

Bentonville City Council
Meeting Minutes
February 13, 2018

The City Council of Bentonville, Arkansas, met in regular session Tuesday, February 13, 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, with Jim Webb absent. 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. The Mayor recognized Matt O'Reilly, who spoke regarding agenda item No. 8. A discussion was had between council members about issues with the proposed ordinance and whether or not to table the matter to a future date to further address them.

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

The Mayor called the meeting to order at 6:25 p.m. The Mayor then led everyone present in the pledge of allegiance followed by a moment of silence in support of our armed forces.

Motion was made by Council Member Sanchez to approve the minutes of the January 23, 2018 meeting as presented, second by Council Member Burckart. There was no discussion. Motion carried (6-0), with Council Member Webb absent.

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 (6-0), with Council Member Webb absent.

1. Ordinance No. 2018-31: 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.

[Petitioner: Todd Elzey, Brenda Elzey and Martin Elzey;
Location: Glen Road and Featherstone Road]

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 (5-0), with Council Member Burckart abstaining and Council Member Webb absent.

- 2a. Ordinance No. 2018-32: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of PUD, planned unit development to C-2, general commercial.

[Applicant: Ramsay Ball;
Location: Southeast 22nd Street and Southeast G 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 (6-0), with Council Member Webb absent.

- 2b. Resolution No. 2-13-17 A: Resolution adopting revisions to the Future Land Use Map of the City of Bentonville to change real estate from its present land use classification of high-density residential to mixed use.

[Applicant: Will Hammack Estate;
Location: 217 Northwest A Street]

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 (6-0), with Council Member Webb absent.

- 2c. Ordinance No. 2018-33: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning

classification of R-1, single family residential to PRD, planned residential development.

[Applicant: Aurora Partners, LLC;
Location: South Morningstar Road]

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 (6-0), with Council Member Webb absent.

3. Ordinance No. 2018-34: Ordinance vacating a utility easement located at Lots 13, 14, 15 and 16 of Straube Business Park Subdivision to the City of Bentonville, Arkansas, Benton County, Arkansas.

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

[Applicant: Crossmar Industrial IV, LLC]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Orman. There was no discussion. Motion carried (6-0), with Council Member Webb absent.

4. Ordinance No. 2018-35: Ordinance vacating a utility easement located at 6302 Southwest Heritage, Lot 80 of North Fork Addition to the City of Bentonville, Arkansas, Benton County, Arkansas.

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

[Applicant: Marilyn Doherty]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Robinson, second by Council Member Sanchez. There was no discussion. Motion carried (6-0), with Council Member Webb absent.

5. Approval for the appointment of Richard Hamm to the Bentonville Municipal Airport Advisory Board to fill the unexpired term of Brian Baldwin, said term to expire on September 30, 2018.

Motion to approve by Council Member Sanchez, second by Council Member Robinson. There was no discussion. Motion carried (6-0), with Council Member Webb absent.

6. Resolution No. 2-13-18 B: Resolution authorizing the Mayor and Clerk to enter into an agreement with Tyler Technologies for the purchase and implementation of Munis software for the City of Bentonville.

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 (6-0), with Council Member Webb absent.

7. Resolution No. 2-13-18 C: Resolution declaring certain property belonging to the City of Bentonville Police Department as surplus property. [three 2010 Ford Crown Victoria vehicles]

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 (6-0), with Council Member Webb absent.

8. Ordinance No. 2018-36: Ordinance establishing and amending certain fees and permits for the City of Bentonville.

Motion was made by Council Member Sanchez to amend the proposed ordinance to be effective beginning July 1, 2018, second by Council Member Sooter. Motion carried (6-0), with Council Member Webb absent.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Goss, second by Council Member Sanchez. There was no further discussion. Motion carried with Council Member Orman abstaining, Council Member Burckart voting no and Mayor McCaslin voting

yes, making the vote (5-1), with one abstention and Council Member Webb absent.

9. Resolution No. 2-13-18 D: Resolution authorizing the Mayor and Clerk to enter into an agreement with Ecological Design Group for the design and construction observation of improvements at Bella Vista Lake park.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Burckart, second by Council Member Sanchez. There was no discussion. Motion carried (6-0), with Council Member Webb absent.

10. Resolution No. 2-13-18 E: Resolution authorizing the Mayor and City Clerk to execute an addendum to Bentonville Municipal Airport land lease with lessee, Tar & Dok Development, LLC for the purpose to provide a more accurate legal description of certain leasehold property located at the Bentonville Municipal Airport.

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 (6-0), with Council Member Webb absent.

11. Resolution No. 2-13-18 F: Resolution authorizing the Mayor and City Clerk to execute a consent to cancellation of ground lease assignment at Bentonville Municipal Airport between Tar & Dok Development, LLC and Effectual Assets, LLC for the purpose to allow Tar & Dok and Effectual Assets, LLC to correct an error in the assignment of certain leasehold property located at the Bentonville Municipal Airport.

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 (6-0), with Council Member Webb absent.

12. Resolution No. 2-13-16 G: Resolution authorizing the Mayor to execute a memorandum of land lease agreement between the City of Bentonville, Arkansas, as lessor, and Tar & Dok Development,

LLC, as lessee, concerning certain leasehold property located at the Bentonville Municipal Airport.

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 (6-0), with Council Member Webb absent.

13. Resolution No. 2-13-18 H: Resolution authorizing the Mayor to execute a landlord estoppel and non-disturbance agreement in relation to a certain land lease agreement between the City of Bentonville, Arkansas, as lessor, Tar & Dok Development, LLC, as lessee, and Arvest Bank as the lender bank, concerning certain leasehold property located at the Bentonville Municipal Airport.

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 (6-0), with Council Member Webb absent.

14. Resolution No. 2-13-18 I: Resolution authorizing the Mayor and City Clerk to consent to an assignment of a land lease agreement for a hangar site located at the Bentonville Municipal Airport.

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 (6-0), with Council Member Webb absent.

15. Resolution No. 2-13-18 J: Resolution authorizing the Mayor and City Clerk to enter into an agreement with Garver Engineers for bid package development, bidding and construction phase services related to the utility infrastructure improvement on the west side of the airport.

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 (6-0), with Council Member Webb absent.

16. Resolution No. 2-13-18 K: Resolution authorizing the Mayor and City Clerk to consent to and execute on behalf of the City of Bentonville an assignment of a land lease agreement and a statement of agreement for a hangar site located at the Bentonville Municipal Airport.

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 (6-0), with Council Member Webb absent.

- 17a. Approval of a budget adjustment for the Electric Department in the amount of \$93,500 to recognize a grant from the Thaden School for engineering plans and cost estimates to place a 69kV transmission line underground on the Thaden School property.

Motion to approve by Council Member Burckart, second by Council Member Orman. There was no discussion. Motion carried (6-0), with Council Member Webb absent.

- 17b. Resolution No. 2-13-18 L: Resolution authorizing the Mayor and Clerk to enter into a cooperation and cost-share agreement with Thaden School to accept the funding of a study related to the relocation of certain electrical lines in the City of Bentonville.

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 (6-0), with Council Member Webb absent.

18. Resolution No. 2-13-18 M: Resolution authorizing the Mayor and Clerk to enter into an agreement with Fisher and Arnold for the design and bid documents related to the proposed overhead to underground electric line conversion adjacent to Thaden School in the City of Bentonville.

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 (6-0), with Council Member Webb absent.

19. Approval for the addition of one administrative assistant to support the Bentonville Fire Inspection Division.

Motion to approve by Council Member Goss, second by Council Member Burckart. There was no discussion. Motion carried (6-0), with Council Member Webb absent.

20. Resolution No. 2-13-18 N: Resolution declaring certain property belonging to the City of Bentonville, Arkansas as surplus property. [2001 Caterpillar excavator]

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 (6-0), with Council Member Webb absent.

- 21a. Resolution No. 2-13-18 O: Resolution authorizing the Mayor and City Clerk to enter into a cost-sharing agreement with BC Center, LLC and Mercy Health Northwest for the 41st Street traffic signal.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sooter, second by Council Member Sanchez. There was no discussion. Motion carried (6-0), with Council Member Webb absent.

- 21b. Approval of a budget adjustment for the Transportation Department in the amount of \$103,200 for the design and construction of the 41st Street signal at the intersection of Southwest I Street and Southwest 41st Street.

Motion to approve by Council Member Sanchez, second by Council Member Robinson. There was no discussion. Motion carried (6-0), with Council Member Webb absent.

22. Resolution No. 2-13-18 P: Resolution authorizing the Mayor to enter into an agreement with CEI Engineering Associates for bid, observation and as-built services for ARDOT job No. 090473, Highway 102/Southwest I Street intersection improvements (Bentonville) (S).

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Orman, second by Council Member Sanchez. There was no discussion. Motion carried (6-0), with Council Member Webb absent.

Mayor McCaslin noted that the next regularly scheduled Committee of the Whole meeting would be held May 7th. Council Member Burckart asked about whether it was possible to have a Committee of the Whole meeting to discuss procedural issues before May. City Attorney Spence was consulted for recommendations on how to accomplish that.

Mr. Spence indicated such a meeting could be scheduled at any time but that he was not aware of any proposals for change. He stated that if there were such proposals, it would be appropriate for them to be forwarded to the Mayor's office for distribution to the full Council and that thereafter a meeting could be called if appropriate.

Motion to adjourn by Council Member Burckart, second by Council Member Sooter. Motion carried (6-0), with Council Member Webb absent.


Linda Spence, City Clerk


Bob McCaslin, Mayor

