

Bentonville City Council
Meeting Minutes
October 24, 2017

The City Council of Bentonville, Arkansas, met in regular session Tuesday, October 24, 2017, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

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

At 6:00 p.m., prior to calling the meeting to order, Mayor McCaslin invited public comments. There was no response so the Mayor declared the comment period closed.

The Mayor then invited questions or comments from the Council about items on the agenda and Council Member Robinson stated that he wanted to note that at the last Committee of the Whole meeting, there had been discussion about efforts to reach a compromise with regard to Bella Vista Lake and that the items concerning Bella Vista Lake on the agenda were a result of those discussions.

Council Member Sanchez commented that there is an existing project to rebuild the dam and that he understood the votes tonight would merely be to look at other options.

Mayor McCaslin noted that David Wright, Parks and Recreation Director, and Travis Matlock, Engineering Director, would address those items fully when the Council reached that part of the agenda.

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

Motion was made by Council Member Burckart to approve the minutes of the October 10, 2017 council meeting as presented, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

Motion was made by Council Member Sooter to suspend the rules regarding the reading of all ordinances on three separate days and further that all ordinances and resolutions be read by title only, second by Council Member Robinson. There was no discussion. Motion carried (8-0).

1. Presentation of a proclamation designating October 2017 Community Planning Month in the City of Bentonville.

Mayor McCaslin recognized Shelli Kerr, Planning Services Manager. The Mayor read the proclamation and presented a framed copy to Ms. Kerr.

2. Resolution No. 10-24-17 A: Resolution to recognize, commend and congratulate Detective Corporal Steve Vera upon his October 2017 retirement.

Mayor McCaslin recognized Police Chief Jon Simpson. The Mayor read the resolution and presented a framed copy of the resolution to Corporal Vera.

Motion to pass by Council Member Burckart, second by Council Member Orman. There was no discussion. Motion carried (8-0).

- 3a. Ordinance No. 2017-167: Ordinance accepting a lot split of Lots 16 and 17 Southside Subdivision to the City of Bentonville, Arkansas.

[Applicant: Hurricane WA, LLC;
Location: 228 Southeast 7th Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

- 3b. Ordinance No. 2017-168: Ordinance accepting a lot split of Lots 1 and 2 Bailey Subdivision to the City of Bentonville, Arkansas.

[Applicant: Taildrager, LLC;
Location: 801 and 803 North Walton Boulevard]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

- 3c. Ordinance No. 2017-169: Ordinance accepting a lot split of Lots 1, 2 and 3 Forrest Oaks Subdivision to the City of Bentonville, Arkansas.

[Applicant: Edward Eugene Garrett;
Location: 1600 and 1602 Northwest 3rd Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Webb. There was no discussion. Motion carried (8-0).

- 3d. Ordinance No. 2017-170: Ordinance accepting a property line adjustment of Lots 42 and 43 Oakwood Heights Addition to the City of Bentonville, Arkansas.

[Applicant: Drew Mayer;
Location: 1906 Almand Drive]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Burckart, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

- 3e. Resolution No. 10-24-17 B: Resolution adopting revisions to the Future Land Use Map of the City of Bentonville to change real estate from its present land use classification of commercial to high density residential.

[Applicant: Kuhlman Properties, LLC (Patrick Kuhlman);
Location: Southwest Regional Airport Boulevard and
Southwest Blue Jay Lane]

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Robinson. There was no discussion. Motion carried (8-0).

- 3f. Resolution No. 10-24-17 C: 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 low density residential to medium density residential.

[Applicant: Martin Elzey;
Location: Southwest Featherston Road, Glenn Road
and Been Road]

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Webb. There was no discussion. Motion carried (7-1), with Council Member Burckart abstaining.

- 3g. Ordinance No. 2017-171: Ordinance accepting a lot split of Lots 1 and 2 Fellowship-McMillon Subdivision to the City of Bentonville, Arkansas.

[Applicant: McMillon Family Revocable Trust;
Location: 1701 Northeast Tiger Boulevard]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

4. Approval for the reappointment of Lauren Haynes to the Public Art Advisory Committee, said term to begin November 1, 2017 and to expire November 1, 2020.

Motion to approve by Council Member Robinson, second by Council Member Orman. There was no discussion. Motion carried (8-0).

5. Approval of a budget adjustment for Planning Services to recognize revenue awarded in the form of a donation in the amount of \$25,000 from Walmart Stores, Inc. to levy city funds for the purchase of 430 trees for the 5th Annual Tree Planting Blitz.

Motion to approve by Council Member Robinson, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

6. Approval of change order No. 2 and final reconciliation of the guaranteed maximum price contract with Flintco, LLC, recognizing a decrease of \$791,469 for construction services associated with the new City maintenance facility.

Motion to approve by Council Member Burckart, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

Mayor McCaslin expressed his appreciation to Mike Bender, Public Works Director, for his oversight efforts related to the project.

7. Ordinance No. 2017-172: Ordinance adopting City of Bentonville amendments to the 2012 Arkansas Fire Prevention Code for the City of Bentonville, Arkansas.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss.

Council Member Burckart initiated a discussion regarding whether or not the pending ordinance exceeded the State Fire Code. Fire Chief Brent Boydston recognized Captain Rod Hughes, Assistant Fire Marshal, and Captain Hughes answered questions from the Council.

Captain Hughes stated that what was before Council was an effort to clean up old ordinances and to add additional safety precautions that were needed locally. He noted that the State Code was equally applicable in rural counties with lesser populations and more rural structures and that part of the reason for the local amendments was to account for the difference in structures attendant with Bentonville's development.

In answer to a question by Council Member Sanchez, Captain Hughes added that the reason for the decision to not eliminate metric references was to avoid possible confusion.

Motion carried (8-0).

8. Ordinance No. 2017-173: Ordinance establishing a right of way permit for the City of Bentonville Street Department.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Robinson, second by Council Member Goss. There was no discussion. Motion carried (8-0).

9. Ordinance establishing and amending certain fees and permits for the City of Bentonville.

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

Council Member Burckart initiated a discussion concerning the large increase in fees and the resulting impact on the construction field. Shelli Kerr and Travis Matlock answered questions from the Council. Mr. Matlock stated that some of the fees were last looked at in 2005.

After much discussion, it was thought more work needed to be done to answer the Council's questions, such as a synopsis from each department explaining the reasons for the increase in fees, whether or not stair-stepping large increases was an option, how the fees compare to neighboring cities, and perhaps

providing examples of the actual increase in cost to different types of jobs.

Motion to table this item by Council Member Webb, second by Council Member Burckart. Motion carried (7-1), with Council Member Sanchez voting no.

10. Ordinance No. 2017-174: Ordinance authorizing the Mayor and the City Clerk to purchase certain police equipment and upfitting services from Superior Auto Group and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

- 11a. Resolution No. 10-24-17 D: Resolution authorizing the Mayor and Clerk to enter into an agreement with Ecological Design Group for the master plan of the Bella Vista Lake park.

David Wright, Parks and Recreation Manager, presented an update of the status and options relative to the park and explained what information the studies would provide and various aspects related thereto. He also stated that funding was available to cover the cost of the studies.

Travis Matlock stated that the ultimate cost of the project was dependent on the results of the studies and that additional funding might be available.

Mr. Wright indicated that it was his intention to submit three plans to the Council about nine months from now. He also stated that the Council was not committing to any one course tonight other than to explore options and the costs of those options.

In response to a question from Council Member Burckart, Mr. Matlock stated that the Arkansas Department of Emergency Management agreed with this plan to explore options and that

the extension request with regard to the existing FEMA funding was already in the pipeline.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Robinson, second by Council Member Webb. There was no further discussion. Motion carried (8-0).

- 11b. Resolution No. 10-24-17 E: Resolution authorizing the Mayor and Clerk to enter into an agreement with the Watershed Resource Conservation Center for the master plan of the Bella Vista Lake park.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Robinson second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

- 11c. Approval of a budget adjustment in the amount of \$98,960 to recognize revenue from a Walton Family Foundation grant to fund a site specific master plan for Bella Vista Lake Park.

Motion to approve by Council Member Sooter, second by Council Member Goss. There was no discussion. Motion carried (8-0).

12. Resolution No. 10-24-17 F: Resolution authorizing the Mayor and Clerk to enter into an agreement with Amanda McBee for instructional recreation and wellness classes for the Bentonville Parks and Recreation Department.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

13. Resolution No. 10-24-17 G: Resolution authorizing the Mayor and Clerk to enter into an agreement with Jami Bernards for instructional swim lessons for the Bentonville Parks and Recreation Department.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

Motion to adjourn by Council Member Burckart, second by Council Member Webb. Motion carried (8-0).

Linda Spence
Linda Spence, City Clerk

Bob McCaslin
Bob McCaslin, Mayor

