

Bentonville City Council
Meeting Minutes
April 10, 2018

The City Council of Bentonville, Arkansas, met in regular session Tuesday, April 10, 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, Aubrey Patterson and Jonathan Terlouw. Also present were Mayor Bob McCaslin, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

Prior to calling the meeting to order, Mayor McCaslin invited public comments. Brian Rohlman, Jack East and John Valeski were recognized and spoke regarding agenda item No. 4.

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. 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 Sanchez to approve the minutes of the March 27, 2018 meeting as presented, second by Council Member Goss. 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 Sanchez. There was no discussion. Motion carried (8-0).

1. Ordinance No. 2018-64: Ordinance amending Ordinance No. 2018-31 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.

[Applicant: Todd Elzey, Brenda Elzey and Martin Elzey;
Location: Featherston Road]

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 (8-0).

- 2a. Ordinance No. 2018-65: Ordinance accepting a lot split of Lots 84 and 85 of Cornerstone Ridge Subdivision Phase 7 to the City of Bentonville, Arkansas.

[Applicant: Cornerstone, LLC;
Location: Southwest Regional Airport Boulevard and Southwest Rainbow Farm Road]

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 (8-0).

- 2b. Ordinance No. 2018-66: Ordinance accepting a lot split of Lots 86 and 87 of Cornerstone Ridge Subdivision Phase 7 to the City of Bentonville, Arkansas.

[Applicant: Cornerstone, LLC;
Location: Southwest Regional Airport Boulevard and Southwest Rainbow Farm Road]

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).

- 2c. Ordinance No. 2018-67: Ordinance accepting a lot split of Lots 8 and 9 of Prime Parc Subdivision to the City of Bentonville, Arkansas.

[Applicant: Benco 12, LLC;
Location: Southwest Regional Airport Boulevard]

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 (8-0).

- 2d. Ordinance No. 2018-68: Ordinance accepting a property line adjustment of Lot 1 of Second Walton Subdivision to the City of Bentonville, Arkansas.

[Applicant: 206 Walton, LLC;
Location: Southwest 2nd Street and South Walton Boulevard]

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 (8-0).

- 2e. Ordinance No. 2018-69: Ordinance accepting a property line adjustment of Lot 38 of McAndrew and Jackson Addition to the City of Bentonville, Arkansas.

[Applicant: Jeremy Gaylord;
Location: 710 Bella Vista 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 (8-0).

- 2f. Ordinance No. 2018-70: Ordinance accepting a property line adjustment of Lots 25 and 26 of W.A. Burk's Addition to the City of Bentonville, Arkansas.

[Applicant: Maribeth Squires;
Location: 1204 and 1206 Northeast Monroe 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 (8-0).

- 2g. Ordinance No. 2018-71: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, agricultural to I-1, light industrial.

[Applicant: Crossmar Investments;

Location: Southwest Vendor Boulevard and Southwest Regional Airport Boulevard]

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 (8-0).

- 2h. Ordinance No. 2018-72: Ordinance accepting a final plat of Arbor Lane II Phase II to the City of Bentonville, Arkansas.

[Applicant: Arbor Lane Phase II Development Group;

Location: Southwest Peachwood Drive]

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 (8-0).

3. Resolution No. 4-10-18 A: Resolution authorizing the Mayor and Clerk to enter into a professional services agreement with Daniel R. Houser, Inc. for data conversion and related services.

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).

4. Approval to award Bid No. 18-007 to the second lowest bidder Seven Valleys Concrete, in the amount of \$431,200, for a wastewater utilities project.

Motion to approve by Council Member Sanchez.

Council Member Orman asked for clarification regarding the issues raised by representatives of Crow Paving during public comments. Nancy Busen, Water Utilities Manager, explained the reasons the decision was made to not award the bid to the lowest bidder, Crow Paving. She stated that the previous experience with this contractor included incidents with job safety issues and subcontractor issues. Ms. Busen also described an issue involving a leak in the concrete work from a previous job in 2016 that Crow Paving was involved in. In response, Mr. Rohlman from Crow Paving stated that this was the first he had heard of a leak and that as far as he knew everything had been fixed before his company had left the job. Ms. Busen stated that the City had not contacted Crow Paving about repairing the leak issue. A discussion ensued about a warranty on the work done and it was determined that it appeared any warranty had expired.

Council Member Burckart asked whether Crow Paving had met completion deadlines and whether previous jobs were completed early. Ms. Busen stated that requirements and deadlines had been met, but wasn't sure about an early job completion.

Council Member Terlouw asked if this item was time sensitive and whether it would be beneficial to look at this again. Ms. Busen stated that Crow Paving was told at the end of the previous job that the City did not want to work with them again, and stated she was surprised that Crow Paving had bid this job. She stated that Crow Paving was not asked to bid the job and that they had requested a bid package.

Ms. Busen stated that this project is for clarifiers and that this work needs to last for thirty years. She added that if Crow Paving had addressed the problems seen in the last project and that City staff would like to see more evidence of that through recent wastewater work done by Crow Paving before they would feel comfortable with them doing work for the City again.

Council Member Orman expressed her concerns about the leak not being addressed and repaired.

Mr. Rohlman invited the City to recheck the references given. He stated that his company had an excellent reputation, had never failed to perform a project on budget in the time frame allowed and had no claims against their bonds. He also stated that he still wanted to do the job and save the City \$24,000.

Council Member Burckart stated that a company that finished a job on time, under budget, fulfilled contractual requirements, never had any warranty requests, never had a repair request, and passed punch-out, sounded like they had done pretty good work. He added he would hate to set a precedent of not accepting lowest bids.

Council Member Burckart also asked if Crow Paving was licensed, bonded and had fulfilled contractual requirements. Ms. Busen stated that they had.

Council Member Robinson asked for clarification on the difference between the cost of the project and the amount that had been budgeted. Ms. Busen stated that a decision to use an updated design was made after the budget was completed.

Council Member Robinson also asked if tabling this matter to the next council meeting would be a problem. Ms. Busen stated that equipment purchase was time sensitive and a discussion followed about whether a two-week delay would be a problem.

Council Member Burckart asked if it would be possible to amend to allow for the purchase of equipment and table the remainder of the contract. Ms. Busen stated that the contractor purchases the equipment. Mr. Spence stated that it could not be done if it was part of the bid.

Council Member Robinson made a motion to table the item to the next city council meeting, second by Council Member Burckart. There was no further discussion. Motion carried (7-1), with Council Member Sanchez voting no.

5. Approval to award the bid to purchase a new dump truck for the Sewer Department to MHC Kenworth in the amount of \$106,965.57.

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

6. Approval to award Bid No. 18-010 to Bobcat of Northwest Arkansas, in the amount of \$44,446.20, for the purchase of a Bobcat Toolcat 5600 utility work machine for the Parks Department.

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

7. Approval to award Bid No. 18-005 to Benchmark Construction, in the amount of \$1,168,871, for the construction of the Citizens Park tennis complex.

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

8. Resolution No. 4-10-18 B: Resolution authorizing the Mayor and Clerk to enter into an extra work authorization with CEI Engineering Associates, Inc. for construction observation services related to the Citizens Park tennis complex.

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 (8-0).

9. Resolution No. 4-10-18 C: Resolution authorizing the Mayor and Clerk to execute certain documents with NWA Trailblazers related to the renovation of Lake Bentonville Park.

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 (8-0).

Mayor McCaslin recognized Council Member Burckart.

Council Member Burckart asked that a resolution establishing a special task force to consider a new animal shelter be placed on the next agenda for the City Council. He passed out a draft of the resolution and explained the content. He asked that any suggestions or changes be submitted prior to Wednesday, April 18, for consideration.

Council Member Patterson asked how this resolution would affect the current contract with Centerton. Council Member Burckart stated that this resolution would establish a procedure to have a plan in place to coincide with the end of the three-year contract with Centerton.

Motion by Council Member Robinson to put the resolution presented by Council Member Burckart on the next council agenda, second by Council Member Goss. There was no further discussion. Motion carried (8-0).

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

Linda Spence
Linda Spence, City Clerk

Bob McCaslin
Bob McCaslin, Mayor

