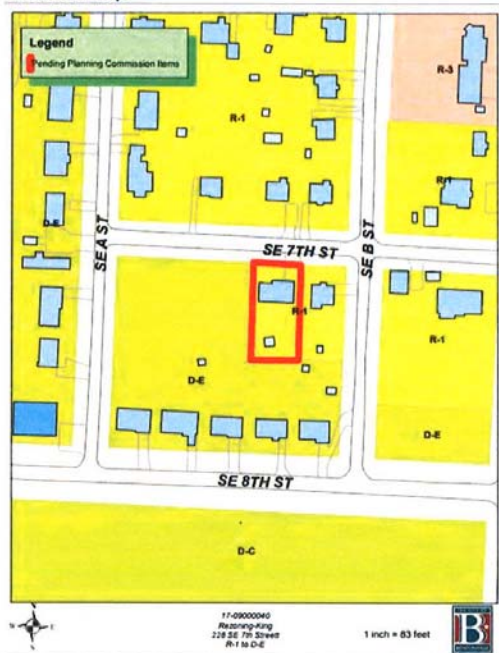
PC Date: 9/5/2017

Reviewer: Jon Stanley, Planner

Project Number	17-09000040
Applicant / Current Owner	Virginia Carol King 2003 NE Oak Trail Road Bentonville, AR 72712
Site Area	20+/- acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DE, Downtown Edge
Future Land Use Map Designation	Downtown Mixed Use Residential (DMUR)

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

Location Map



Property Description

This property is the location of a vacant single-family lot in a Downtown Mixed Use Residential neighborhood where infill and redevelopment is beginning to occur.

Projected Traffic Impact

The proposed zoning designation will not adversely impact traffic in the area. The property is located within the downtown area where the existing street grid network will provide adequate options for ingress and egress.

Utility Infrastructure

Per the City's GIS website, public water and sewer are available at this location.

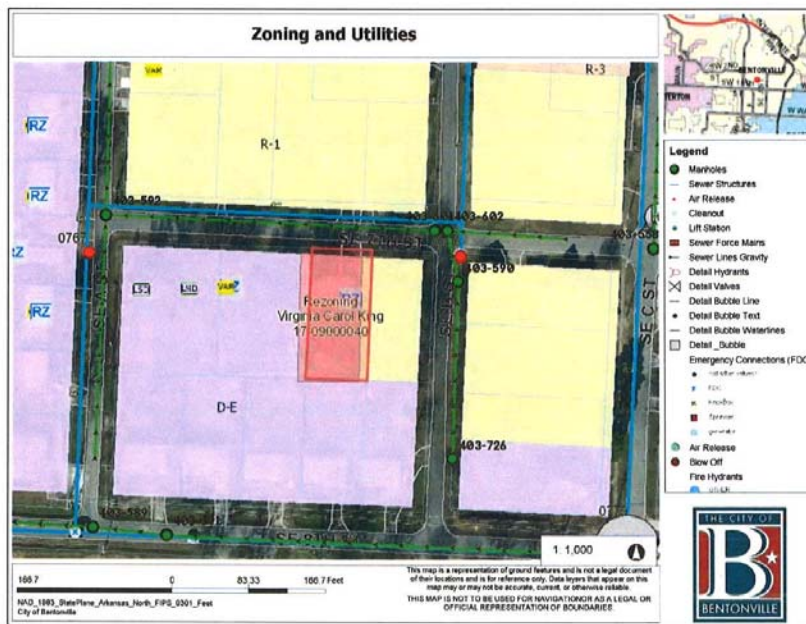
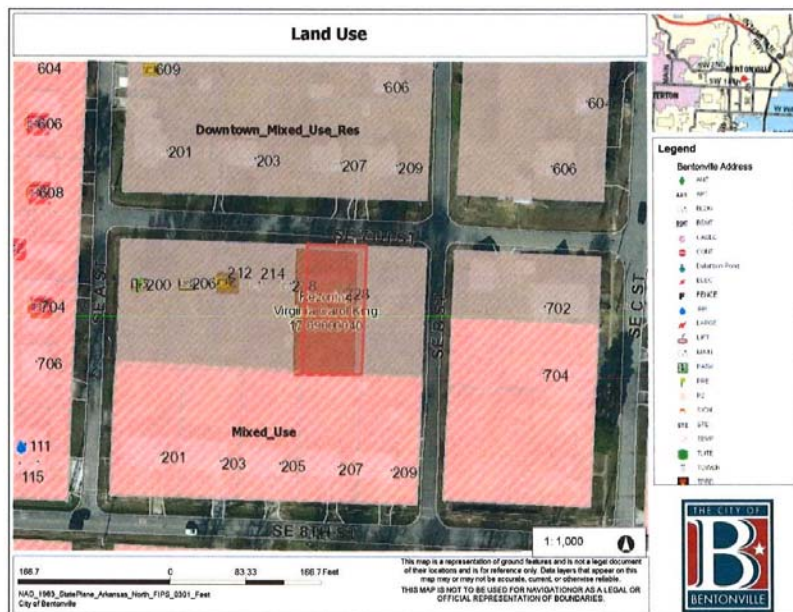
Relationship to the General Plan

The Future Land Use Plan depicts this property as Downtown Mixed Use Residential (DMUR). The intent of the Downtown Mixed-Use Residential district is to allow for increased neighborhood density and increased local commerce through the development of multi-family housing and mixed-use structures.

Conclusion

In conclusion, the DE, Downtown Edge zoning designation request is consistent with the General Plan which states that this designation permits for a range of residential types. The DE, Downtown Edge zoning classification will create an area of transition between the future five-lane arterial street to the south and the single-family residences to the north while adding density to the downtown area where existing infrastructure is adequate, therefore helping to retain current and promote new commercial uses in the downtown area.

REZONING STAFF REPORT



JACOBS GROUP

Specializing in Downtown Housing

June 13, 2017

City of Bentonville
305 SW A Street
Bentonville, Arkansas 72712

RE: Property at 208 SE 7th Street – Rezoning Request

Dear Mr. Stanley,

In keeping with the Bentonville Downtown Master Plan to increase residential housing opportunities and have a vibrant downtown, we are requesting that the property located at 208 SE 7th Street, which is currently zoned R-1, to be rezoned to Downtown Edge. This zoning change will allow for new housing to be built on this property. The properties directly abutting this parcel are already zoned DE and we believe it best to keep the surrounding zonings consistent.

The property will only be used for residential purposes, and will be rear loaded to limit the impact vehicles can have along the streetscape. Minimal traffic increase is expected and no signage is proposed for the infill housing. The new housing will be served by existing water and sewer lines which run along the length of SE 7th street.

Sincerely,

A large black rectangular redaction box covering the signature area.

Todd Jacobs

ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,
ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, SINGLE
FAMILY RESIDENTIAL TO DE, DOWNTOWN EDGE.**

WHEREAS, Virginia Carol King duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, Single Family Residential to DE, Downtown Edge to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 9, SOUTHSIDE SUBDIVISION, AS SHOWN ON PLAT RECORD "C" PAGE 206
AND RECORDED IN THE BENTON COUNTY CLERK'S OFFICE, BENTON
COUNTY, ARKANSAS; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 5, 2017 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public 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 Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, Single Family Residential to DE, Downtown Edge.

**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 zoning classification of R-1, Single Family Residential to DE, Downtown Edge to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

ATTEST:

MAYOR

CITY CLERK

REZONING STAFF REPORT



First Baptist Church

200 SW A Street

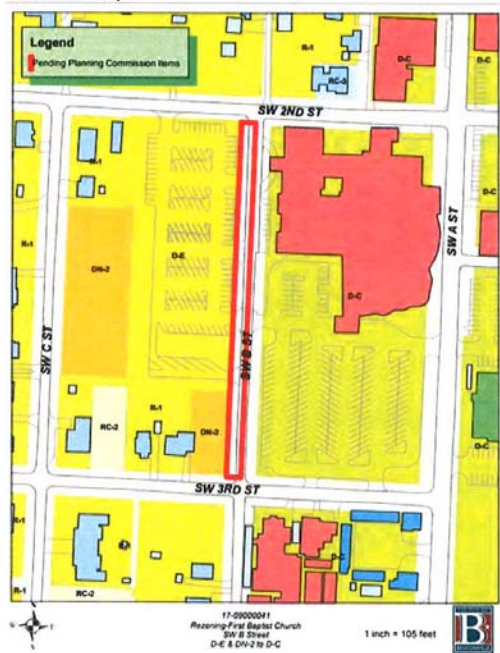
PC Date: 9/5/2017

Reviewer: Jon Stanley, Planner

Project Number	17-09000041
Applicant / Current Owner	First Baptist Church of Bentonville 220 S. Main Street Bentonville, AR 72712
Site Area	0.36 acres
Current Zoning	DE, Downtown Edge and DN-2, Downtown Medium Density Residential
Requested Zoning	DC, Downtown Core
Future Land Use Map Designation	Mixed Use (MU)

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

Location Map



Property Description

This property is the location of the western 25' +/- of recently vacated public right-of-way along what was SW B Street between SW 2nd and SW 3rd Street.

Projected Traffic Impact

The proposed zoning designation will not adversely impact traffic in the area. The property is located within the downtown area where the existing street grid network will provide adequate options for ingress and egress.

Utility Infrastructure

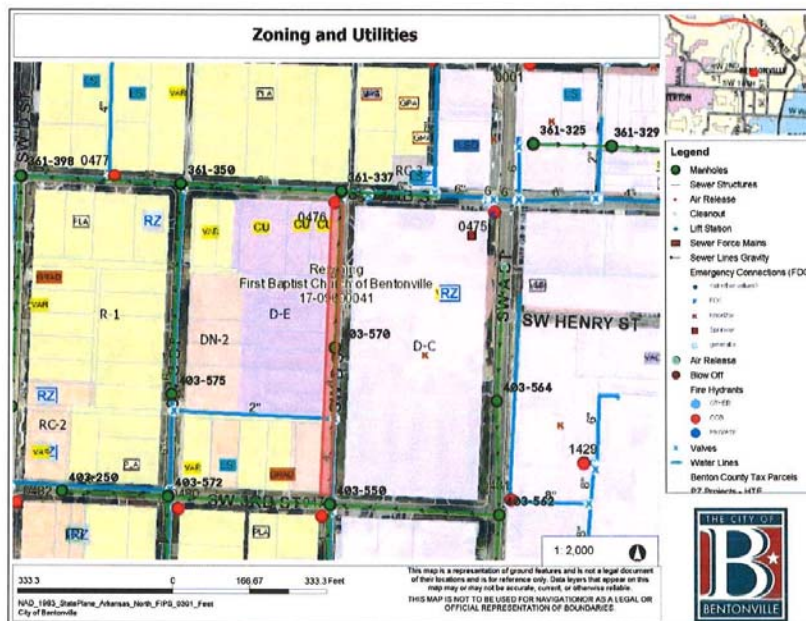
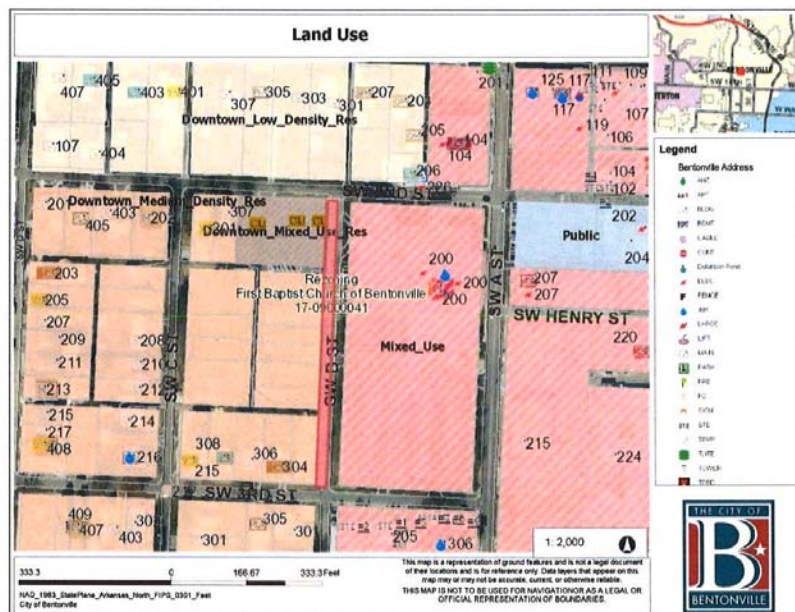
Per the City's GIS website, public water and sewer are available at this location.

Relationship to the General Plan

The Future Land Use Plan depicts this property as Mixed Use (MU). The DC, Downtown Core zoning district is an appropriate zoning district for this land use designation.

Conclusion

In conclusion, the DC, Downtown Core zoning designation is an appropriate zoning district for this property and will serve as a transition from the more intense uses allowed along SW A Street to the east and the single-family residential neighborhoods to the west.



Rezone Narrative

Owner: First Baptist Church
Address: 220 S Main St
Bentonville, AR 72712

Current Zoning: R-1, Single Family Residential

Proposed Zoning: DC, Downtown Core

Owner: First Baptist Church

Reason for rezone: To adopt the new zoning classification for the downtown and surrounding area.

How will property relate to surrounding properties: With the areas designation of Downtown Core and Downtown Edge the change would better fit with the coming development, and provide needed buffers to the adjoining residential uses. The current surrounding properties are older single family residences.

Proposed Use: Continued Church use

Traffic: The current city infrastructure is adequate to accommodate the use.

Signage: Any signage to comply with city ordinances and regulations.

Appearance: There are no immediate proposed changes

Water and Sewer Availability: Water and Sewer mains are available to serve the property.

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF DE, DOWNTOWN EDGE AND DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL TO DC, DOWNTOWN CORE.

WHEREAS, First Baptist Church duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of DE, Downtown Edge and DN-2, Downtown Medium-Density Residential to DC, Downtown Core to be used in accordance with city zoning laws and state laws, which property is described as follows:

BEING A PART OF THE NW ¼, NE ¼, SECTION 31, T-20-N, R-30-W, FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF BENTONVILLE, COUNTY OF BENTON, STATE OF ARKANSAS, BEING MORE PARTICULARLY DESCRIBED BY MEETS AND BOUNDS AS FOLLOWS: COMMENCING AT A FOUND 1" PIPE AT THE NW CORNER OF BLOCK 2, CLARKS 2ND ADDITION, PLAT BOOK Q, PAGE 502; THENCE ALONG THE NORTH LINE THEREOF, SOUTH 87°41'12" EAST, A DISTANCE OF 300.00 FEET TO A SET 5/8" REBAR W/ CAP "J. COLLINS PLS1337" FOR THE POINT OF BEGINNING OF LOT 2, FIRST BAPTIST CHURCH ADDITION; THENCE SOUTH 87°41'12" EAST, A DISTANCE OF 25.00 FEET TO THE CENTER OF SW B ST; THENCE ALONG CENTERLINE OF SW B ST, SOUTH 02°20'32" WEST, A DISTANCE OF 627.43 FEET TO THE NORTH R.O.W. OF SW 3RD ST; THENCE NORTH 87°22'41" WEST, A DISTANCE OF 25.00 FEET TO A SET 5/8 REBAR W/CAP "J. COLLINS PLS1337"; THENCE NORTH 02°20'32" EAST, A DISTANCE OF 627.30 FEET TO THE POINT OF BEGINNING, AND CONTAINING 15,684 SQUARE FEET OR 0.36 ACRES, MORE OR LESS; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 5, 2017 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public 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 Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of DE, Downtown Edge and DN-2, Downtown Medium-Density Residential to DC, Downtown Core.

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 zoning classification of DE, Downtown Edge and DN-2, Downtown Medium-Density Residential to DC, Downtown Core to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

ATTEST:

MAYOR

CITY CLERK

LOT SPLIT STAFF REPORT



Lots 23, 24 & 25 Huffman Addition

211 NW D Street

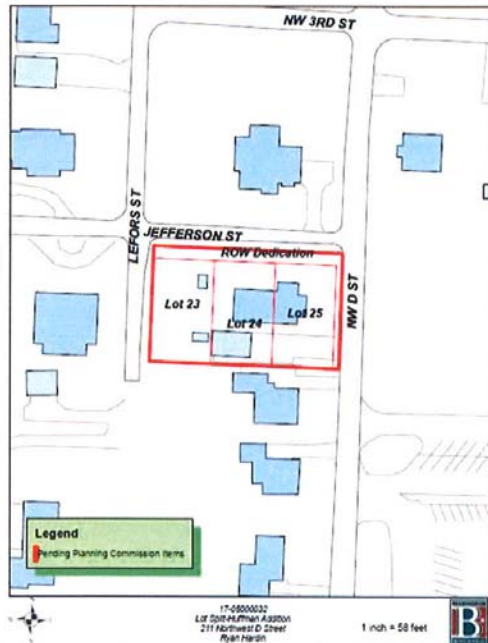
PC Date: 9/5/2017

Reviewer: Jon Stanley, Planner

Project Number	17-05000032
Applicant / Current Owner	Ryan Hardin 802 N. Park Ave. Fayetteville, AR 72701
Site Area	0.42+/- acres
Current Zoning	R-1, Single Family Residential
Future Land Use Map Designation	Downtown Low-Density Residential (D-LDR)

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

Location Map



Property Description

This property is the location of an existing single family lot located at 211 NW D Street in an established single-family residential neighborhood.

Project Details

The applicant has submitted a proposal for a lot split that will create three new lots from one existing lot. The new lots will be known as Lot 23 (0.14 acres), Lot 24 (0.14 acres) and Lot 25 (0.14 acres) of Huffman Addition. Per the requirements of the Master Street Plan, right-of-way will be dedicated along Jefferson Street and NW D Street. A private cross access easement will be provided to allow rear access to each of the new lots. All lots have access to public utilities and a public street.

Projected Traffic Impact

The proposed lot split will not adversely impact traffic in the area. The property is located within the downtown area where the existing street grid network will provide adequate 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.

Waivers

1 waiver request

- Waiver to Article 1100, Design Standards, Section 1100.5.B, Streets, Master Street Plan Requirements, Right-of-way for a Local Street. 26' r/w required from centerline along NW 'D' Street, proposing 22' of right-of-way.

Conclusion

In conclusion, this lot split does not meet the minimum requirements of the subdivision regulations due to the waiver request.

Standard Conditions of Approval

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

NOTES

- ♦ **Sidewalks.** Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.



September 5, 2017

Sand Creek Project # 17052
Bentonville Project # LSD-1700032

Jon Stanley, Planner
Community Development
305 SW A Street
Bentonville, AR 72712

SUBJECT: NW D Street Right of Way Dedication Waiver

Mr. Stanley,

On behalf of Ryan Hardin and Brenda Compton (Owners), I am requesting a waiver to Article 1100, Streets, Section 1100.5B, Right-of-Way Dedication, of the subdivision code for the creation of three new lots. The code states that 26' of Right of Way will be required per the City of Bentonville Master Street Plan, measured from centerline of NW D Street. This would require the owners to provide 10 feet of property to be dedicated for city Right-of-Way. However, the owners would like to propose a 6 foot dedication of their property to be used for city Right-of-Way measured from the center of the right of way lines instead of the required centerline of roadway. The reason this proposal was pursued was because of the assessment of the entire NW D Street corridor. The roadway alignment veers to the west as you travel south of NW 3rd Street. As the alignment of NW D Street shifts west, the property lines do not shift west in a consistent manner. If this waiver is approved it will allow the property to the east to also dedicate 6 feet of their property to achieve the necessary 52 feet of planned Right-of-Way. The proposed dedication will still allow for the appropriate green space, curb installation and buffer dimensions that the City of Bentonville requires.

For the reasons above, I formally request that the waiver for a reduction of Right-of-Way Dedication from 10 feet to 6 feet be approved for this project. If you have any questions or need any more information, do not hesitate to get in touch with me. Thank you.

Respectfully submitted,

Aaron Boehmler, PE
Civil Engineer
Sand Creek Engineering &
Landscape Architecture
Email: aboehmler@sandcreek.us

1610 NW 12th Street

Bentonville, AR 72712

Ph. (479) 464-9282

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 23, 24, & 25 HUFFMAN
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 23, 24, & 25 Huffman Addition, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on September 5, 2017; 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 of Bentonville and, after consideration and deliberation, said Council is of the opinion 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 23, 24, & 25 Huffman 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 _____, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

ORDINANCE STAFF REPORT



Zoning Amendment for Medical Marijuana Dispensaries & Cultivation Facilities

PC Date: 9/5/2017

Reviewer: Shelli Kerr, AICP, Planning Services Mngr

Type	Amendment
Code Impacted	Zoning Code
Section(s)	Art. 201 Definitions Art. 401 Zoning Regulations

<http://www.bentonvillear.com/departments/planning-department/codes/code-changes/>

Purpose

The purpose for this amendment is to bring the City of Bentonville zoning regulations into compliance with Amendment 98 of the Arkansas Constitution regarding zoning for medical marijuana dispensaries and cultivation facilities.

Background

On November 8, 2016, the voters of the State of Arkansas passed The Arkansas Medical Marijuana Amendment of 2016, Amendment 98 of the Arkansas Constitution. Several sections of the amendment address local regulation of dispensaries and cultivation facilities.

- "This amendment does not prohibit a city, incorporated town, or county of this state from enacting reasonable zoning regulations applicable to dispensaries or cultivation facilities, provided that those zoning regulations are the same as those for a licensed retail pharmacy." - § 14(a)
- "Dispensaries may not be located within 1,500 feet of a public or private school, church, or daycare center." - § 8(g)(2)(C)(i)
- "A cultivation facility may not be within 3,000 feet of a public or private school, church or daycare center." - § 8(g)(2)(C)(ii)

Code Review

The code does not specifically list or define "pharmacy" as a land use. However, it does define "retail" as the "sale of general merchandise or food...that includes...drugs...and similar consumer goods." Based on this definition, a pharmacy would be regulated as a retail use. Because Amendment 98 indicates that the zoning regulations for dispensaries and cultivation facilities are to be the same as pharmacies, these facilities would be considered a retail use.

The zoning district where the "Retail" land use category is allowed depends on the size of the facility:

Small Scale Retail (<=4,000 sq. ft.): DN-3, Downtown High Density Residential; DN-4, Downtown Mixed-Use Residential; C-1, Neighborhood Commercial; C-2, General Commercial; C-3, Central Commercial; DC, Downtown Core; DE, Downtown Edge; I-1, Light Industrial

Large Scale Retail (>4,000 sq. ft.): C-2, General Commercial and DC, Downtown Core

The definition of the "Intensive Industrial" land use includes "compounding of cosmetics, toiletries, drugs, and pharmaceutical products." Presumably, cultivation facilities would fall into this land use category. However, since the constitutional amendment states that cultivation facilities must be treated the same as a retail pharmacy, this land use category is not applicable.

Based on the interpretation above, under the current regulations, medical marijuana dispensaries and cultivation facilities would be allowed by right in the DN3, DN4, DC, C1, C2, C3, and I1 zoning districts if the facility is 4,000 square feet or less; and in the DC and C2 zoning districts if larger than 4,000 square feet.

Proposed Amendments

- Delete the word "drugs" from the definitions of Retail, Small Scale and Retail, Large Scale and "drugs and pharmaceutical products" from the definition of Industrial, Intensive.
- Define "pharmacy", "medical marijuana dispensary" and "cultivation facility" consistent with the definitions provided in the constitutional amendment.
- Establish pharmacy, medical marijuana dispensary and cultivation facility as uses allowed by right in the C2, C3, DC, I1 and I2 districts.
- Add supplemental regulations regarding the distance requirements from schools, churches and daycares consistent with the constitutional amendment.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF BENTONVILLE, ARKANSAS TO ESTABLISH ZONING REGULATIONS FOR MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION FACILITIES CONSISTENT WITH THE ARKANSAS MEDICAL MARIJUANA AMENDMENT OF 2016, AMENDMENT 98 OF THE ARKANSAS CONSTITUTION, AND DECLARING AN EMERGENCY.

WHEREAS, on November 8, 2016, the voters of the State of Arkansas passed The Arkansas Medical Marijuana Amendment of 2016, Amendment 98 of the Arkansas Constitution; and

WHEREAS, section 14(a) of Amendment 98 states “This amendment does not prohibit a city, incorporated town, or county of this state from enacting reasonable zoning regulations applicable to dispensaries or cultivation facilities, provided that those zoning regulations are the same as those for a licensed retail pharmacy;” and

WHEREAS, section 2(4) of Amendment 98 defines a “cultivation facility” as an entity that (A) has been licensed by the Medical Marijuana Commission under § 8 of this amendment; and (B) cultivates, prepares, manufactures, processes, packages, sells to and delivers usable marijuana to a dispensary; and

WHEREAS, section 2(7) of Amendment 98 defines a “dispensary” as an entity that has been licensed by the Medical Marijuana Commission under § 8 of this amendment; and

WHEREAS, the Bentonville Zoning Code does not specifically list or define “pharmacy” as a land use, however, defines “retail” as the *sale of general merchandise or food...that includes....drugs....and similar consumer goods*, which would include pharmacies; and

WHEREAS, the Bentonville Zoning Code allows by right “retail, small scale” (4,000 gross square feet or less) in the DN3, DN4, DC, C1, C2, C3, and I1 zoning districts and allows by right “retail, large scale” (more than 4,000 gross square feet) in the DC and C2 zoning districts.

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

Section 1: That the Zoning Code, Article 201 Definitions shall be and is hereby amended by deleting “drugs” from the definitions of *Retail, Small Scale* and *Retail, Large Scale*.

Section 2. That the Zoning Code, Article 201 Definitions shall be and is hereby amended by deleting “drugs and pharmaceutical products” from the definition of *Industrial, Intensive*.

Section 3. That the Zoning Code, Article 201 Definitions shall be and is hereby amended by adding the following definitions:

Pharmacy: An establishment substantially devoted to the compounding and/or sale of prescription medicines and drugs, supplies and equipment. This definition does not include medical marijuana dispensaries or medical marijuana cultivation facilities,

which are defined separately and consistent with § 8 of Amendment 98 of the Arkansas Constitution.

Medical marijuana dispensary: An entity that has been licensed by the Medical Marijuana Commission under § 8 of Amendment 98 of the Arkansas Constitution.

Medical marijuana cultivation facility: An entity that (1) has been licensed by the Medical Marijuana Commission under § 8 of Amendment 98 of the Arkansas Constitution, and (2) cultivates, prepares, manufactures, processes, packages, sells to and delivers usable marijuana to a dispensary.

Section 4: That the Zoning Code, Appendix A: Table of Permitted Uses shall be and is hereby amended by adding the uses “pharmacy” and “medical marijuana dispensary” under the *Retail* category and the use “medical marijuana cultivation facility” under the *Industrial and Warehousing* category and permitting such uses in the C2, C3, DC, I1, and I2 zoning districts.

Section 5: That the Zoning Code, Article 601 Use Regulations shall be and is hereby amended by adding the following use regulations:

MEDICAL MARIJUANA DISPENSARY

As set forth in § 8 of Amendment 98 of the Arkansas Constitution, a medical marijuana dispensary may not be located within one thousand five hundred feet (1,500') of a public or private school, church, or daycare center, existing before the date of the dispensary application.

MEDICAL MARIJUANA CULTIVATION FACILITY

As set forth in § 8 of Amendment 98 of the Arkansas Constitution, a medical marijuana cultivation facility may not be located within three thousand feet (3,000') of a public or private school, church, or daycare center, existing before the date of the cultivation facility application.

Section 6: This ordinance is necessary to preserve the public peace, health, safety and welfare, and because of such, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of its passage and approval.

PASSED and APPROVED this ____ day of _____, 2017.

APPROVED:

Mayor Bob McCaslin

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 12, 2017

Submitted by:

David Wright

Department

Parks and Rec

Phone

271-6813

ACTION REQUIRED:

City Council approval of a budget adjustment recognizing revenue and allocating future expenses, in the amount of \$731,000, for the Memorial Park Ballfield Improvements.

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





Date of Request: August 30, 2017

Acct Number	Account Name	Revenue + (-)	Expense + (-)	Fund Balance + (-)
010-5030-452.73-90	Capital - Other		\$ 731,000.00	\$ (731,000.00)
	A & P Contributions	\$ 731,000.00		\$ 731,000.00
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
	Totals	\$ 731,000.00	\$ 731,000.00	\$ -

Justification:

Budget adjustment pays for new artificial surface at Memorial Park Ballfields

FOR ACTING USE ONLY

Council Action: Approved Disapproved Other _____

Date:	Date entered:	By:
-------	---------------	-----

Revised 5/1/07

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712
www.bentonvillear.com



PLEASE RECYCLE



Memo



To: City Council, Mayor McCaslin
From: David Wright, Parks and Recreation Director
Date: August 14, 2017
Re: City Council approval of a budget adjustment for \$731,000, to recognize revenue and allocated expenses for the installation of new artificial surface on four fields at Memorial Park.

Staff is requested City Council to approve a budget adjustment, for \$731,000 to fund improvements to the Memorial Park Ballfields. This amount is revenue from the Advertising and Promotions Commission and will be allocated to fund a project to install artificial surface on four (4) fields at Memorial Park.

During the process of developing the Play Bentonville Plan, our citizens indicated the need for "Tournament Quality Fields" instead of Tournament-Only complexes. Our citizens, our Parks Board and our staff completely agree the best use of the tax dollar is to improve Memorial and Phillips Park in a manner that provides high quality youth sports environment available to citizens and visitors seven (7) days per week.

Providing a seven (7) day per week facility is very difficult. However, the local demand exists. As would be expected, the local desire to utilize Memorial Park Ballfields beginning in February and continuing through November takes a toll on the conditions of the fields and its everyday operations and maintenance costs. The argument to the high maintenance costs is the economic value the sports fields provide to the City. To date in 2017, Parks and Recreation facilities have provided 2.6M in economic impact in Bentonville. Of that total, 1.5M is directly from baseball / softball fields at Memorial Park. So if the need for high quality fields is there, the best option becomes the installation of artificial surfacing.

During the last decade, advancements in artificial turf industry has raised the quality of sports turf while bringing costs to a price point affordable by municipalities. In recent years, two other local municipalities in Northwest Arkansas has installed artificial turf in new construction projects. Rogers installed turf on a multi-purpose field and Springdale install turf on a new baseball complex.

Reduced maintenance costs are one of the two major benefits of turf. Artificial turf fields are not maintenance free. However, they will reduce annual O&M fees significantly. The second major benefit of the artificial turf is playability of the fields. The impressive

economic impact number referenced earlier comes despite three (3) cancelled tournaments due to inclement weather. Each of these cancellations would have occurred if artificial turf has been in place, resulting in an additional \$190,000 economic impact to our community.

If City Council approves this budget adjustment, Parks and Recreation will move forward with the plan to install artificial turf on four (4) fields in Memorial Park in November 2017. The cost of the project is \$694,200. Construction will take approximately 90 days and will be ready for the beginning of the 2018 season. After this project, A&P will begin budgeting funds to install turf on the remaining five (5) fields in November 2019. Unused funds from this budget adjustment will be applied to the 2019 project. The Parks and Recreation Board approved this project on August 21. The A&P Commission approved the spending on August 24.

If you have any questions regarding this item, please call me at 479.464.7275 or email dwright@bentonvillear.com.



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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 12, 2017

Submitted by:

David Wright

Department

Parks and Rec

Phone

271-6813

ACTION REQUIRED:

City Council approval of a budget adjustment, in the amount of \$10,124.00, to fund a new entry kiosk at the Bentonville Community Center.

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

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PLEASE RECYCLE





Date of Request: September 7, 2017

Acct Number	Account Name	Revenue + (-)	Expense + (-)	Fund Balance + (-)
010-5030-452.73-90	Capital - Other		\$ 10,124.00	\$ (10,124.00)
	Transfer from Impact Fees	\$ 10,124.00		\$ 10,124.00
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
	Totals	\$ 10,124.00	\$ 10,124.00	\$ -

Justification:

Budget adjustment pays for new front entry kiosk at the Bentonville Community Center

FOR ACTING USE ONLY

Council Action: Approved Disapproved Other _____

Date: _____ Date entered: _____ By: _____

Revised 5/1/07

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712
www.bentonvillear.com



PLEASE RECYCLE



Memo



To: City Council, Mayor McCaslin
From: David Wright, Parks and Recreation Director
Date: August 14, 2017
Re: City Council approval of a budget adjustment for \$10,124 to fund a new entry kiosk at Bentonville Community Center.

Staff is requesting City Council approve a budget adjustment, for \$10,124, to fund the construction of a kiosk at the entry of the Bentonville Community Center. With approximately 1,500 visitors per day, the Community Center has served more than 900,000 people since opening to the public just two years ago. After a very busy summer, the building's participation levels show no sign of slowing down. However, there is a very distribution pattern our staff is seeing occur more often than we like.

On multiple occasions per day, people are entering the building and not scanning into our POS system, or paying an admission fee. Often times, when a person enters the building, they observe the front desk is busy and they will not stop to scan in. On a number of occasions, we have caught these individuals and learned they are not members. They are merely sneaking in to use the facility.

Ensuring customers scan in or pay an admission fee is more than a financial matter in a facility like this. The financial matter, as important as it is, is really the secondary reason we must address this. The primary reason is the safety of our patrons, especially our youth patrons. With the very high number of youth in the recreation areas of this building, it is critical we know who is in our building at all times. If a child ever comes up missing from our building, we always know who is in the building and cameras monitor every entrance and exit. But people must scan to entry in order for this to work properly.

Earlier this summer, we worked with Hight Jackson Architects and Crossland Construction to design and construct an entry kiosk forcing patrons to walk beside a staffed kiosk. At the kiosk, they will either scan in, or to show a ticket verifying a paid admission. The turnkey cost of this project, including design fees, is \$10,124. This project should take a week to complete and will not affect building usage or hours at all.

If you have any questions regarding this item, please call me at 479.464.7275 or email dwright@bentonvillear.com.



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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 12, 2017

Submitted by:

David Wright

Department

Parks and Rec

Phone

271-6813

ACTION REQUIRED:

City Council approval of a budget adjustment, in the amount of \$30,350.00, to fund the emergency repair needed for damaged ballfield lights at Phillips Park.

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

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PLEASE RECYCLE





Memo



To: City Council, Mayor McCaslin
From: David Wright, Parks and Recreation Director
Date: August 14, 2017
Re: City Council approval of a budget adjustment, in the amount of \$30,350, to repair light poles and fixtures at Phillips Park.

During a storm on June 16, Phillips Park experienced damage to a light pole and fixtures on one of the baseball fields. The winds from the storm completely snapped the field one light pole into two pieces. When our team arrived at the park on June 17, we found the 70' pole laying on the ground. The light fixture was destroyed during the fall.

When our team began to clear the project, we asked the Bentonville Electric Department to inspect other poles in the park. We found two additional poles in poor condition that are in poor condition and needed be replaced immediately.

Parks and Recreation worked with our Purchasing Department to immediately hire Hill Electric, a state bid approved contractor. The replacement project included demo of two additional poles, reinstalling the three new poles and replacing the damaged lighting at Phillips Park. Because of the urgency to correct this issue by the beginning of the fall programming, we authorized Hill Electric to begin immediately. The contractor is scheduled to complete the project during the week of September 7, allowing for regular sports programming to continue without any delays.

If you have any questions regarding this item, please call me at 479.464.7275 or email dwright@bentonvillear.com.



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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 12, 2017

Submitted by:

Travis Matlock

Department

Electric

Phone

271-3135

ACTION REQUIRED:

An ordinance authorizing the Mayor and City Council to waive the requirements of competitive bidding and enter into an agreement with Siemens Industry, Inc. for the purchase of hookstick operated switches for the 8th Street Widening Project in the amount of \$36,000.00 plus tax.

COST TO CITY:

Cost of this Request: \$36,000

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



REQUEST FOR WAIVER OF BID

Date	<u>9/12/2017</u>		
Requested by:	<u>Amy Blood</u>		
Department:	<u>Inventory</u>		
DESCRIPTION OF REQUEST:			
Type of Equipment:	<u>12 switches for 8th St. widening project</u>		
Year & Model:	<u></u>		
Serial #	<u></u>		
To Be Purchased From:	<u>Siemens Industry, Inc.</u>		
	<u>99 Bolton Sullivan Dr.</u>		
	<u>Heber Spring AR 72543</u>		
Amount:	Base Amount:	\$	<u>36,000.00</u>
	Tax:		<u></u>
	*Other:		<u></u>
	TOTAL	\$	<u>36,000.00</u>
* List all other costs:			
JUSTIFICATION FOR REQUEST FOR WAIVER OF BID:			
Siemen's is the manufacturer of the standard hookstick switches BEUD currently utilizes in our 15KV distribution system. These switches are compatible with other switches in our system and Siemens is the sole vendor for this equipment.			
<u>Department Head</u>		<u>Director of Finance & Administration</u>	
Revised 6-18-99			

M E M O R A N D U M

DATE: September 1, 2017

TO: **City Council, Mayor McCaslin**

FROM: Amy Blood, Inventory Control

**RE: Waiver of bid – Hookstick Switches – 8th St.
Widening**

The electric department requests waiver of bid to purchase 12 hookstick switches for the 8th Street widening project from Siemens Industry, Inc. in the amount of \$36,000 plus tax. These are the standard switches used within the BEUD distribution system and Siemens is the sole vendor.

SIEMENS

SFDC Quote # SF171156110 Quote Number 00039043
 Address 99 Bolton Sullivan Dr Created Date 9/1/2017
 Heber Springs, AR 72543
 US

Quote To Name City of Bentonville
 End User City of Bentonville

Additional To Name Len T Deloney Email crisly@deloney.com
 Contact Name Cristy Biri

Product	Product Description	Sales Price	Qty	Total Price
BEN963XF-A4CHS	25KV NOMINAL, 150KV BIL, 900A CONTINUOUS CURRENT, 900A LOADBREAK, 2 1/4" D.B.C. POLYMER INSULATORS, FIBERGLASS SWITCH BASE, EXTENDED FIBERGLASS ARRESTER BRACKETS, HOOKSTICK OPERATED, PLUG IN SAF-T-GAP INTERRUPTERS, PROVISION FOR CROSSARM BRACE, CONVERTIBLE TO MOTORIZED	USD 3,024.00	12	USD 36,288.00

Pricing Comments FREIGHT ALLOWED ON ORDERS \$2500.00+

LEAD TIME: 7-8 WEEKS ARO

Based on quality and workmanship of our product, we are pleased to extend the warranty to 36 months from commissioning or 42 months from shipment, whichever comes first.

All prices are in USD. Terms of payment is net 30 days from the date of invoice for each shipment, and subject to credit approval.

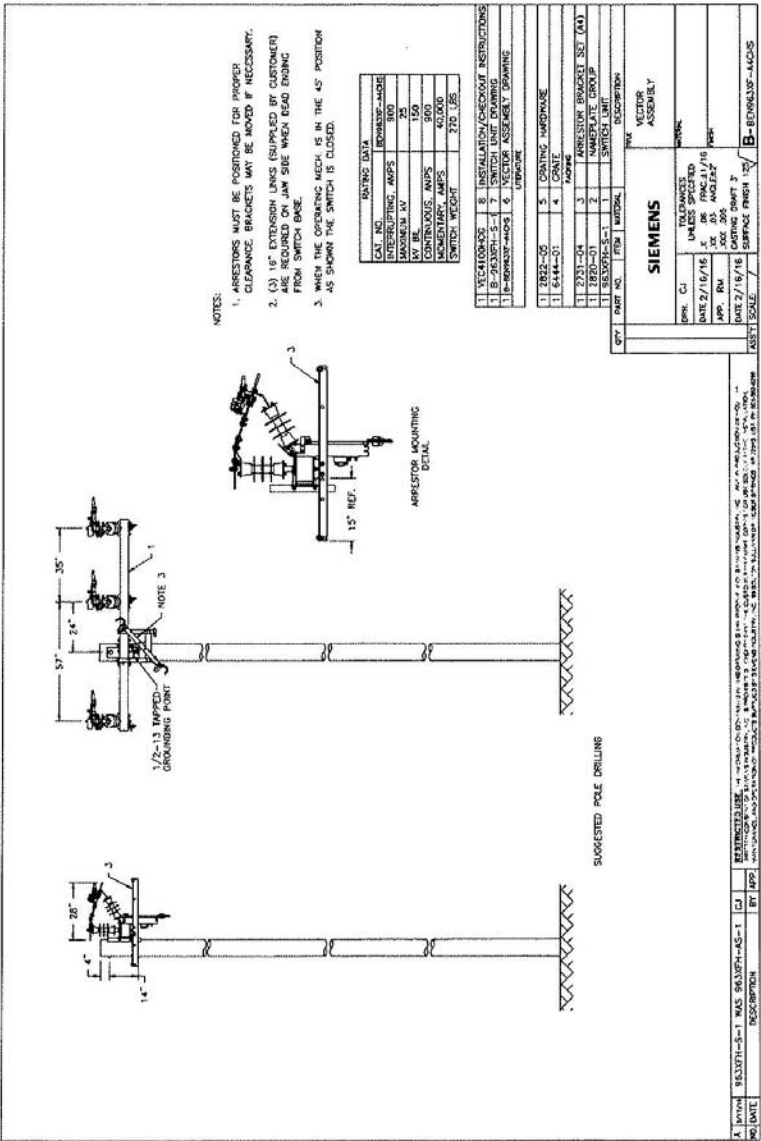
This proposal is based upon the standard terms and conditions of sale. Company hereby objects to any additional or different terms set forth in purchaser's request for proposal, specification, purchase order or any other document of purchaser. Acceptance of additional or different terms must be specifically assented to in writing by company www.usa.siemens.com/myterms

Purchase Order must be made payable to Siemens Industry Inc.

If you are a first-time customer, for faster processing, please also provide W-9 and tax exemption certificate, if applicable.

Contact Information

Prepared By Clark Davis Phone 501-302-3188
 Email clark.davis@siemens.com Fax 501-326-6970



- NOTES:
1. ARRESTORS MUST BE POSITIONED FOR PROPER CLEARANCE. BRACKETS MAY BE MOVED IF NECESSARY.
 2. (3) 1/4" EXTENSION LINES (SUPPLIED BY CUSTOMER) ARE REQUIRED ON JAW SIDE WHEN READ RISING FROM SWITCH BASE.
 3. WHEN THE OPERATING MECH. IS IN THE 45° POSITION AS SHOWN THE SWITCH IS CLOSED.

RATING DATA	
CAT. NO.	EDWARDS-400S
INTERRUPTING AMPS	500
MAXIMUM KV	15
AV. BE.	150
CONTINUOUS AMPS	500
MOMENTARY AMPS	40,000
SWITCH WEIGHT	270 LBS.

11. VECTORS	8. INSTALLATION/CHECKOUT INSTRUCTIONS
12. B-400S-1	7. SWITCH UNIT DRAWING
13. B-400S-1	6. VECTOR ASSEMBLY DRAWING
14. B-400S-1	5. CRATING MARKINGS
15. B-400S-1	4. CRATE
16. B-400S-1	3. ARRESTOR BRACKET SET (AB)
17. B-400S-1	2. ARRESTOR BRACKET SET (AB)
18. B-400S-1	1. SWITCH UNIT
19. B-400S-1	0. DESCRIPTION
20. B-400S-1	0. VECTOR ASSEMBLY
21. B-400S-1	0. VECTOR ASSEMBLY
22. B-400S-1	0. VECTOR ASSEMBLY
23. B-400S-1	0. VECTOR ASSEMBLY
24. B-400S-1	0. VECTOR ASSEMBLY
25. B-400S-1	0. VECTOR ASSEMBLY
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27. B-400S-1	0. VECTOR ASSEMBLY
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41. B-400S-1	0. VECTOR ASSEMBLY
42. B-400S-1	0. VECTOR ASSEMBLY
43. B-400S-1	0. VECTOR ASSEMBLY
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82. B-400S-1	0. VECTOR ASSEMBLY
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87. B-400S-1	0. VECTOR ASSEMBLY
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90. B-400S-1	0. VECTOR ASSEMBLY
91. B-400S-1	0. VECTOR ASSEMBLY
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93. B-400S-1	0. VECTOR ASSEMBLY
94. B-400S-1	0. VECTOR ASSEMBLY
95. B-400S-1	0. VECTOR ASSEMBLY
96. B-400S-1	0. VECTOR ASSEMBLY
97. B-400S-1	0. VECTOR ASSEMBLY
98. B-400S-1	0. VECTOR ASSEMBLY
99. B-400S-1	0. VECTOR ASSEMBLY
100. B-400S-1	0. VECTOR ASSEMBLY

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK TO ENTER INTO AN AGREEMENT WITH SIEMENS INDUSTRY, INC. FOR THE PURCHASE OF HOOKSTICK OPERATED SWITCHES FOR THE 8TH STREET WIDENING PROJECT AND WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING.

NOW, THEREFORE, BE IT ORDAINED 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 Siemens Industry, Inc. for the purchase of hookstick operated switches for the 8th Street Widening Project in the amount of \$36,288.00 plus applicable taxes, as set forth in the attached proposal.

Section 2: Because this vendor is the manufacturer of the standard hookstick switches Bentonville Electric Utilities currently utilizes in its electric distribution system and because the switches must be compatible, and this is the sole vendor for this equipment, it would be neither practical nor feasible to advertise for competitive bidding, and that requirement is herein waived.

PASSED and APPROVED this ____ day of _____, 2017.

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 12, 2017

Submitted by:

Bryan Wick

Department

Engineering

Phone

696-0227

ACTION REQUIRED:

City council approval of a Resolution allowing the Mayor to enter into an agreement with Grubbs, Hoskyn, Barton & Wyatt Consulting Engineers for geotechnical services for the NW 3rd Street Phase 3 Improvements project. The cost of this agreement is \$30,000.00 which will come from bond.

COST TO CITY:

Cost of this Request: \$30,000.00

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: Friday, September 01, 2017

Re: Agreement with Grubbs for Material Test for NW 3rd Street Phase 3

As you are aware, NW 3rd Street Phase 3rd Improvements is an approved project and will be starting construction. In order to verify compliance with City codes and ordinances, a third party is needed to verify certain aspects of the project.

Grubbs, Hoskyn, Barton & Wyatt Consulting Engineers (Grubbs) have submitted a proposal for material testing, engineering and reporting services. The cost of this proposal is \$30,000.00. Services will include but not limited to: engineering site visits, densities, concrete testing, laboratory testing.

Staff is seeking City Council approval for a resolution allowing the Mayor to enter into an agreement with Grubbs, Hoskyn, Barton & Wyatt Consulting Engineers.

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



**Grubbs, Hoskyn,
Barton & Wyatt, INC.**
CONSULTING ENGINEERS

September 1, 2017
Proposal No. SP17-071

P.O. Box 1248
Springdale, Arkansas 72765
341 West County Line Road 72764
(479) 756-5999
FAX (479) 756-1749

City of Bentonville
Engineering Department
3200 SW Municipal Drive
Bentonville, AR 72712

Attn: Mr. Bryan Wick, CPESC, CFM
Engineering Project Manager

**SUBJECT: CONSTRUCTION MATERIALS TESTING SERVICES
NW 3RD STREET, PHASE III – SADDLEBROOK STREET TO COLER
CREEK
BENTONVILLE, ARKANSAS**

Dear Bryan:

We are pleased to submit this proposal and cost estimate for providing construction materials testing services for the above referenced project. This proposal and cost estimate have been prepared based on the geotechnical report (GHBW No. 15-133 dated December 4, 2015) submitted by us, our review of the project plans and specifications and the quantities listed in the bid tabulation sheets furnished us.

The project consists of improving NW 3rd Street from Saddlebrook Street to Coler Creek in Bentonville, Arkansas. Total length of the improvements is approximately 1400 linear ft. Improvements generally consist of overlay and widening of the existing two lane roadway. The existing alignment will be shifted to the north at the new bridge location over Coler Creek. The finished roadway will have a typical width of 27 ft back of curb to back of curb. The finished roadway will be wider near Saddlebrook Street to accommodate a center turn lane. The new bridge over Coler Creek will be part of the project.

Site grading will include both cut and fill where the alignment is altered and where the roadway is widened. Retaining walls will be constructed to retain both cut and fill slopes. Retaining walls are expected to consist of a large block gravity wall system.

Grubbs, Hoskyn, Barton & Wyatt, Inc. has a long history of providing quality geotechnical and materials testing services in Arkansas and surrounding states. A brief Statement of Qualifications is enclosed as Attachment A for your review. Our laboratory is certified by the American Association of State Highway and Transportation Officials (AASHTO), the Army Corps of Engineers, and the Arkansas Highway and Transportation Department (AHTD). Copies of these certifications are enclosed as Attachment B.

Scope of Services

We understand our scope of services will include, but not limited, to the following:

Geotechnical and Materials Engineering / Construction Surveillance

- Monitoring site preparation to confirm the site is suitable for fill placement, including proof-rolling and undercut
- Monitoring selection and placement of fill and backfill and performing field density and moisture testing to verify compaction
- Performing laboratory testing (Proctors, classification tests, CBR tests) of proposed borrow soils and as required during field testing
- Verification of bearing capacity for shallow foundations for retaining walls
- Foundation inspection for the bridge structure
- Sampling and testing of fresh concrete (slump, air content, temperature) preparing test cylinders, and curing and compression testing of the hardened concrete test cylinders
- Asphalt testing
- Providing engineering review and oversight of on-site and laboratory services and engineering consultation as needed/requested; and
- Preparing and furnishing reports of all monitoring, observations and testing activities.

Personnel and Scheduling

We assume our services can be provided on an on-call basis. For this project, we plan to provide the following personnel and hourly rates as follows:

CMT Technician	\$50.00/hour
Project Engineer	\$100.00/hour
Principal Engineer	\$125.00/hour
Report Preparation and Reproduction	\$45.00/hour

Hourly rates include equipment for field testing, i.e. nuclear density machines, concrete testing equipment, and concrete cylinder molds. Hourly rates also apply to travel time to the job site plus a mileage of \$0.5 per mile from our Springdale office.

Cost Estimate

Based on our understanding of our scope of work, the cost of materials testing is estimated on the order of **\$30,000**. This estimate includes work performed on-site, travel time to the site, laboratory testing, mileage, and reporting costs. Actual charges will depend on the work schedule, the quantities of fill and concrete, etc., and may be more or less than our cost estimate. Charges will be based on our Standard Schedules of Fees 40.01, 42.07, and 46.02, enclosed as Attachment C.

We appreciate the opportunity to submit this proposal and cost estimate and hope we can work with you on this project. If you have questions about the proposal and cost estimate or if tasks should be added or deleted from the scope of services, please call. If the scope of work and cost estimate are acceptable, please return one signed copy as authorization.

Sincerely,

**GRUBBS, HOSKYN,
BARTON & WYATT, INC.**

Subra T. Bhat, Ph.D., P.E.
Vice President/Manger, Springdale Office

Attachment A: Statement of Qualifications
Attachment B: Laboratory Certifications
Attachment C: Schedule 40.01a (April 2008)
Schedule 42.07 (April 2014)
Schedule 46.02 (June 2014)

Copies Submitted: City of Bentonville (email)
Attn: Mr. Bryan Wick
Engineering Project Manager

City of Bentonville

By: _____
Signature

Name: _____
Printed Name

Title: _____

Date: _____

Attachment A

GRUBBS, HOSKYN, BARTON & WYATT, INC.
GEOTECHNICAL and MATERIALS TESTING CONSULTANTS

STATEMENT OF QUALIFICATIONS

Introduction

Grubbs, Hoskyn, Barton & Wyatt, Inc. is a geotechnical consulting firm located in Little Rock (Headquarters) and Springdale, Arkansas. The firm was established as Grubbs Consulting Engineers, Inc. in 1964 in Fayetteville, Arkansas and moved to Little Rock in 1966. In addition to the main office in Little Rock, Grubbs, Hoskyn, Barton & Wyatt also has a branch office in Springdale, Arkansas.

The practice of **Grubbs, Hoskyn, Barton & Wyatt, Inc.** can be divided into four principal phases: (1) geotechnical engineering analyses and design; (2) field instrumentation, measurement and laboratory testing; (3) subsurface exploration; and (4) engineering services for construction. The firm includes over 60 persons, including engineers; geologists; soils, laboratory, and materials technicians; drillers; and support personnel. The engineering group includes seven (7) Registered Professional Engineers and two (2) Engineer Interns.

Specialized Experience

Grubbs, Hoskyn, Barton & Wyatt, Inc. has performed geotechnical studies and presented recommendations for design and construction of fossil and nuclear power plants, high rise office buildings, hotels, warehouses, schools, major highway and railroad river bridges, earth dams, retaining walls, levees, revetments, drainage structures, pumping stations, proposed and existing landfill sites, hazardous waste sites including Superfund sites, and port facilities. The project sites have been located in a variety of geologic regions including the Mississippi Embayment, Ozark Mountains, Ouachita Mountains, Gulf Coastal Plain, and Loessial terrace areas.

Engineering studies for design of structures on or adjacent to rivers and lakes have included analysis of local and ground scour potential, development of river channel and bank stabilization and analysis of deep pile and pier foundation systems. Projects involving bridge design have required engineering studies for large slurry pier and dredged caisson foundations and load testing and selection of construction specifications and procedures. Marine projects include studies on the Arkansas, Red, Ouachita, and Mississippi Rivers.

Investigations, studies and analyses frequently required detailed evaluation of groundwater conditions, soil permeability and development of data for evaluating underseepage potential and the design of seepage controls including slurry walls and dewatering systems. The studies of groundwater related problems have involved the installation of both temporary and permanent piezometers, groundwater monitoring wells, and various types of in-situ permeability tests. Evaluation of the potential for seepage in rock strata has involved the performance of pressure and flow tests using open and double packer methods.

Studies have also required analysis and monitoring of slope stability in fills and deep cuts for highway embankment and for emergency spillway areas and development of recommendations for treatment of potentially unstable soil or rock zones. Borrow area evaluations have consisted of both test pit and sample boring investigation, determination of engineering properties and development of fill placement and compaction criteria for both homogeneous and zoned embankments of soil and rock fill design. Particular attention has been given to developing methods of using available soil and rock materials from reservoir borrow areas and emergency spillway cuts in the embankments to reduce the project cost.

Subsurface Exploration

To perform the necessary data gathering for evaluation of soil and geological conditions, our firm has an equipment complement which includes one Failing 1500, two Mobile B-53's, one SIMCO 2400, one all-terrain vehicle-mounted Mobile B-53 and one all-terrain vehicle-mounted Hilyard Super rig. Special sampling and field testing has also been accomplished using down-hole vane shear apparatus and cone penetrometers. Rock exploration capabilities include standard NX and NQ_M coring capabilities.

Our exploration equipment is suitable for mounting on marine equipment. We have used tugboats with barges moored with four-point anchor spread, spud barges, and sectional barges. We have drilled in major streams, such as the Mississippi River and Arkansas River, lakes including Beaver Lake and Lake Hamilton, and smaller bodies of water.

Laboratory Testing

Grubbs, Hoskyn, Barton & Wyatt, Inc. laboratory operations use state-of-the-art equipment and methods for performing routine and specialized tests on soil and rock. Testing capabilities include: water content, specific gravity, density, Atterberg Limits, grain-size from sieve analyses and hydrometer, permeability using constant-head and falling-head and flexible-wall apparatus, shrinkage tests, maximum and minimum density tests, pin-hole dispersion, resistivity, pH and chemical analyses, triaxial shear and direct shear tests, consolidation tests and Standard and Modified Proctor moisture-density tests. Our Little Rock laboratory facility is periodically inspected by AASHTO, the US Army Corps of Engineers, Center for Training Transportation Professionals (CTTP), and CCRL. Laboratory certification information is attached.

Construction Services and Materials Testing

Foundation and earthwork construction is characterized by the presence of a calculated risk that soil and groundwater conditions have been fully revealed by the original foundation investigation. This risk derives from the practical necessity of basing interpretations and design conclusions on a limited sampling of the earth. The services of **Grubbs, Hoskyn, Barton & Wyatt, Inc.** extend into the construction phase of projects to aid in minimizing such risks.

By observing various phases of excavation and foundation construction, our field representative is able to recognize both the expected and unexpected variations in subsurface conditions, to interpret their significance, and to make prompt recommendations for action when needed.

Other construction services provided by **Grubbs, Hoskyn, Barton & Wyatt, Inc.** include advice and assistance in the selection of fill materials; quality control of compacted fills; inspection during construction of pile, piers, mat, and footing foundations; quality control and testing of concrete, structural steel and asphalt. Often, for large projects, it is desirable to establish an on-site laboratory so that quality control (QC) testing can more readily be coordinated with construction surveillance.

Attachment B

American Association of State Highway and Transportation Officials
AASHTO Accreditation Program Certificate of Accreditation

This is to signify that

Grubbs, Hoskyn, Barton & Wyatt, Inc.
in
Springdale, Arkansas

has demonstrated proficiency for the testing of construction materials and has conformed to the minimum requirements established in AASHTO R 18 set forth by the AASHTO Highway Subcommittee on Materials (HSOM).

The scope of accreditation can be viewed on the AAP Directory of Accredited Laboratories on www.amrl.net.

Bud Wright, Executive Director

Moe Jamshidi, AASHTO HSOM Chair

AASHTO
THE VOICE OF TRANSPORTATION

AAP
AASHTO R18



CTTP

Laboratory Certification Program



Laboratory No.
905700

This document asserts that

Grubbs, Hoskyn, Barton, & Wyatt, Inc.
Springdale Laboratory
Springdale, AR

Expiration Date:
11/19/17

is certified to perform quality control testing under the specifications shown below, for a time period to expire on the date shown above.

Aggregate

AASHTO

T 2 Sampling Aggregates
T 11 Washing
T 21 Organic Impurities
T 27 Sieve Analysis
T 84 Fine Agg. Sp. Gr.
T 85 Coarse Agg. Sp. Gr.
T 248 Splitting/Quartering
T 255 Moisture Content

Director, CTTP



CTTP

Laboratory Certification Program



This document asserts that

Laboratory No.
905700

Grubbs, Hoskyn, Barton, & Wyatt, Inc.
Springdale Laboratory
Springdale, AR

Expiration Date:
11/19/17

is certified to perform quality control testing under the specifications shown below, for a time period to expire on the date shown above.

Concrete

AASHTO
M 201 Tanks/Moist Rooms
M 205 Single Use Molds
R 60 Sampling Concrete
T 22 Comp. Strength
T 23 Cylinders

AASHTO
T 119 Slump
T 121 Density
T 152 Air Content
T 231 Capping Cylinders

ASTM
C1064 Temperature





CTTP

Laboratory Certification Program



Laboratory No.
905700

This document asserts that

Expiration Date:
11/19/17

Grubbs, Hoskyn, Barton, & Wyatt, Inc.
Springdale Laboratory
Springdale, AR

is certified to perform quality control testing under the specifications shown below, for a time period to expire on the date shown above.

Soil

AASHTO

R 58 Dry Prep
T 89 Liquid Limit
T 90 Plastic Limit
T 99 Standard Proctor

AASHTO

T 146 Wet Prep
T 180 Modified Proctor
T 265 Moisture Content
T 310 Nuclear Density





DEPARTMENT OF THE ARMY
ENGINEER RESEARCH AND DEVELOPMENT CENTER, CORPS OF ENGINEERS
GEOTECHNICAL AND STRUCTURES LABORATORY
WATERWAYS EXPERIMENT STATION, 3909 HALLS FERRY ROAD
VICKSBURG, MISSISSIPPI 39180-6199

January 27, 2016

Reply to the Attention of:

Concrete and Materials Branch

Dr. Subra T. Bhat, Ph.D., P.E.
Grubbs, Hoskyn, Barton & Wyatt, Inc.
341 West County Line Road
Springdale, AR 72764

Dear Dr. Bhat:

In reference to your check no. 1685, dated January 12, 2016, and audit agreement, dated January 12, 2016, an audit based on your AASHTO Accreditation was performed on documents submitted by your laboratory. We examined the AMRL On-site Assessment Report No. 630R, dated December 4, 2013, the CCRL Inspection Report No. N-299, dated November 6, 2014 and the AASHTO accreditation certificate effective January 27, 2016.

Your Quality System meets the requirements of the U.S. Army Corps of Engineers. The material test methods that you are validated to perform for the U.S. Army Corps of Engineers were determined from the inspection reports from AASHTO and are as follows:

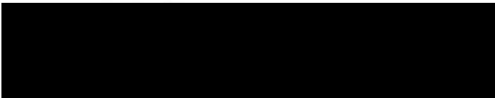
Aggregate Tests: ASTM C40, C117, C127, C128, C136, C566, C702, and C1077.

Concrete Tests: ASTM C31, C39, C138, C143, C172, C173, C231, C1064, C78, C511, C617, C1077, C1231, and E329.

Soil Tests: ASTM D698, D1140, D1557, D2216, D3740, D4318, D6938, and E329.

We will add your laboratory to the list of commercial laboratories qualified to conduct material tests for the U.S. Army Corps of Engineers; see the Materials Testing Center homepage at <http://www.erd.usace.army.mil/Media/FactSheets/FactSheetArticleView/tabid/9254/Article/476661/materials-testing-center.aspx>. All Corps offices will be notified of this decision and will have the opportunity to use your services. Grubbs, Hoskyn, Barton & Wyatt, Inc. Springdale, AR will remain on our list of laboratories qualified to conduct material tests until **January 27, 2018** two (2) years from the date of the audit. In the event your AASHTO accreditation is suspended in whole or part, Grubbs, Hoskyn, Barton & Wyatt, Inc. Springdale, AR is to notify the Materials Testing Center immediately to perform a re-evaluation of your laboratory's validation. Failure to notify the Materials Testing Center will result in immediate suspension of your U.S. Army Corps of Engineers validation.

Sincerely,


Alfred B. Crawley, P.E.
Director
Materials Testing Center

Copy Furnished
Little Rock District/ Mark Brightwell

Attachment C

**STANDARD FEES AND GENERAL CONDITIONS FOR
ENGINEERING AND TECHNICAL SERVICES**

1. Client

Client, as used herein, is the entity who authorized performance of services by Grubbs, Hoskyn, Barton & Wyatt, Inc. and accepts responsibility for payment under the conditions stated herein.

2. Professional Services and Fees

2.1 Analysis, consultation and report preparation. Fees for our professional services are included in the attached proposal.

2.2 Reimbursable expenses. Expenses other than salary costs that are directly attributable to performance of our professional services are billed as follows:

- a) for report reproduction by our graphics department, charges equivalent to commercial rates for similar commercial service; schedule available upon request
- b) for transportation in our company automobiles, \$0.50 per mile
- c) for all other expenses, included but not limited to, authorized travel, sample shipment, subcontracts, consulting fees, long distance communications, outside reproduction, and mailing expense, cost plus 15 percent

3. General Conditions

3.1 On-site Responsibilities and Risks

- a) **Right-of-Entry.** Unless otherwise agreed, Client will furnish right-of-entry and obtain permits, as required, for us to perform the field work.
- b) **Damage to Property.** We will take reasonable precautions to minimize damage to land and underground property caused by our operations, but we have not included in our fee the cost of repairing such damage. If Client desires us to repair and/or pay for damages, we will undertake the repairs and add the cost to our fee.
- c) **Toxic and Hazardous Materials.** Client will provide us with all information within his possession of knowledge as to the potential occurrence of toxic or hazardous materials at the site being investigated. If unanticipated toxic or hazardous materials are encountered, we reserve the right to demobilize our field operations at Client's expense. Remobilization will proceed following consultation with our safety coordinator and Client's acceptance of proposed safety measures and fee adjustments.
- d) **Utilities and Pipelines.** While performing our field work, we will take reasonable precautions to avoid damage to subterranean and subaqueous structures, pipelines, and utilities. Client agrees to hold Grubbs, Hoskyn, Barton & Wyatt, Inc. and its officers, agents, employees, and subcontractors harmless for any damages to such structures, pipelines, and utilities which are not called to our attention and correctly shown on the plans furnished.

3.2 Warranty

- a) Services performed by Grubbs, Hoskyn, Barton & Wyatt, Inc. will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions. No other warranty, either expressed or implied, is made or intended by our proposal, contract, or reports.
- b) Client acknowledges that conditions may vary from those encountered at the location where borings, surveys, or explorations are made and that our data, interpretations and recommendations are based solely on the information available to us. We will be responsible for our data, interpretations, and recommendations, but shall not be responsible for the interpretation by others of the information developed.

3.3 Liability

Nothing contained herein shall waive any governmental immunity Client may be entitled to by law. Our liability to Client for injury or damage to persons or property arising out of work performed for Client and for which legal liability may be found to rest upon us, other than for professional errors and omissions, will be limited to our general liability coverage. For any damage caused by an error, omission, or other professional negligence, our liability will be limited to a sum not to exceed \$50,000 or our fee less direct third-party costs, whichever is greater. In the event that Client does not wish to limit our professional liability to this sum, we agree to waive this limitation upon receiving Client's written request, and Client agrees to pay an additional consideration of 4 percent of our total fee or \$500, whichever is greater.

3.4 Invoices and Payment

Invoices will be submitted every four (4) weeks for services rendered. Payment is due upon presentation of our invoice and is past due thirty (30) days from invoice date. Payment of our invoice(s) is not contingent upon Client receiving payment from a third party. Client agrees to pay a finance charge of one percent (1%) per month (or the maximum rate allowable by law, whichever is less), on past due accounts. Any attorney's fees or other cost incurred in collecting a delinquent amount shall be paid by Client.

3.5 Samples

All samples of soil and rock will be discarded thirty (30) days after submission of our report, unless Client advises us otherwise. Upon request, we will deliver the samples in accordance with Client's instructions, charges collect, or will store them for an agreed charge.

3.6 Records

All pertinent records relating to services performed hereunder shall be retained for three (3) years after completion of the work. Client shall have access to the records at all reasonable times during said period.

4. Related Services

Additional services that are frequently required for support of our professional activities are normally provided by one of the technical divisions of Grubbs, Hoskyn, Barton & Wyatt, Inc. Applicable charges are given in one or more schedules of the following series:

- 4.1** Laboratory Testing Fees
- 4.2** Field Charges for Foundation Investigations
- 4.3** Rates for Construction Surveillance and Consultation

LABORATORY AND FIELD TESTING FEES

<u>Test No.</u>	<u>Unit Price</u>
1. CEMENT TESTS	Quoted on Request
2. AGGREGATE TESTS	
<u>Grain Size Tests</u>	
2.1. Sieve analysis fine aggregate and soils, through #200 sieve, each sample	\$ 50.00
2.2. Percent passing a single sieve, each	\$ 30.00
2.3. Grain size tests, coarse aggregate over 5 lb sample weight	\$ 120.00
<u>Properties</u>	
2.5. Specific gravity, per ASTM C128 for fine aggregate, each sample	\$ 60.00
2.6. Specific gravity, per ASTM C127 for coarse aggregate, each sample	\$ 40.00
2.7. Unit weight, each sample	\$ 40.00
2.8. Absorption, each sample	\$ 12.00
2.9. Organic impurities, each sample (ASTM C40)	\$ 40.00
2.10. Soft particle, each sample (ASTM C142)	\$ 80.00
2.11. Sand equivalent, each sample	\$ 120.00
2.12. Flat and elongated particles, each sample (ASTM D4791)	\$ 90.00
<u>Abrasion</u>	
* 2.12.1. Los Angeles Machine (ASTM C 131), each sample	\$ 225.00
* 2.12.2. Los Angeles Machine (ASTM C 535), each sample	\$ 350.00
2.12.3. Crushing and preparing sample, if required	\$ 75.00
<u>Soundness</u>	
* 2.13. Sulfate or Magnesium soundness test (5 cycles)	\$ 500.00
3. CONCRETE STRENGTH TESTS	
<u>Concrete, Mortar or Grout Compressive Strength</u>	
3.1. Cylinder compressive strength test, each	\$ 10.00
3.2. Saw cutting cylinder for capping, each	\$ 10.00
3.3. Cube compressive strength, each	\$ 10.00
<u>Beam Flexural Strength</u>	
3.4. Beam flexural strength test, each	\$ 20.00
3.5. "Hold" specimens processed, but not tested, each	\$ 15.00
<u>Strength Estimate</u>	
3.6. Schmidt concrete test hammer	Quoted on Request
3.7. Windsor probe test, \$30.00 per location (probe costs) plus hourly rate	Quoted on Request
4. CONCRETE MIX DESIGNS	
4.1. Compute mix design using previously determined aggregate properties, each	Engineer Hourly Rate
4.2. Provide mix design/check contractors mix design by preparing trial batch mix using aggregate, admixtures, and cement furnished for use on project, each batch or each curve point	Technician Hourly Rate

4.3.	Confirmatory cylinders made in connection with mix design, each.....	\$ 10.50
	All tests of aggregates, cement and admixtures to determine the basic physical properties and suitability are charged separately.	
5.	CORING SERVICES	Quoted on Request
6.	CORE TESTS	
6.1.	Capping and testing of cores (with sawing ends), each	\$ 20.00
7.	SOIL AND BASE MATERIAL TESTS	
	<u>Classification and Index Tests</u>	
7.1.	Water content, per sample.....	\$ 5.00
7.2.	Liquid and plastic limits, per sample	
	7.2.1 Method B dry preparation	\$ 40.00
	7.2.2 Method B wet preparation	\$ 75.00
7.3.	Unit dry weight of sample.....	\$ 15.00
7.4.	Specific gravity	\$ 40.00
7.5.	Sieve analysis through #200 sieve, per sample.....	\$ 50.00
7.6.	Percent passing a single sieve, each.....	\$ 30.00
7.7.	Hydrometer test, each	\$ 100.00
7.8.	Double hydrometer, per sample.....	\$ 150.00
* 7.9.	Permeability of sand, constant head	\$ 200.00
* 7.10.	Permeability of silt or clay, falling head	\$ 150.00
* 7.11.	Permeability – Flexwall Test (undisturbed sample)	\$ 210.00
* 7.12.	Permeability – Flexwall Test (remolded sample)	\$ 250.00
* 7.13.	Laboratory soil resistivity	\$ 85.00
* 7.14.	pH	\$ 30.00
7.15.	Saw Cut Shelby Tube.....	\$ 30.00
	7.15.1. Shelby Tubes for permeability samples, each	\$ 35.00
7.16.	Preparation of sample or base material binder, each	\$ 50.00
7.17.	Sample preparation for soil with admixture, including admixtures and curing, per hour	\$ 65.00
	<u>Compaction and Control Tests</u>	
7.18.	Optimum moisture and density relationship	
	7.18.1. Standard compaction effort, per sample	\$ 120.00
	7.18.2. Modified compaction effort, per sample.....	\$ 140.00
7.19.	Laboratory relative density using vibratory table.....	\$ 150.00
7.20.	In-place density and moisture using nuclear equipment	Included In Hourly Technician Rate
7.21.	Lime modification optimum (LMO).....	Quoted on Request
7.22.	Sample preparation: soil mixtures and curing, per hour	\$ 65.00
	<u>Strength Tests</u>	
7.23.	California bearing ratio (CBR), per specimen (Proctor cost NOT included).....	\$ 170.00
7.24.	Sample preparation: soil admixtures and curing for compaction and strength tests, per hour	\$ 65.00
7.25.	Soil-cement or soil-lime tests	Quoted on request
7.26.	Unconfined compression, soil	\$ 30.00
7.27.	Unconfined compression, rock (with saw cutting cost).....	\$ 45.00

7.28.	Unconsolidated-undrained – triaxial	\$ 35.00
* 7.29.	Consolidated-undrained – triaxial	Quoted on Request
* 7.30.	Consolidated-drained – triaxial	Quoted on Request
* 7.31.	Consolidated-drained – direct shear	\$ 200.00
* 7.32.	Residual strength – direct shear	\$ 300.00
* 7.33.	Multi-stage test for triaxial or direct shear	Two Times Test Price

Volume Change Tests

* 7.33.	Consolidation	\$ 250.00
* 7.34.	Swell test, swell pressure and percent swell	\$ 150.00

8. ASPHALTIC CONCRETE MIX DESIGNS

* 8.1.	Provide mix design using aggregates and asphalt furnished for use on project, Marshall Method.....	\$2,500.00
* 8.2.	Compute mix design using previously determined aggregate properties such as gradation, specific gravity, and other design factors, each	Hourly Rate

9. ASPHALTIC CONCRETE TESTS

9.1.	Molding test specimens, each specimen	\$ 40.00
9.2.	Determine laboratory density or percent voids, each specimen	\$ 20.00
9.3.	Determine Marshall stability and flow value, each specimen	\$ 40.00
9.4.	Maximum theoretical specific gravity	\$ 60.00
9.5.	Extraction (percent of bitumen and aggregate gradation)	\$ 185.00
9.6.	Laboratory density on field-cut specimen trimmed to size in laboratory (field cutting of specimens are charged separately)	\$ 20.00
9.7.	In-place density of asphalt course using nuclear equipment.....	Hourly Rate

10. MASONRY TESTS**Masonry Compressive Strength**

10.1.	Mortar cube compressive strength, each.....	\$10.00
10.2.	Masonry grout compressive strength, each.....	\$10.00
* 10.3.	Masonry prism strength, each.....	\$85.00
* 10.4.	Masonry unit block strength, each.....	\$40.00

Masonry Mortar Mix Verification

* 10.5	Mix preparation and casting cubes per ASTM C-270 with flow test, each set (does not include strength test cost).....	\$120.00
* 10.6	Water retention test (does not include mix preparation cost)	\$60.00

11. SPECIAL TESTS

Tests not listed above are performed, whether outside our laboratory at cost plus 15 percent or on an hourly basis (see Schedule 46.02 for Hourly Rates for Engineering and Technical Personnel).

- (1) Securing samples at local projects, plant or from supplier's stock will be charged at an hourly rate for the technician plus travel at \$0.50 per mile.
- (2) Rush assignments requiring unscheduled overtime are subject to a 50 percent surcharge.

* These tests are performed only in our Little Rock Laboratory. Additional charges for shipping or transporting samples from our Springdale Laboratory may be applicable.

**HOURLY RATES FOR
ENGINEERING AND TECHNICAL PERSONNEL**

	Hourly Rates
Senior Principal.....	\$125 to \$165
Principals	\$110 to \$140
Engineer Managers	\$95 to \$120
Sr. Project Engineers.....	\$95 to \$120
Project Engineers	\$85 to \$105
Staff Engineers.....	\$65 to \$85
Technician Supervisor	\$65 to \$85
Senior Technicians.....	\$55 to \$65
CMT or Geotechnical Technicians	\$50 to \$60
Engineering Aides and Draftspersons.....	\$35 to \$50

NOTES:

- (1) Full-time construction surveillance will be quoted at weekly or monthly rates on a job-by-job basis.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY
CLERK TO ENTER INTO AN AGREEMENT WITH
GRUBBS, HOSKYN, BARTON & WYATT CONSULTING
ENGINEERS FOR GEOTECHNICAL SERVICES FOR THE
NW 3RD STREET PHASE 3RD IMPROVEMENT PROJECT.**

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

Section 1: That the Mayor be and are hereby authorized to enter into an agreement with Grubbs, Hoskyn, Barton & Wyatt Consulting Engineers for geotechnical services for the NW 3rd Street Phase 3 Improvements project in an amount of \$30,000.00 as set forth in the proposal 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	
X	Ordinance	
	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

September 12, 2017

Submitted by:

Tony Davis

Department

Street

Phone

479-271-3130

ACTION REQUIRED:

Staff requests approval to waive the requirement of competitive bidding and authorize the purchase of the SnowEx Brine Pro. This is a specialized type of machine that produces salt brine which is what the Street Department uses to pretreat and de-ice the roadways with in a snow/ice event.

COST TO CITY:

Cost of this Request: \$24,440

Additional Budget Amount

☐ One time amount

☒ Continuing O and M

Previously Budgeted	\$	35,000
Funds Expended to Date		
Remaining Budget		10,600
Budget Adjustment		-
Remaining After Adjustment	\$	10,600

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



REQUEST FOR WAIVER OF BID

Date	<u>9/5/2017</u>		
Requested by:	<u>Tony Davis</u>		
Department:	<u>Street</u>		
DESCRIPTION OF REQUEST:			
Type of Equipment:	<u>SnowEx Brine Pro 2000</u>		
Year & Model:	<u>2017 B(-2000)</u>		
Serial #	<u>N/A</u>		
To Be Purchased From:	<u>Grand Truck Equipment Co.LLC</u>		
	<u>451527 Sparroq Hawk Circle</u>		
	<u>Afton, OK 74331</u>		
Amount:	Base Amount:	\$	<u>22,320.00</u>
	Tax:	\$	<u>2,120.00</u>
	*Other:		<u> </u>
	TOTAL	\$	<u>24,440.00</u>
* List all other costs:			
JUSTIFICATION FOR REQUEST FOR WAIVER OF BID:			
This is a speciality piece of equipment and the only known provider of this servicing Northwest Arkansas.			
<u> </u> Department Head		<u> </u> Director of Finance & Administration	

Revised 6-18-99



Bentonville Street Department
501 SE Third Street
Bentonville, AR 72712
Phone: (479) 271-3130

MEMORANDUM

DATE: September 1, 2017
TO: City Council, Mayor McCaslin
FROM: Tony Davis, Street Manager
RE: Salt Brine Maker

The Street Department is asking to purchase the SnowEx Brine Pro, which is a complete salt brine-making machine. This budgeted amount is \$35,000.00 for this specialty piece of equipment and set up. We ask that competitive bidding be waived and the purchase of this piece of equipment for \$24,440.00 be allowed from Grand Truck Equipment Co. LLC. Please see attachment for details and specs.

Sincerely,

Tony Davis
Street Manager

Grand Truck Equipment Co, LLC

451527 Sparrow Hawk Circle, Afton, OK 74331 - Fax 918.782.1011
Cell 816.665.3394 - Email pcarrott@gmail.com

QUOTATION

August 25, 2017

TO: Tony Davis
City of Bentonville
3200 SW Municipal Drive
Bentonville, AR 72712

From: Phil Carrott

RE: SnowEx Brine Pro

SnowEx Brine Pro – Complete brine making machine	\$19,888.00
Model #: BP-2000	
3 tank design – Salt hopper, hammermill mixer, base storage	
Mixing tank capacity 265 gal, Brine tank 285 gal, salt hopper 1 cu yd.	
Production up to 1,050 gal/hr.	
Polyurethane hoppers (3) with plastic tube plumbing	
Automated controls	
Dry hopper feed & hammermill (stainless steel)	
Empty weight: 1,520 lbs.	
100"L x 89"H x 86"W	
Plus: storage tanks or transfer pump system	
Plus: Installation and hookup	
TPS-200 Transfer Hose Assembly - Works with the Gas Engine	
Transfer pump (TPS-200) transfer brine from holding tanks to sprayers	\$ 712.00
EHA-250 Gas Engine Transfer Pump - Works with the	
Transfer Hose Assembly (EHA-250) to transfer brine from holding tanks to sprayer	\$ 120.00
Plus: Freight on Brine Pro	\$ 1,600.00
Sub-Total	\$22,320.00
9.5% Arkansas Sales Tax	\$ 2,120.40
TOTAL FOB: Bentonville, AR	\$24,440.40

Accepted by:

PO#

Please fax to Phil Carrott, 918-782-1011
Terms: Credit card or COD

Brine Maker System

Brine Pro™ 2000

Now, just about anyone can make brine. That's because the Brine Pro 2000 system simplifies production with user-friendly operation, automatic salinity control and easy no-splash salt refilling. Plus, the system is compatible with low-flow water input and 220VAC electrical sources that are available in most shops. It doesn't get any easier than this.

BP-2000

Mixing Tank 265 gal / Brine Tank 285 gal

Features

Hammer Mill Salt Grinder

The hammer mill salt grinder is designed to create consistent particle sizes, which accelerates the dissolve rate and expedites clean-out.

Dry Hopper System

Unlike most other brine makers, you don't have to dump salt into the mixing chamber. Just add it into the 1-cubic-yard dry hopper, and the BP-2000 will take it from there. The hopper offers visual salt level indication, letting you know when it's time to refill.

Automatic Salinity Control

In order for brine to be effective, it needs to have the correct amounts of salt and water. Thanks to automatic salinity control on the Brine Pro, the operator can sit back and let the machine do all the work.

Mixing Chamber With High Circulation Pump

The mixing chamber includes a high-volume circulation pump. This feature helps ensure a uniform brine mixture up to 1,050 gallons per hour (3,974.7 L/h).

Brine Pro 2000

10



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK TO ENTER INTO AN AGREEMENT WITH GRAND TRUCK AND EQUIPMENT CO, LLC FOR THE PURCHASE OF A SNOWEX BRINE PRO FOR THE STREET DEPARTMENT AND WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING.

NOW, THEREFORE, BE IT ORDAINED 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 Grand Equipment Co, LLC, for the purchase of a SnowEx Brine Pro for the City of Bentonville Street Department in the amount of \$24,440.00 as per the Proposal attached hereto as Exhibit A.

Section 2: Because this equipment is specialized and the vendor is the only provider of this unit servicing this area, it would be neither practical nor feasible to advertise for competitive bidding, and that requirement is herein waived.

PASSED and APPROVED this _____ day of _____, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 12, 2017

Submitted by:

Tony Davis

Department

Street

Phone

479-271-3130

ACTION REQUIRED:

Staff requests approval to waive the requirement of competitive bidding and authorize the purchase of road salt from Oakley Fertilizer which is the sole source for this material in bulk quantity in the state of Arkansas.

COST TO CITY:

Cost of this Request: \$29,760

Additional Budget Amount

☐ One time amount

☒ Continuing O and M

Previously Budgeted	\$	30,000
Funds Expended to Date		
Remaining Budget		240
Budget Adjustment		-
Remaining After Adjustment	\$	240

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



REQUEST FOR WAIVER OF BID

Date	<u>9/5/2017</u>		
Requested by:	<u>Tony Davis</u>		
Department:	<u>Street</u>		
DESCRIPTION OF REQUEST:			
Type of Equipment:	<u>Road Salt</u>		
Year & Model:	<u></u>		
Serial #	<u></u>		
To Be Purchased From:	<u>Oakley Fertilizer Inc.</u>		
	<u>3700 East Lincoln Ave.</u>		
	<u>North Little Rock, AR 72114</u>		
Amount:	Base Amount:	\$	<u>29,760.00</u>
	Tax:		<u></u>
	*Other:		<u></u>
	TOTAL	\$	<u>29,760.00</u>
* List all other costs:			
JUSTIFICATION FOR REQUEST FOR WAIVER OF BID:			
Sole source provider in the State of Arkansas. Requesting 240 tons at \$124 per ton delivered price.			
<u>Department Head</u>		<u>Director of Finance & Administration</u>	
Revised 6-18-99			



Bentonville Street Department
501 SE Third Street
Bentonville, AR 72712
Phone: (479) 271-3130

MEMORANDUM

DATE: September 5, 2017
TO: City Council, Mayor McCaslin
FROM: Tony Davis, Street Manager
RE: Road Salt

The Street Department is asking to purchase 240 tons of road salt material in the amount of \$124 per ton from Oakley Fertilizer which is a sole source provider for the state of Arkansas in bulk quantity. The budgeted amount for road salt this year is \$30,000. The material will be placed in our new salt storage building located at our new municipal complex.

Sincerely,

Tony Davis
Street Manager

From: Tony Frizzell
Sent: Friday, August 25, 2017 9:41 AM
To: Tony Davis
Cc: Luke Vance
Subject: quote of Road Salt

Thanks for the opportunity to Bid on The City of Bentonville, AR road salt. The Bid is as follows:

\$124 per ton delivered to Bentonville, Arkansas.

This is non-treated salt.

tf

Tony Frizzell
Office: 501-320-8441
Toll: 800-723-0309
Cell: 501-920-1375



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK TO ENTER INTO AN AGREEMENT WITH OAKLEY FERTILIZER FOR THE PURCHASE OF ROAD SALT FOR THE STREET DEPARTMENT AND WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING.

NOW, THEREFORE, BE IT ORDAINED 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 Oakley Fertilizer for the purchase of road salt for the City of Bentonville Street Department in the amount of \$29,760 plus applicable tax, as per the Proposal attached hereto as Exhibit A.

Section 2: Because this vendor is the sole source provider for bulk road salt in the area, it would be neither practical nor feasible to advertise for competitive bidding, and that requirement is herein waived.

PASSED and APPROVED this _____ day of _____, 2017.

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 12, 2017

Submitted by:

Dennis Birge

Department

Transportation

Phone

271-6840

ACTION REQUIRED:

Staff recommends City Council approval of a resolution authorizing the Mayor and City Clerk to enter into an agreement with NWA Trailblazers, to accept the additional funding of \$576,504.83 required to complete the relocation of utilities and construction of the pedestrian tunnel located at the intersection of SE 8th St/SE J St. The original Walton Family Foundation grant that the City of Bentonville has received for \$1,650,000 is less than the cost to fully fund the project. NWA Trailblazers has agreed to complete the funding of the pedestrian tunnel project.

COST TO CITY:

Cost of this Request:

Additional Budget Amount \$0

☐ 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: City Council, Mayor McCaslin
From: Dennis Birge, Transportation Engineer
Date: Wednesday, September 06, 2017
Re: Developer Agreement with NWA Trailblazers

Staff recommends City Council approval of a budget adjustment and resolution authorizing the Mayor and City Clerk to enter into an agreement with NWA Trailblazers, to accept the additional funding required to complete the relocation of utilities and construction of the pedestrian tunnel located at the intersection of SE 8th St./SE J St.

The original Walton Family Foundation grant that the City of Bentonville has received for \$1,650,000 is less than the cost to fully fund the project. NWA Trailblazers has agreed to complete the funding of the pedestrian tunnel project.

This Agreement will allow NWA Trailblazers to provide additional funding of \$576,504.83 for added cost associated with the pedestrian tunnel construction.

Thank you for your consideration of this request.

**DEVELOPMENT AGREEMENT
Pedestrian Tunnels at SE 8th and SE J Streets**

This Development Agreement ("Agreement") is entered into by and between the City of Bentonville, Arkansas, a municipal corporation with a mailing address of 117 West Central, Bentonville, Arkansas 72712 ("Bentonville") and Northwest Arkansas Trailblazers, a non-profit organization having a mailing address of PO Box 2821, Bentonville Arkansas 72712 ("NWA Trailblazers").

WHEREAS, The Walton Family Foundation (WFF) expressed interest to have pedestrian tunnels installed at the intersection of SE 8th Street and SE J Street in conjunction with the construction of improvements associated with the widening of 8th Street, specifically in conjunction with relocation of utilities, and

WHEREAS, The WFF has agreed to fund all costs associated with design and installation of the pedestrian tunnels mentioned above including relocation of utilities necessary to accommodate said tunnel installation, and

WHEREAS, Bentonville has agreed to include the construction of the above described pedestrian tunnels in the water and sewer relocation contract provided WFF fund the costs of the tunnel construction prior to commencing construction, and

WHEREAS, Bentonville received a grant from WFF (\$1,650,000.00) for construction of the pedestrian tunnels in July 2016 based on engineering estimates. The grant stated that WFF would provide additional funds as needed in the case construction costs exceeded the original grant amount, and

WHEREAS, Bentonville bid Contract Section II – 8th Street Water & Sewer Relocations (S.E. D Street to Moberly Lane) and Pedestrian Tunnel, AHTD Project No. 090377 September with a tunnel construction total of \$1,711,290.98; however, the low bid contractor was unable to meet bond requirement for the project, and

WHEREAS, Bentonville rebid Contract Section II – 8th Street Water & Sewer Relocations (S.E. D Street to Moberly Lane) and Pedestrian Tunnel, AHTD Project No. 090377 in March 2017 subsequently entering into a contract with ARCO Excavation and Paving, Inc. including construction of the pedestrian tunnels at a cost of \$1,996,493.00. OF the \$1,996,493.00, Bentonville will be responsible for \$163,135.00 for coincidental drainage work installed with the tunnels but not required specifically for the tunnels leaving tunnel costs at \$1,833,358.00, and

WHEREAS, AT&T has facilities that require relocation caused specifically by construction of the tunnels in the amount of \$250,000.00. This cost shall be paid by the WFF. Relocation contract for AT&T facilities shall be between Bentonville and AT&T. Bentonville shall be paid by WFF per this agreement and the conditions herein, and

WHEREAS, Additional costs for other utilities such as, but not limited to, Black Hills Energy, shall be paid by the WFF as described in this agreement. Contracts for such relocations shall be between Bentonville and subject utility. At the time of this agreement, Black Hills Energy estimates its relocation work at \$143,146.83, and

WHEREAS, The WFF has requested funds above the original grant amount of \$1,650,000.00 be paid through a grant to NWA Trailblazers. As such, Bentonville shall enter into an agreement with NWA Trailblazers to finish construction of the pedestrian tunnels, and

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed:

1. **Incorporation of Recitals.** The recitals set forth above are not mere recitals of fact but are contractual in nature and incorporated into this Agreement by reference, except in the event of a conflict between the incorporated recitals and the numbered sections of this Agreement, the numbered sections of this Agreement shall control.

2. **Property Development.** NWA Trailblazers agree to pay all expenses related to the pedestrian tunnel installation at SE 8th Street and SE J Street Development above the amount of \$1,650,000.00. Given the known total construction costs of \$1,833,358.00 per Bentonville's contract plus \$250,000.00 for AT&T work plus \$143,146.83 for Black Hills Energy work at the time of this agreement, NWA Trailblazers shall pay Bentonville \$576,504.83 ($\$1,833,358.00 + \$250,000.00 + \$143,146.83 - \$1,650,000.00$) within 30 days of signing this agreement. Additional costs determined after all relocation work including franchise utilities shall be reconciled after completion of construction and acceptance of work. Reconciliation shall include measurement of final quantities in the field and final adjustments to franchise utility contracts. Reconciliation may result in additional costs or reduction of costs. In either event, the party owing the other party shall make payment within 30 days of written agreement acknowledging final project costs.

3. **Counterparts.** This Agreement, including all attached exhibits, may be executed at different times and in any number of originals or

counterparts and by each party on a separate counterpart, each of which shall be deemed an original but all of which together shall constitute only one agreement. In proving this Agreement, it shall not be necessary to produce or account for more than one such counterpart signed by the party against whom enforcement is sought. Facsimile and email signatures shall be deemed valid on all documents related to this Agreement. Any signature page from one counterpart may be appended to another counterpart to create a fully executed counterpart hereof.

4. **Other Acts.** Each party agrees to perform any further acts and deliver any additional documents which may be reasonably requested and necessary to carry out the provisions of this Agreement.

5. **Agreement Construction.** This Agreement and all provisions contained herein have been jointly drafted (or reviewed and negotiated) and agreed to, and shall be deemed to have been prepared jointly by the parties hereto, each being sophisticated in transactions such as the one contemplated by this Agreement and each having the benefit and advice of legal counsel (or the opportunity to seek such counsel), and shall not be construed in favor of or against any party to this Agreement. All headings contained in this Agreement are inserted only as a matter of convenience and in no way define, limit or extend the scope or intent of this Agreement or any provisions hereof and should not be considered in interpreting this Agreement. In this Agreement the use of any gender shall be deemed to include all genders and the use of the singular shall include the plural, wherever it appears appropriate from the context.

6. **Governing Law.** This Agreement shall be governed by the laws of the State of Arkansas, and the United States District Court for the Western District of Arkansas, Fayetteville Division, or State courts located in Benton County, Arkansas, shall be the exclusive forum for any disputes arising in connection with this Agreement. The parties mutually acknowledge and agree they shall not raise in connection herewith and hereby waive, any defenses based upon venue, inconvenience of forum, lack of personal jurisdiction or the like in any action or suit brought in accordance with the terms of this section. **The parties acknowledge they have read and understand this clause and willingly agree to its terms.**

7. **Release and Indemnity.** Without waiving immunity pursuant to law, Bentonville shall release, indemnify, defend and hold harmless NWA Trailblazers 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 Bentonville (or its directors, officers, employees, agents or contractors) in connection with this agreement and the project funded by the NWA Trailblazers,

except to the extent caused by the NWA Trailblazer's (or its directors', officers', employees' or agents') negligent actions or omissions.

8. **Severability.** If any part of this Agreement is contrary to, prohibited by or deemed invalid under applicable law or regulation, such provision shall be deemed inapplicable and deemed omitted to the extent so contrary, prohibited or invalid but the remainder hereof shall not be invalidated thereby and shall be given full force and effect so far as possible.

9. **Time is of the Essence.** The parties specifically agree time is of the essence with regard to all provisions of this Agreement. Bentonville agrees to complete its obligations herein prior to March 31, 2018, weather permitting. Any changes to this date shall be agreed to in writing by both parties.

10. **Binding Effect.** This Agreement and the rights and obligations granted hereby shall be binding upon and inure to the benefit of the parties and their respective transferees, successors and assigns, as such succession in permitted in this Agreement.

11. **No Partnership.** This Agreement does not create any obligation or relationship such as a partnership, joint venture or other similar legal relationship under the laws of any state or the federal government. Any correspondence or other references to "partners" or other similar terms will not be deemed to alter, amend or change the relationship between the parties hereto unless there is a formal written agreement specifically detailing the rights, liabilities and obligations of the parties as to a new, specifically defined legal relationship.

12. **Survival of Provisions.** The expiration, termination or consummation of this Agreement shall not affect the provisions, and the rights and obligations set forth therein, which by their terms state or evidence the intent of the parties that the provisions survive the expiration or termination thereof.

13. **Authority of Signors.** The parties represent they have full power and authority to enter into and perform this Agreement and the parties know of no contract, agreement, promise or undertaking which would prevent the full corporate or municipal execution and performance of this Agreement, and the persons executing this agreement on behalf of the parties are duly authorized to do so and have the authority to bind such parties.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF this Agreement has been duly executed and made effective by the parties on this _____ day of _____, 2017.

City of Bentonville:

Attest:

By: _____
Robert McCaslin, Mayor

Linda Spence, City Clerk

Northwest Arkansas Trailblazers:

Attest:

By: _____
Erin Rushing, PLA
Executive Director

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND
CLERK TO ENTER INTO A DEVELOPMENT
AGREEMENT WITH NORTHWEST ARKANSAS
TRAILBLAZERS.**

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

Section 1: That the Mayor and Clerk be and are hereby authorized to enter into a Development Agreement with Northwest Arkansas Trailblazers, to accept the additional funding required to complete the relocation of utilities and construction of the pedestrian tunnel at SE 8th Street and SE "J" Street in the City of Bentonville, as more particularly described in the Development Agreement attached hereto.

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 _____, 2017.

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 12, 2017

Submitted by:

Dennis Birge

Department

Transportation

Phone

271-6840

ACTION REQUIRED:

City Council approval of a budget adjustment accepting additional funding from the NWA Trailblazers organization in the amount of \$576,504.83 for the construction of the pedestrian tunnel and relocation of utilities at the intersection of SE 8th/SE "J". See attached budget adjustment form and developer agreement. This funding will be additional to the Walton Family Foundation grant that the City of Bentonville received for \$1,650,000.

COST TO CITY:

Cost of this Request: N/A

Additional Budget Amount \$576,505

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$	1,650,000
Funds Expended to Date		
Remaining Budget		1,650,000
Budget Adjustment		576,505
Remaining After Adjustment	\$	2,226,505

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





Date of Request: September 6, 2017

Acct Number	Account Name	Revenue + (-)	Expense + (-)	Fund Balance + (-)
020-3820-355.38-10	Spec Assessments /	\$576,505.00		\$ 576,505.00
020-3820-430.73-90	Improvements other than Bldg		\$576,505.00	\$ (576,505.00)
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
	Totals	\$ 576,505.00	\$ 576,505.00	\$ -

Justification:

Budget adjustment for accepting additional funds from NWA Trailblazers to completely fund the relocation of utilities and construction of the the pedestrian tunnel at the intersection of SE 8th St. / SE J St. These additional funds along with the original grant of \$1,650,000 from the Walton Family Foundation is expected to complete the funding for the tunnel construction.

FOR ACCTING USE ONLY		
Council Action:	Approved	Disapproved Other _____
Date:	Date entered:	By:

Revised 5/1/07

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712
www.bentonvillear.com



PLEASE RECYCLE



Memorandum



To: City Council, Mayor McCaslin
From: Dennis Birge, Transportation Engineer
Date: Wednesday, September 06, 2017
Re: Developer Agreement with NWA Trailblazers

Staff recommends City Council approval of a budget adjustment and resolution authorizing the Mayor and City Clerk to enter into an agreement with NWA Trailblazers, to accept the additional funding required to complete the relocation of utilities and construction of the pedestrian tunnel located at the intersection of SE 8th St./SE J St.

The original Walton Family Foundation grant that the City of Bentonville has received for \$1,650,000 is less than the cost to fully fund the project. NWA Trailblazers has agreed to complete the funding of the pedestrian tunnel project.

This Agreement will allow NWA Trailblazers to provide additional funding of \$576,504.83 for added cost associated with the pedestrian tunnel construction.

Thank you for your consideration of this request.



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

AGENDA FORM

CITY COUNCIL MEETING OF:

September 12, 2017

Submitted by:

City Hall

Department

-

Phone

271-3112

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. (Voluntary Annexation - Norton et al)

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



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 all of the owners of the hereinafter described territory, said owners being listed in Exhibit “A” to this ordinance, praying that said territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

WHEREAS, on the 7th day of September, **2017**, the County Court of Benton County, Arkansas, entered an order authorizing annexation pursuant to § 14-40-609 of the Arkansas Code, finding that the petition met the requirements for annexation under that provision and directed the Clerk to forward the order to the Mayor of the City of Bentonville; and

WHEREAS, the order entered by the County Judge provides that in order to accept the annexation proposed by the petitioners, the City of Bentonville is also required to accept as part of the territory to be annexed certain dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, the legal descriptions for which are included as an attachment to the County Court’s order,

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

Section 1. That the land described on the attached Exhibit “B,” which includes both the territory sought to be annexed by the petitioners and the dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, is territory contiguous to and adjoining

the City of Bentonville, Arkansas, and the petition to annex that property is hereby granted and the property described in Exhibit "B" 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 SEPTEMBER, 2017.

APPROVED: _____
HON. BOB McCASLIN, Mayor

ATTEST: _____
HON. LINDA SPENCE, City Clerk

AUGUST, 2017 VOLUNTARY ANNEXATION PETITION
PROPERTY OWNERS
EXHIBIT "A"

PARCEL #	OWNER
18-09129-000	NORTON, SUSAN
18-09132-000	WILLIS TR, MAURICE F & WILLIS TR, PAMELA D
18-09133-000	WEBB, CRYSTAL D
18-09180-002	BROWN, DEREK JOHN & SHELLIE DENISE
18-09182-004	BROWN, DEREK J & SHELLIE D
18-09184-000	MURPHY, LAURA J
18-09185-000	BOSECKER, BARRY L & CINDY M
18-09185-001	MCDONALD, BRIAN D & JESSICA
18-09185-002	MCDONALD, BRIAN
18-09186-002	MCURTREY, SCOTT & AMY
18-09188-000	SIMPSON MARITAL DEDUCTION TRUST-PAT
18-09189-003	BELL, BODIE & ERICA
18-09189-004	LESSLY JOINT TRUST- WILLIAM JACK & DANA CATHERINE
18-09189-005	TALL OAKS CONSTRUCTION LLC
18-09189-007	BEAVER, DANNY LEE & MARILYN LOU
18-09191-000	N & J FAMILY PROPERTIES LLC
18-09192-000	ORR TRUST
18-09193-000	ORR TRUST
18-09199-000	ORR TRUST
18-09210-001	N & J FAMILY PROPERTIES LLC
18-09219-000	N & J FAMILY PROPERTIES LLC
18-09220-000	ORR TRUST
18-09304-000	ORR TRUST
18-09308-000	LESSLY JOINT TRUST, WILLIAM JACK & DANA CATHERINE
18-09317-000	GRIMES, CRAIG A & JENNIFER A
18-09317-002	BARRETT FAMILY TRUST, BEAU S & KOURTNEY F
18-09317-004	BARRETT FAMILY TRUST, BEAU S & KOURTNEY F
	William & Dana Lesley, Owners
	Norman & Jill Banwarth, Owners
	Jerry & Barbara Orr, Trustees
	Jerry & Barbara Orr, Trustees
	Jerry & Barbara Orr, Trustees
	Norman & Jill Banwarth, Owners
	Norman & Jill Banwarth, Owners
	Jerry & Barbara Orr, Trustees
	Jerry & Barbara Orr, Trustees

18-09317-005	LESSLY JOINT TRUST- WILLIAM JACK & DANA CATHERINE	
18-09334-001	ORR TRUST	Jerry & Barbara Orr, Trustees
18-09337-000	JOYNER FAMILY TRUST, GILBERT	David Gilbert Joyner, Trustee
18-09338-000	JOYNER FAMILY TRUST, GILBERT	David Gilbert Joyner, Trustee
18-09338-001	JOYNER, GILBERT DAVID JR & MARLA L	
18-09338-002	JOYNER, GILBERT DAVID JR & JOYNER, MARLA L	
18-09338-003	JOYNER, GILBERT DAVID JR & MARLA L	
18-09340-000	RONE FAMILY TRUST, RONE, DONALD A & MONICA L	
18-09189-000	TIDWELL, JOHN & SARA W	
18-09190-001	HADEN, SAM ALLEN & AMY JO	
18-09190-000	ZEHER, MICHAEL A & PAMELA P	

Exhibit "B"
August, 2017 Voluntary Annexation Petition
Property petitioned for annexation
plus abutting dedicated public roads and rights of way

Tax Parcel Numbers:

18-09129-000
18-09132-000
18-09133-000
18-09180-002
18-09182-004
18-09184-000
18-09185-000
18-09185-001
18-09185-002
18-09186-002
18-09188-000
18-09189-003
18-09189-004
18-09189-005
18-09189-007
18-09191-000
18-09192-000
18-09193-000

18-09199-000
18-09210-001
18-09219-000
18-09220-000
18-09304-000
18-09308-000
18-09317-000
18-09317-002
18-09317-004
18-09317-005
18-09334-001
18-09337-000
18-09338-000
18-09338-001
18-09338-002

18-09338-003
18-09340-000
18-09189-000
18-09190-001
18-09190-000

Beginning at the NW Corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23, Township 19N, Range 31W.

Thence S88°02'12"E, 1332.69' to the NE Corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23,
Township 19N, Range 31W;
Thence S02°26'18"W, 1639.03';
Thence S87°29'00"E, 1319.79';
Thence S02°31'54"W, 2316.32' to the NE Corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 26,
Township 19N, Range 31W;
Thence N86°56'23"W, 1334.74' to the NW Corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 26,
Township 19N, Range 31W;
Thence S02°24'03"W, 1324.19' to the SW Corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 26,
Township 19N, Range 31W;
Thence S02°24'04"W, 642.97';
Thence S87°32'49"E, 365.61';
Thence N68°56'00"E, 183.28';
Thence N02°27'15"E, 138.11';
Thence N81°45'53"W, 124.18';
Thence N64°22'10"W, 95.52';
Thence N02°27'15"E, 382.14';
Thence S87°38'24"E, 473.47';
Thence S02°36'12"W, 457.57';
Thence N68°55'56"E, 71.10';
Thence S71°03'07"E, 232.35';
Thence S88°56'03"E, 250.07';
Thence N02°29'42"E, 494.51';
Thence S86°31'05"E, 661.94';
Thence N02°34'56"E, 658.28';
Thence S87°15'03"E, 661.81';
Thence S02°47'01"W, 1319.02';
Thence S87°25'42"E, 995.78';
Thence S02°26'36"W, 652.06';
Thence N87°19'54"W, 2314.57' to the NW Corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26,
Township 19N, Range 31W;
Thence N87°11'35"W, 761.94';
Thence S02°58'03"W, 383.55';
Thence N87°29'56"W, 567.23';

Thence S02°37'58"W, 758.18';
 Thence N47°51'32"E, 367.45';
 Thence N55°58'51"E, 433.48';
 Thence N77°21'19"E, 273.92';
 Thence N83°56'19"E, 142.50';
 Thence S46°37'26"E, 150.82';
 Thence S69°36'00"E, 195.60';
 Thence S03°01'01"W, 617.83';
 Thence N88°13'35"W, 660.41';
 Thence S01°38'36"W, 609.66';
 Thence S01°29'33"W, 119.02';
 Thence N87°45'47"W, 675.62';
 Thence S02°39'35"W, 583.65' to the SW Corner of the SE ¼ of the SW ¼ of Section 26, Township 19N, Range 31W;
 Thence S01°19'05"W, 644.78';
 Thence N87°23'26"W, 150.15';
 Thence S02°06'39"W, 671.77';
 Thence S87°13'44"E, 954.24';
 Thence S02°52'40"W, 1306.26';
 Thence N87°26'14"W, 143.63';
 Thence S03°41'00"W, 80.09';
 Thence N86°21'43"W, 7.59';
 Thence S03°12'18"W, 1246.69';
 Thence N87°17'10"W, 647.15' to the SW Corner of the NE ¼ of the SW ¼ of Section 35, Township 19N, Range 31W;
 Thence S02°41'42"W, 1322.16' to the SE Corner of the SW ¼ of the SW ¼ of Section 35, Township 19N, Range 31W;
 Thence N86°53'40"W, 981.57';
 Thence N01°49'46"E, 160.53';
 Thence N86°43'04"W, 159.11';
 Thence S01°47'13"W, 161.03';
 Thence N86°53'40"W, 193.06' to the SW Corner of the SW ¼ of the SW ¼ of Section 35, Township 19N, Range 31W;
 Thence N87°35'38"W, 1672.72';
 Thence N87°35'39"W, 2265.73' to the SW Corner of the SE ¼ of the SW ¼ of Section 34, Township 19N, Range 31W;
 Thence N03°09'34"E, 1289.17' to the NW Corner of the SE ¼ of the SW ¼ of Section 34, Township 19N, Range 31W;
 Thence S87°50'56"E, 1339.27' to the NE Corner of the SE ¼ of the SW ¼ of Section 34, Township 19N, Range 31W;
 Thence N02°16'59"E, 1648.62';
 Thence S88°03'35"E, 737.94';
 Thence S02°58'32"W, 651.31';
 Thence S00°05'02"W, 921.66';

Thence S87°54'44"E, 153.18';
 Thence S03°54'13"E, 79.64';
 Thence S00°11'27"W, 87.59';
 Thence N86°54'30"E, 394.59';
 Thence N89°03'10"E, 307.79';
 Thence N06°29'00"E, 35.02';
 Thence S87°51'38"E, 957.23' to the SW Corner of the NW ¼ of the SW ¼ of Section 35,
 Township 19N, Range 31W;
 Thence N02°45'26"E, 1320.59' to the NW Corner of the NW ¼ of the SW ¼ of Section 35,
 Township 19N, Range 31W;
 Thence N02°45'24"E, 1327.56' to the NW Corner of the SW ¼ of the NW ¼ of Section 35,
 Township 19N, Range 31W;
 Thence N88°06'36"W, 1284.98' to the SW Corner of the NE ¼ of the NE ¼ of Section 34,
 Township 19N, Range 31W;
 Thence N02°08'05"E, 2623.76' to the NW Corner of the SE ¼ of the SE ¼ of Section 27,
 Township 19N, Range 31W;
 Thence S87°45'28"E, 402.91';
 Thence N00°47'19"E, 708.28';
 Thence S89°03'19"E, 744.82';
 Thence N00°30'39"E, 204.17';
 Thence S89°09'24"E, 187.99';
 Thence N02°14'54"E, 387.82' to the NW Corner of the NW ¼ of the SW ¼ of Section 26,
 Township 19N, Range 31W;
 Thence N02°16'39"E, 2632.87' to the NW Corner of the NW ¼ of the NW ¼ of Section 26,
 Township 19N, Range 31W;
 Thence S87°38'59"E, 15.35';
 Thence N02°35'59"E, 1312.13';
 Thence N87°32'18"W, 15.36' to the NW Corner of the SW ¼ of the SW ¼ of Section 23,
 Township 19N, Range 31W;
 Thence N02°43'40"E, 2621.53';
 Thence S74°59'17"E, 13.073' to the NW Corner of the SW ¼ of the NW ¼ of Section 23,
 Township 19N, Range 31W said point being the Point of Beginning.

Less and Except any part already being inside the current existing City Limits of Bentonville.

-AND THE FOLLOWING DESCRIBED PROPERTY
 (WHICH ARE DEDICATED PUBLIC ROADS AND RIGHTS OF WAY)-

All that part of S. Morning Star Road abutting the City of Bentonville annexation contained in CC 2017-20, more particularly described as:

Commencing at the NE Corner of the NE 1/4 of the SW1/4 of Section 23, Township 19N, Range 31W.
 Thence S02°29'43"W, 331.37' to the point of beginning.

Thence S87°37'54"E, 18.39';
Thence S02°22'58"W, 992.27';
Thence S02°28'58"W, 1324.39';
Thence N86°56'23"W, 47.82';
Thence N02°31'22"E, 1324.19';
Thence N02°30'06"E, 991.90';
Thence S87°37'54"E, 26.45' back to the point beginning.
Less and Except all land presently in the City Limits of ANY municipality.

Also, beginning at the NW Corner of the SW ¼ of the NE ¼ of Section 26, Township 19N, Range 31W.
Thence S86°31'05"E, 22.95';
Thence S02°28'38"W, 493.46';
Thence N88°59'23"W, 52.95';
Thence N02°20'07"E, 495.27';
Thence S87°25'41"E, 31.21' to the point of beginning.
Less and Except all land presently in the City Limits of ANY municipality.

AND

All that part of Philpott Road abutting the City of Bentonville annexation contained in CC 2017-20, more particularly described as:

Beginning at the SE Corner of the SW ¼ SW ¼ of Section 35, Township 19N, Range 31W.
Thence S03°07'47"W, 15.53';
Thence N87°25'39"W, 981.37';
Thence N02°34'21"E, 32.74';
Thence S87°15'55"E, 124.51';
Thence S69°22'06"E, 17.19';
Thence S87°37'36"E, 840.71';
Thence S02°41'42"W, 14.45' to the point of beginning.
Less and Except all land presently in the City Limits of ANY municipality.

AND

All that part of Mill Dam Road abutting the City of Bentonville annexation contained in CC 2017-20, more particularly described as:

Beginning at the NE Corner of the SE ¼ SW ¼ of Section 34, Township 19N, Range 31W.
Thence N87°50'50"W, 22.98';
Thence N02°16'31"E, 1648.81';
Thence S87°43'29"E, 45.83';
Thence S02°23'18"W, 1648.72';
Thence N87°50'57"W, 19.61' to the point of beginning.
Less and Except all land presently in the City Limits of ANY municipality.

AND

All that part of Phillips Cemetery Road abutting the City of Bentonville annexation contained in CC 2017-20, more particularly described as:

Commencing at the SE Corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 19N, Range 31W.

Thence S03°39'47"W, 17.28';

Thence N88°00'49"W, 521.17' to the point of beginning.

Thence N86°51'11"W, 954.01';

Thence N02°06'39"E, 48.33';

Thence S87°10'03"E, 954.60';

Thence S02°49'57"W, 53.55' back to the point of beginning.

Less and Except all land presently in the City Limits of ANY municipality.

AND

Beginning at the NE Corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 34, Township 19N, Range 31W.

Thence S02°45'24"W, 33.02';

Thence N88°03'30"W, 1284.74';

Thence N02°21'08"E, 46.91';

Thence S88°09'37"E, 1285.10';

Thence S02°45'26"W, 16.18' to the point of beginning.

Less and Except all land presently in the City Limits of ANY municipality.

AND

All that part of Haxton Road abutting the City of Bentonville annexation contained in CC 2017-20, more particularly described as:

Beginning at the NE Corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 19N, Range 31W.

Thence S03°01'01"W, 17.96';

Thence N87°14'48"W, 761.93';

Thence N02°44'20"E, 48.44';

Thence S87°15'40"E, 761.88';

Thence S02°29'41"W, 30.67' to the point of beginning.

Less and Except all land presently in the City Limits of ANY municipality.

AND

All that part of Heagerty Road abutting the City of Bentonville annexation contained in CC 2017-20, more particularly described as:

Beginning at the SW Corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 19N, Range 31W.

Thence N87°51'43"W, 16.24';
Thence N02°18'28"E, 2633.00';
Thence S87°34'34"E, 54.25';
Thence S02°36'29"W, 2633.06';
Thence N87°14'45"W, 24.20' to the point of beginning.
Less and Except all land presently in the City Limits of ANY municipality.

AND

All that part of Sears Road abutting the City of Bentonville annexation contained in CC 2017-20, more particularly described as:

Beginning at the SE Corner of the SE ¼ SW ¼ of Section 23, Township 19N, Range 31W.
Thence S02°26'59"W, 19.58';
Thence N86°49'45"W, 1334.76';
Thence N02°39'17"E, 34.62';
Thence S86°58'55"E, 1334.63';
Thence S02°33'33"W, 18.60' to the point of beginning.
Less and Except all land presently in the City Limits of ANY municipality.

AND

All that part of Gaston Road abutting the City of Bentonville annexation contained in CC 2017-20, more particularly described as:

Commencing at the NE Corner of the SW NE of Section 26, Township 19N, Range 31W.
Thence S87°35'58"E, 9.68' to the point of beginning.

Thence S02°04'06"W, 652.35';
Thence N87°17'40"W, 37.41';
Thence N02°32'42"E, 1319.02';
Thence S88°36'44"E, 34.18';
Thence S02°43'58"W, 667.49' back to the point of beginning.
Less and Except all land presently in the City Limits of ANY municipality.

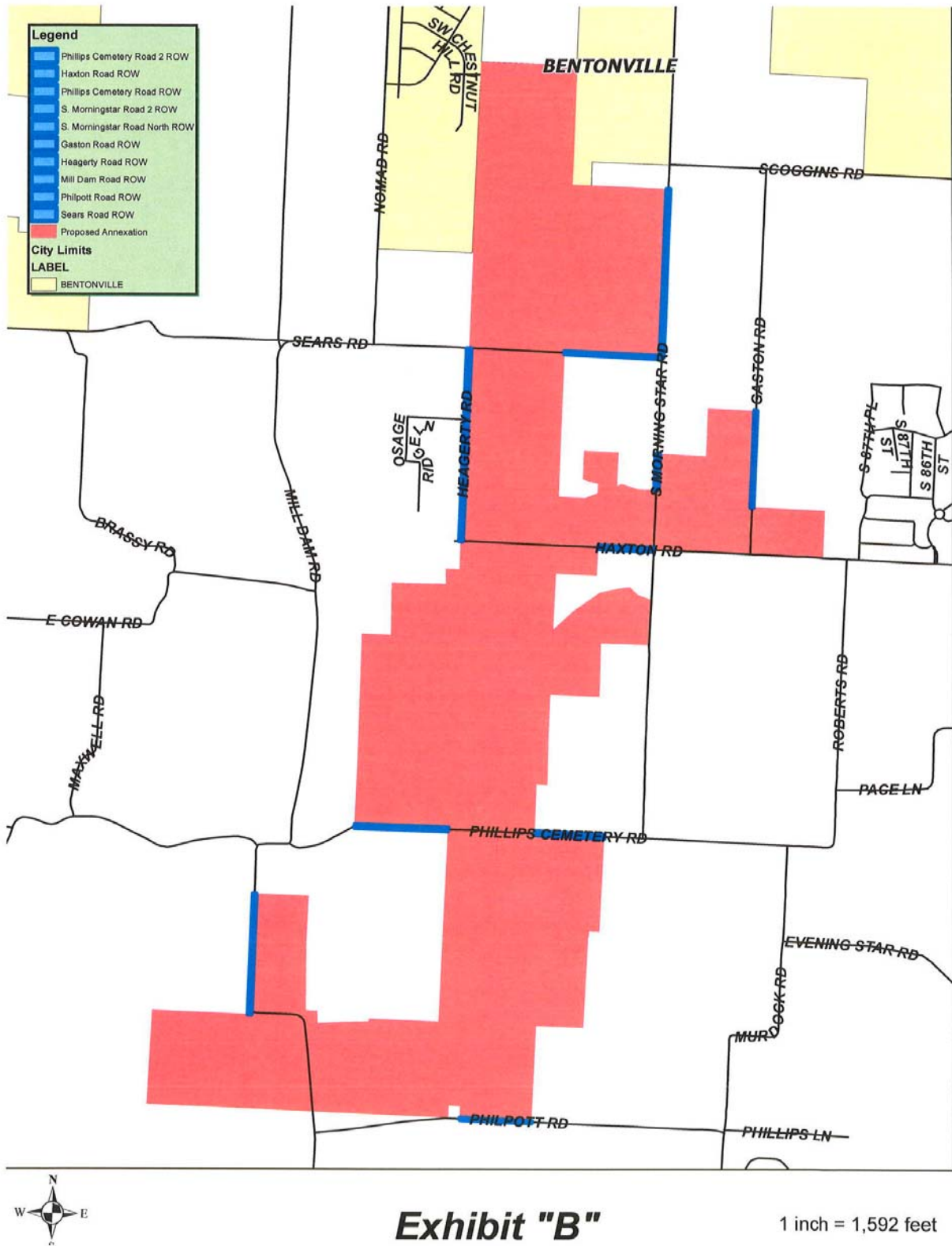


Exhibit "B"



**Revised Agenda:
Adding item 10**

BENTONVILLE CITY COUNCIL AGENDA

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

**Tuesday, September 12, 2017 6:00 p.m.
305 SW "A" Street**

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

**Tuesday, September 12, 2017 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: August 22, 2017**

AGENDA

1. Planning:
- 1a. **Lot Split: Lots 1-5 Norman Park Subdivision, Bowser Shattuck Group, LLC, Northwest 'A' Street, DN-2, Downtown Medium-Density Residential.**

The Planning Commission voted 6-0, recommending approval.

The applicant has submitted a proposal for a lot split that will create 5 new lots from two un-platted parcels. The new lots will be known as Lot 1 (0.18 acres), Lot 2 (0.16 acres), Lot 3 (0.19 acres), Lot 4 (0.23 acres) and Lot 5 (0.18 acres) of Norman Park Subdivision. Per the requirements of the Master Street Plan, right-of-way will be dedicated along NW 'A' Street. A private cross access easement will be provided for each lot to access NW 'A' Street at a single location, none of the new lots shall have direct access to NW 'A' Street. All lots have access to public utilities and a public street.

- 1b. **Lot Split: Lots 10-13 Dogwood Acres Subdivision, C Street Properties, Northwest 'A' Street, PRD, Planned Residential Development.**

The Planning Commission voted 6-0, recommending approval.

The applicant has submitted a proposal for a lot split that will create 4 new lots from one existing lot and three un-platted parcels. The new lots will be known as Lot 10 (2.21 acres), Lot 11 (26 acres), Lot 12 (6 acres) and Lot 13 (8.76 acres) of Dogwood Acres Subdivision. Pre the requirements of the Master Street Plan, right-of-way will be dedicated along NW 'A' Street. Right-of-way will also be dedicated for the construction of a new public street that will provide access to the interior of the property. There are various utility easements being dedicated with the plat to serve each of the new lots. All lots have access to public utilities and a public street.

- 1c. **Property Line Adjustment: Lots 20 & 21 Medlin Meadows Subdivision, Bathke Investments, LLLP (Ann Standley), 2300 Southeast 28th Street, C-1, Neighborhood Commercial & R-3, Medium Density Residential.**

The Planning Commission voted 6-0, recommending approval.

The applicant has submitted a property line adjustment that will adjust the common lot of existing lots 12 & 14 to remove the floodway from the existing lot 12. The new lots will be known as Lot 20 (4.29 acres) and Lot 21 (3.55 acres) of Medlin Meadows Subdivision. Per the Master Street plan requirements, additional right-of-way will be dedicated along SE 28th Street. Both of the new lots will have access to public utilities and a public street.

- 1d. **Property Line Adjustment: Lots 9 & 10, Block 3, McClain Ridge at Woods Creek Phase I Subdivision, Alfred Dall Sacco , 7 Churchwell Drive, R-1, Single Family Residential.**

The Planning Commission voted 6-0, recommending approval.

The applicant has submitted a property line adjustment that will adjust the lot lines between existing lot 4 and the adjacent common property lot. The new lots will be known as Lot 9 (0.33 acres) and Lot 10 (0.75 acres), Block 3 of McClain Ridge @ Woods Creek Phase 1. A 20' wide public utility easement is being dedicated along Churchwell Drive, existing right-of-way is adequate. Both of the new lots will have access to public utilities and a public street. The Woods Creek POA has approved this proposed property line adjustment.

- 1e. **Final Plat: Lot 7 Prime Parc Subdivision.**

The Planning Commission voted 6-0, recommending approval.

The applicant has submitted a final plat for Phase 1 of the Prime Parc Apartments project that will create Lot 7 of Prime Parc Subdivision (13.26+/- acres). This final plat dedicates right-of-way for the three public streets (SE Parc St., SW Prime Ave. & SW Lakewood Rd.) that will serve the new development. Various utility and drainage easements are also being dedicated to serve the

new lot. The sections of sidewalk the developer are responsible for have been installed. A stub out for future connection has been constructed per the approved plan. All public infrastructure has been inspected and accepted by the utility departments and all non-bondable items have been completed.

- 1f. **Resolution, General Plan Amendment: Chambers Bank, Ginn Road & Brookside Road, From Agricultural to Medium Density Residential.**

The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan depicts this property as Agricultural (A). Policy LU-23 Housing Types within the General Plan suggest that the city should encourage the development of a mix of housing types to meet the needs of residents throughout their lives. As utilities are extended to new locations within the city, the city should reevaluate and adjust the land uses accordingly. The proposed subdivision will help to reduce the impact on city infrastructure by the extension of public utilities that will be required with the development of this land, all helping to meet the intent of the policy.

- 1g. **Resolution, General Plan Amendment: Chambers Bank & FH&G LLC, Ginn Road & North Rainbow Farm Road, From Agricultural to Low Density Residential.**

The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan depicts this property as Agricultural (A). Policy LU-23 Housing Types within the General Plan suggest that the city should encourage the development of a mix of housing types to meet the needs of residents throughout their lives. As utilities are extended to new locations within the city, the city should reevaluate and adjust the land uses accordingly. The proposed subdivision will help to reduce the impact on city infrastructure by the extension of public utilities that will be required with the development of this land, all helping to meet the intent of the policy.

- 1h. **Rezoning: Virginia Carol King, 228 Southeast 7th Street, From R-1, Single Family Residential to DE, Downtown Edge.**

The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan depicts this property as Downtown Mixed Use Residential (DMUR). The intent of the Downtown Mixed-Use Residential district is to allow for increased neighborhood density and increased local commerce through the development of multi-family housing and mixed-use structures.

- 1i. **Rezoning: First Baptist Church of Bentonville, 200 Southwest 'A' Street, From DE, Downtown Edge & DN-2, Downtown Medium-Density Residential to DC, Downtown Core.**

The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan depicts this property as Mixed Use (MU). The DC, Downtown Core zoning district is an appropriate zoning district for this land use designation.

- 1j. **Lot Split: Lots 23, 24, & 25 Huffman Addition, Ryan Hardin, 211 Northwest 'D' Street, R-1, Single Family Residential.**

The Planning Commission voted 6-0, recommending approval.

The applicant has submitted a proposal for a lot split that will create 3 new lots from one existing lot. The new lots will be known as Lot 23 (0.14 acres), Lot 24 (0.14 acres) and Lot 25 (0.14 acres) of Huffman Addition. Per the requirements of the Master Street Plan, right-of-way will be dedicated along Jefferson Street and NW 'D' Street. A private cross access easement will be provided to allow rear access to each of the new lots. All lots have access to public utilities and a public street.

- 1k. **Ordinance: Zoning Amendment for Medical Marijuana Dispensaries & Cultivation Facilities.**

The Planning Commission voted 6-0, recommending approval.

Approval of an amendment to the Zoning Code to bring the City of Bentonville zoning regulations into compliance with Amendment 98 of the Arkansas Constitution regarding zoning for medical marijuana dispensaries and cultivation facilities.

2. City Council approval of a budget adjustment recognizing revenue and allocating future expenses, in the amount of \$731,000.00, for the Memorial Park Ballfield Improvements.
3. City Council approval of a budget adjustment, in the amount of \$10,124.00, to fund a new entry kiosk at the Bentonville Community Center.
4. City Council approval of a budget adjustment, in the amount of \$30,350.00, to fund the emergency repair needed for damaged ballfield lights at Phillips Park.
5. An ordinance authorizing the Mayor and City Council to waive the requirements of competitive bidding and enter into an agreement with Siemens Industry, Inc. for the purchase of hook stick operated switches for the 8th Street Widening Project in the amount of \$36,000.00 plus tax.
6. City council approval of a Resolution allowing the Mayor to enter into an agreement with Grubbs, Hoskyn, Barton & Wyatt Consulting Engineers for geotechnical services for the NW 3rd Street Phase 3 Improvements project. The cost of this agreement is \$30,000.00 which will come from bond.
7. Staff requests approval to waive the requirement of competitive bidding and authorize the purchase of the SnowEx Brine Pro. This is a specialized type of machine that produces salt brine which is what the Street Department uses to pretreat and de-ice the roadways with in a snow/ice event.

8. Staff requests approval to waive the requirement of competitive bidding and authorize the purchase of road salt from Oakley Fertilizer which is the sole source for this material in bulk quantity in the state of Arkansas.
- 9a. Staff recommends City Council approval of a resolution authorizing the Mayor and City Clerk to enter into an agreement with NWA Trailblazers, to accept the additional funding of \$576,504.83 required to complete the relocation of utilities and construction of the pedestrian tunnel located at the intersection of SE 8th St./SE J St. The original Walton Family Foundation grant that the City of Bentonville has received for \$1,650,000.00 is less than the cost to fully fund the project. NWA Trailblazers has agreed to complete the funding of the pedestrian tunnel project.
- 9b. City Council approval of a budget adjustment accepting additional funding from the NWA Trailblazers organization in the amount of \$576,504.83 for the construction of the pedestrian tunnel and relocation of utilities at the intersection of SE 8th/SE "J". See attached budget adjustment form and developer agreement. This funding will be additional to the Walton Family Foundation grant that the City of Bentonville received for \$1,650,000.00.
10. 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. (Voluntary Annexation - Norton et al)