

Bentonville City Council
Meeting Minutes
January 9, 2018

The City Council of Bentonville, Arkansas, met in regular session Tuesday, January 9, 2018, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

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

At 6:00 p.m., prior to calling the meeting to order, Mayor McCaslin invited public comments. Sara McGuigan, Kristine Baird, Toni Carter, Dr. Leeth Harper and Olivia Nagel were recognized and spoke regarding agenda item 20.

The Mayor then invited questions or comments from the Council about items on the agenda and there were none.

Mayor McCaslin called the meeting to order at 6:20 p.m. The Mayor led everyone present in the pledge of allegiance followed by a moment of silence in support of our armed forces.

Motion was made by Council Member Burckart to approve the minutes of the December 12, 2017 meeting as presented, second by Council Member Sanchez. There was no discussion. Motion carried (7-0).

1. Ozark Regional Transit annual report.

A report was presented by Jeff Hatley, Public Information Officer for Ozark Regional Transit, on the organization's progress and accomplishments since January 2017.

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 Sanchez. There was no discussion. Motion carried (7-0).

- 2a. Ordinance No. 2018-1: Ordinance accepting a lot split of Lots 1 and 2 of Daniel Subdivision to the City of Bentonville, Arkansas.

[Applicant: Maurice F. Willis and Pamela W. Willis;
Location: Lots 1 and 2, Daniel Subdivision]

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 (6-1), with Council Member Orman abstaining.

- 2b. Ordinance No. 2018-2: Ordinance accepting a lot split of Lots 24 and 25 Block 6 of Clark's 2nd Addition to the City of Bentonville, Arkansas.

[Applicant: Cadence Group, LLC;
Location: Southwest D Street]

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

- 2c. Ordinance No. 2018-3: Ordinance accepting a property line adjustment of Lots 210 and 211 of Bentonville Original to the City of Bentonville, Arkansas.

[Applicant: Massey Properties, LLC;
201 West Central Avenue]

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 (7-0).

- 2d. Ordinance No. 2018-4: Ordinance accepting a property line adjustment of Lot 8 of Williams/Dean Subdivision to the City of Bentonville, Arkansas.

[Applicant: Richard L. Grubbs;
Location: 1501 Southeast J Street]

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 (7-0).

- 2e. Ordinance No. 2018-5: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of R-1, single family residential to DN-2, downtown medium-density residential.

[Applicant: Amanda Conway and Chris Conway;
Location: 309 Southwest 4th Street]

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

- 2f. Ordinance No. 2018-6: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of A-1, agricultural to R-2, duplex and patio home residential.

[Applicant: Martin Elzey;
Location: 9601 Glen Road]

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

- 2g. Ordinance No. 2018-7: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of A-1, agricultural to R-2, duplex and patio home residential.

[Applicant: Coughlin Family Revocable Living Trust;
Location: Southwest Featherston Road]

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

- 2h. Ordinance No. 2016-8: Ordinance accepting a property line adjustment of Lot 7 Block 5 of Braithwaite Park Addition and Lot 58 of Hanover Subdivision to the City of Bentonville, Arkansas.

[Applicant: Marvin Gray;
Location: 1 Stonehenge Drive]

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

Council Member Orman asked whether the POA was notified of the property line adjustment since it does not meet the minimum requirements of the subdivision regulations. Shelli Kerr, Planning Manager, stated that the Planning Commission approved the waiver request for the right-of-way dedication requirements and that notification to the POA was on the lot owners. She noted that the City does not enforce covenants. Council Member Sanchez asked if the reason the waiver was approved was because sufficient right-of-way exists with the lot being on a dead-end street. Ms. Kerr confirmed.

There was a second by Council Member Robinson. There was no further discussion. Motion carried (7-0).

- 2i. Ordinance No. 2018-9: Ordinance accepting a property line adjustment of Lots 1, 2, 3 and 4 of Citizen Bentonville Subdivision to the City of Bentonville, Arkansas.

[Applicant: Specialized Real Estate Group;
Location: Southeast 3rd Street, Southeast J Street and East Central Avenue]

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 (7-0).

- 2j. Ordinance No. 2018-10: Ordinance accepting a property line adjustment of Lot 13 of Railroad Addition to the City of Bentonville, Arkansas.

[Applicant: Robert Stoker and Shelly Stoker;
Location: 302 Southeast 2nd 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 (7-0).

- 2k. Ordinance No. 2018-11: Ordinance accepting a property line adjustment of Lots 22 and 23 of the Bluff's Subdivision to the City of Bentonville, Arkansas.

[Applicant: Paul Esterer and Rebecca Esterer;
Location: 2822 Palisades Circle]

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

- 2l. Ordinance No. 2018-12: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of R-1, single family residential to DN-2, downtown medium-density residential.

[Applicant: Mud Puddle Investments, LLC;
Location: 806 Northwest A Street]

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 (7-0).

- 2m. Ordinance No. 2018-13: Ordinance accepting a final plat of Ellington Village Subdivision to the City of Bentonville, Arkansas.

[Applicant: Burckart Construction, Inc.;
Location: Southwest Ellington Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Robinson. There was no discussion. Motion carried (6-1), with Council Member Burckart abstaining.

3. Ordinance No. 2018-14: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Ozark Regional Transit (ORT) to provide public transit service within the City of Bentonville and waiving the requirement of competitive bidding.

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

4. Approval to appoint Tim Robinson to the Public Art Advisory Committee as an ex-officio member representing the City Council.

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

5. Ordinance No. 2018-15: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Downtown Bentonville, Inc. for event production and related services and waiving the requirement of competitive bidding.

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

6. Resolution No. 1-9-18 A: Resolution authorizing the Mayor and Clerk to enter into an agreement with Challenger Sports for the operation of a youth soccer camp for the City of Bentonville Parks and Recreation Department.

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

7. Approval to award Bid No. 17-03 to Challenger Teamwear in an amount not to exceed \$49,445 for the purchase of soccer uniforms for the 2018-2019 soccer seasons.

Motion to approve by Council Member Robinson, second by Council Member Goss. There was no discussion. Motion carried (7-0).

8. Ordinance No. 2018-16: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Steam Explorers for recreational camps and programs for the City of Bentonville Parks and Recreation Department and waiving the requirement of competitive bidding.

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 (7-0).

9. Ordinance No. 2018-17: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with the Arkansas United States Specialty Sports Association for providing baseball umpires for the City of Bentonville Parks and Recreation Department and waiving the requirement of competitive bidding.

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 (7-0).

10. Ordinance No. 2018-18: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with the Bentonville Youth Softball Association for providing umpires and scorekeepers for the City of Bentonville Parks and Recreation Department and waiving the requirement of competitive bidding.

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

11. Ordinance No. 2018-19: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with the Arkansas State Soccer Association for providing soccer officials for the City of Bentonville Parks and Recreation Department 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 Webb. There was no discussion. Motion carried (7-0).

12. Resolution No. 1-9-18 B: 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 Burckart, second by Council Member Orman. There was no discussion. Motion carried (7-0).

13. Resolution No. 1-9-18 C: 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 Webb, second by Council Member Orman. There was no discussion. Motion carried (7-0).

14. Resolution No. 1-9-18 D: Resolution authorizing the Mayor and Clerk to enter into an agreement with Megan Ross 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 Webb, second by Council Member Goss. There was no discussion. Motion carried (7-0).

15. Resolution No. 1-9-18 E: Resolution authorizing the Mayor and Clerk to enter into an agreement with Ozark Tennis Academy for a tennis program at Memorial Park.

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

16. Ordinance No. 2018-20: Ordinance establishing certain fees for the City of Bentonville Parks and Recreation Department and Community Center.

Council Member Burckart initiated a discussion concerning capacity issues and nonresidents. David Wright, Parks and Recreation Director, stated that City parks were reaching capacity and that discussions needed to begin to address those issues.

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

17. Ordinance No. 2018-21: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Greenlayer Sports for finisher hoodies for the 2018 Bentonville half marathon and waiving the requirement of competitive bidding.

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 (7-0).

18. Approval to award Bid No. 17-43 to Big M Ranch and Hickman Trenching Company for city-wide boring services and to have a contractor on call during the 2018 calendar year.

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

19. Ordinance No. 2018-22: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of uniforms for the Bentonville Police Department and waiving the requirement of competitive bidding.

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 (7-0).

20. Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with the City of Centerton for animal services and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only.

A lengthy discussion was had among council members and Chief Simpson about the proposed contract. Council Member Robinson made a motion to table the item for two weeks. There was no second.

Mayor McCaslin stated that a delay might create a public safety issue and added that the proposed agreement was superior to what the City has had with Rogers in past years. Further discussion occurred.

Council Member Sanchez made a motion to pass the ordinance, followed by further discussion. City Attorney Spence noted there was a motion pending, which was followed by additional discussion. Second by Council Member Sooter. Motion failed

(2-5), with Council Member Sooter and Council Member Sanchez voting in favor of the motion.

Motion was made by Council Member Burckart to put the matter on the agenda for consideration in two weeks, second by Council Member Goss. Motion carried (5-2), with Council Member Orman, Council Member Goss, Council Member Robinson, Council Member Burckart and Council Member Webb voting in favor of the motion.

21. Approval of a budget adjustment in the amount of \$3,500 for the District Court to recognize receipt of a grant from the Arkansas Alternative Dispute Resolution Commission for a pilot mediation program.

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

22. Ordinance No. 2018-23: Ordinance authorizing the Mayor and the City Clerk to purchase certain equipment for the Wastewater Department from PW Tech 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 Robinson. There was no discussion. Motion carried (7-0).

23. Resolution No. 1-9-18 F: Resolution recognizing the opioid epidemic in the United States of America and in Arkansas; and to engage in litigation as a member of the Municipal Legal Defense Program (MLDP) against those entities and people responsible for this societal crisis.

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

Mayor McCaslin noted this was the meeting at which the Council would usually elect its chairman for 2018. Motion was made by Council Member Webb to elect Council Member Sooter as chair of the Committee of the Whole, second by Council Member Sanchez. There was no discussion. Motion carried (7-0).

After seeking guidance from City Attorney Spence, it was agreed by the Council to hold a Committee of the Whole meeting on Friday, the 12th of January, at 4:00 p.m. to further discuss issues related the animal services contract with Centerton.

Motion to adjourn by Council Member Robinson, second by Council Member Goss. Motion carried (7-0).


Linda Spence, City Clerk


Bob McCaslin, Mayor

