

Bentonville City Council
Meeting Minutes
September 11, 2018

The City Council of Bentonville, Arkansas, met in regular session Tuesday, September 11, 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, Chris Sooter, Bill Burckart, Octavio Sanchez, Aubrey Patterson and Jonathan Terlouw, with Tim Robinson absent.

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 there were none.

Mayor McCaslin called the meeting to order at 6:00 p.m. The Mayor noted the significance of the day as the anniversary of the 9-11 attacks and then led everyone present in the Pledge of Allegiance followed by a moment of silence in support of our armed forces and first responders.

Motion was made by Council Member Burckart to approve the minutes of the August 28, 2018 meeting as presented, second by Council Member Sanchez. There was no discussion. Motion carried (7-0), with Council Member Robinson 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 Goss. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

1. Ordinance No. 2018-128: 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.

[Applicants: Elmon L. Jr. and Pamela R. Ausmus,
Robert L. Callis, Pamela Rae Ausmus and Lyndell Johnson
Revocable Trust, and Roy Paul and Linda Fay Otto Joint
Revocable Trust;
Location: Morning Star Road]

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), with Council Member Robinson absent.

- 2a. Ordinance No. 2018-129: Ordinance accepting a lot split of
Lots 3 and 4 Michael-Dill Plaza to the City of Bentonville,
Arkansas. (Project No. LS18-0030)

[Applicant: Michael Family Limited Partnership;
Location: 1002 South Walton 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 (7-0), with Council Member Robinson absent.

- 2b. Ordinance No. 2018-130: Ordinance accepting a property line
adjustment of Lot 12 Block 4 Braithwaite Park to the City of
Bentonville, Arkansas. (Project No. LS18-0028)

[Applicant: Aaron Childress;
Location: 802 Northwest 20th Street]

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
(7-0), with Council Member Robinson absent.

- 2c. Ordinance No. 2018-131: Ordinance changing real estate in the
City of Bentonville, Arkansas, from its present zoning
classification of R-1, single family residential to DN-2,
downtown medium-density residential. (Project No. RZ18-0024)

[Applicant: Pubside Holdings, LLC;
Location: 110 Northeast Monroe Street]

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

- 2d. Ordinance No. 2018-132: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of DE, downtown edge to DC, downtown core. (Project No. RZ18-0025)

[Applicant: Newell Holdings, LLC;
Location: 217 Northwest A Street]

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

- 2e. Resolution No. 9-11-18 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 downtown high-density residential to downtown mixed-use residential.

[Applicant: Ken Booth;
Location: 206 Southeast B Street]

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

3. Ordinance No. 2018-133: Ordinance vacating a street and alley right-of-way located in W.A. Burk's Addition to the City of Bentonville, Arkansas, Benton County, Arkansas.

[Applicant: CEI Engineering;
Location: W.A. Burk's Addition]

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

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), with Council Member Robinson absent.

4. Resolution No. 9-11-18 B: Resolution setting a public hearing for September 25, 2018, on a petition filed by Crystal Bridges Museum requesting a utility easement vacation in the Market Addition.

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 (7-0), with Council Member Robinson absent.

5. Approval of a reconciliation change order to finalize Contract Section I of the agreement with Tri Star, LLC on the 8th Street water and sewer relocation project, adding 178 working days due to delays out of the contractor's control, and approving a budget adjustment for \$3,488.22 that would increase the final contract value to \$2,725,388.94.

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

6. Approval of a reconciliation change order to finalize Contract Section II of the agreement with ARCO Excavation and Paving, Inc. on the 8th Street water and sewer relocation project, adding 191 contract days due to delays out of the contractor's control, and resulting in a \$180,728.86 underrun to the contract.

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

- 7a. Resolution No. 9-11-18 C: Resolution authorizing the Mayor to enter into an agreement with CEI for surveying and administration services for the Bentonville monument update project.

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 (7-0), with Council Member Robinson absent.

- 7b. Approval of a budget adjustment for the Engineering Department in the amount of \$115,600 for the Bentonville monument update project.

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

8. Resolution No. 9-11-18 D: Resolution declaring certain property belonging to the City of Bentonville Police Department as surplus property. [2010 Ford Crown Victoria and 2011 Ford Crown Victoria]

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

9. Resolution No. 9-11-18 E: Resolution authorizing the Mayor and Clerk to enter into amendment 1R1 to revise and correct the previous guaranteed maximum price amendment to the existing agreement with Nabholz Construction, Inc. for the construction of the Police/Fire/EMS communications center.

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 (7-0), with Council Member Robinson absent.

10. Approval to award Bid No. 18-47 to Stuart Irby in the amount of \$89,829 for purchase of 750 underground wire.

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

11. Resolution No. 9-11-18 F: Resolution accepting certain property from Downtown Development, Inc. [Train Station Park]

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 (7-0), with Council Member Robinson absent.

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

Linda Spence
Linda Spence, City Clerk

Bob McCaslin
Bob McCaslin, Mayor

