

Bentonville City Council  
Meeting Minutes  
September 25, 2018

The City Council of Bentonville, Arkansas, met in regular session Tuesday, September 25, 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. 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 there were none.

Mayor McCaslin called the meeting to order. 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 September 11, 2018 meeting as presented, second by Council Member Burckart. 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 Burckart. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

1. Recognition of Becky McCoy for her six years of service on the Public Art Advisory Committee.

Mayor McCaslin recognized Shelli Kerr, Interim Community Development Director. Ms. Kerr recognized Becky McCoy and presented her with a plaque in appreciation of her service.

- 2a. Ordinance No. 2018-134: Ordinance accepting a property line adjustment of Lots 11 and 12 of Griffin Addition Phase II to the City of Bentonville, Arkansas. (Project No. PLA-0030)

[Applicant: Bentonville Lodging, LLC;  
Location: 3100 Southeast East Pointe Avenue]

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.

- 2b. Ordinance No. 2018-135: Ordinance accepting a lot split of Lots 43 through 45 of Denali Park Subdivision to the City of Bentonville, Arkansas. (Project No. LS18-0026)

[Applicant: Gavin and Gina Edwards;  
Location: Northwest Olinka Pass 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. 2018-136: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, agricultural to C-2, general commercial. (Project No. RZ18-0027)

[Applicant: Michael Family Limited Partnership;  
Location: Southwest 14<sup>th</sup> Street]

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

- 2d. Ordinance No. 2018-137: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-3, medium density residential to DN-4, downtown mixed-use residential. (Project No. RZ18-0028)

[Applicant: Jay Howard;  
Location: 609 Southeast D 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.

3. Approval for the appointment of Steve Baker to the Public Art Advisory Committee for a three-year term to expire September 25, 2021.

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.

4. Approval for the reappointment of Jerris Palmer to the Public Art Advisory Committee for a second three-year term, said term to expire on October 13, 2021.

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.

5. Ordinance No. 2018-138: Ordinance vacating a utility easement located at 507 Southeast E Street of Market 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: Crystal Bridges Museum;  
Location: Market Addition]

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.

6. Approval of a budget adjustment for the Engineering Department, in the amount of \$40,000, for on-call Construction Inspection Services.

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.

- 7a. Resolution No. 9-25-18 A: Resolution authorizing the Mayor and City Clerk to enter into a contract with Tri Star Contractors, LLC for the circular apron, Phase II project 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 Sanchez. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

- 7b. Approval of a budget adjustment to recognize and accept a grant in the amount of \$250,000 from the State of Arkansas Department of Aeronautics for construction of the west terminal apron, Phase II project at the Bentonville Municipal Airport

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.

8. Resolution authorizing the Mayor to enter into an agreement with Allgeier, Martin and Associates, Inc. for professional services for the design of sidewalks within the City of Bentonville.

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

Council Member Burckart initiated a discussion concerning the cost of the contract for services and the size of the project with Bryan Wick, Engineering Project Manager. As a result, a

motion to postpone consideration of the matter for two weeks was made by Council Member Burckart, second by Council Member Goss. Motion carried (7-0), with Council Member Robinson absent.

9. Resolution No. 9-25-18 B: Resolution authorizing a property tax levy for the City of Bentonville, Arkansas for the year 2018 to be collected in the year 2019.

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

10. Approval for the reappointment of Richard Ham to the City of Bentonville Airport Advisory Board, said term to expire September 30, 2021.

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. Approval for the appointment of Tregg Brown to the City of Bentonville Airport Advisory Board, said term to expire September 30, 2021.

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

12. Approval for the appointment of Aubrey Patterson to the Traffic, Safety and Signage Committee.

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

13. Ordinance No. 2018-139: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of ballistic vests 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 Sanchez, second by Council Member Goss. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

14. Approval of a budget adjustment for the Police Department to recognize and accept funds donated by the Northwest Arkansas American Association of Physicians of Indian Origin, in the amount of \$2,500, to be used for officer safety and public safety related equipment.

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.

- 15a. Approval to award Bid No. 18-44 to Technogym, in the amount of \$177,335.51, for the Parks and Recreation Department to purchase fitness equipment for the Bentonville Community Center.

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

- 15b. Approval of a budget adjustment for the Parks and Recreation Department, in the amount of \$158,747.15 for purchase of the new fitness equipment for the Bentonville Community Center.

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

- 16a. Resolution No. 9-25-18 C: Resolution authorizing the Mayor and City Clerk to enter into a utility agreement with the Arkansas State Highway Commission for construction of water utility relocations associated with the Arkansas Department of Transportation Project No. BB0903 - Interstate 49 improvements at Highway 71B interchange.

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.

- 16b. Approval of a budget adjustment for the Public Works Department, in the amount of \$112,090.18, to cover non-reimbursable construction costs for water utility relocations associated with ARDOT Project No. BB0903.

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.

17. Resolution No. 9-25-18 D: Resolution authorizing the Mayor and City Clerk to enter into an amended professional services agreement with CEI Engineering for construction services associated with the Arkansas Department of Transportation Project No. BB0903 - Interstate 49 improvements at Highway 71B interchange.

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

18. Approval to award Bid No. 18-48 to Instrument and Supply, Inc. and Enviro Care Company, in the amount of \$57,500, for purchase and installation of a SPECO Gritsep fluid dynamic grit classifier at the wastewater treatment plant.

Council Member Sanchez asked Nancy Busen, Wastewater Manager, to explain the process that this equipment would be used for and she did so.

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

19. Resolution No. 9-25-18 E: Resolution authorizing the Mayor and Clerk to enter into an amendment to the power supply agreement between Southwestern Electric Power Company and the City of Bentonville.

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

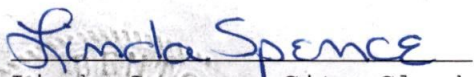
Mayor McCaslin recognized Travis Matlock, Engineering Director, who explained that the reason for the amended agreement was due to the failure of the earlier agreement with SWEPCO involving a wind catcher farm project.

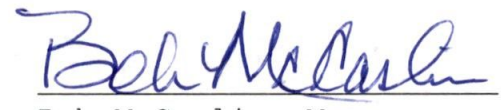
Council Member Burckart asked about the costs involved with the failure of the prior agreement and how those costs would be passed on. Mark Mobley from SWEPCO was present and stated that those costs would be passed on but that they would be minimal and would be exceeded by the savings guaranteed to the City in the original agreement even if the project was not approved. He added that the costs were mainly legal costs as there were no equipment or easement purchases.

Mayor McCaslin recognized Jake Harper, Director of Finance and Administration. Mr. Harper stated that upcoming changes in tax laws and credits could result in a rate reduction and that the Mayor and he had discussed bringing a reduction to the Council connected with the 2019 budget.

A second to the motion to pass by Council Member Sanchez was made by Council Member Sooter. There was no further discussion. Motion carried (7-0), with Council Member Robinson absent.

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

  
Linda Spence, City Clerk

  
Bob McCaslin, Mayor

