



BENTONVILLE CITY COUNCIL AGENDA

**Committee of the Whole
Community Development
Planning Commission Meeting Room**

**Monday, April 8, 2019 6:00 p.m.
305 SW "A" Street**

**Regular City Council Meeting
Community Development
Planning Commission Meeting Room**

**Tuesday, April 9, 2019 6:00 p.m.
305 SW "A" Street**

**Public Comments on Tonight's Agenda Items (Limited Public Forum)
Questions, Comments and Discussion from City Council Members on Tonight's
Agenda
Call to Order
Pledge of Allegiance
Moment of Silence – For our Military Forces
Roll Call
Approval of Minutes: March 26, 2019**

AGENDA

1. Financial Presentation – Jake Harper, Finance Director. **(Monday Night Only)**
2. Utility Board Discussion – Travis Matlock, Engineering Director. **(Monday Night Only)**
3. Presentation to City Council of Bentonville Public Library's 2018 Annual Report. **(Pages 6-22)**
4. Planning:
- 4a. **Ordinance accepting a property line adjustment of Lot 20, Block 1 of Smartt's Addition and Lot 2, Block 1 of Depot Addition, Main Co-Op Property, LLC, 501 SW A Street, DC, Downtown Core and DE, Downtown Edge.**

(Pages 26-29)

The Planning Commission voted 6-0, recommending approval.

A Property Line Adjustment of Lot 19, Block 1, of Smartt's Addition, and Lot 1, Block 1, of Depot Addition, creating new Lot 20, Block 1 (+/- 2.3 acres), of Smartt's Addition and Lot 2, Block 1 (+/- .37 acres), of Depot Addition. The plat dedicates a 20-foot utility easement and approximately 5-feet of right-of-way.

- 4b. **Ordinance accepting a property line adjustment of Lot 11, Block 1 of Pritchard Addition, Poppyseed Properties, LLC, 706 NW 6th Street, R-1, Single Family Residential.**

(Pages 30-32)

The Planning Commission voted 6-0, recommending approval.

A Property Line Adjustment of Lots 1 and 2, Block 1 of Pritchard Addition, creating new Lot 11, Block 1 (+/- .24 acres). The plat dedicates a 10-foot utility easement and approximately 5-feet of right-of-way along NW 6th Street.

- 4c. **Ordinance accepting a final plat of Amber Ridge South at Woods Creek, Northeast Marina Drive.**

(Pages 33-36)

The Planning Commission voted 6-0, recommending approval.

Final Plat establishing a 31-lot, single-family subdivision to be known as Amber Ridge at Woods Creek. All non-bondable items and guarantees of improvements must be complete and a final inspection performed and approved prior to final platting.

- 4d. **Ordinance changing real estate from R-1, Single Family Residential to DN-3, Downtown High-Density Residential, Ozark Bible Fellowship Church, 244 NW 3rd Street.**

(Pages 37-40)

The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan currently depicts this property as High Density Residential. These areas include apartments and other higher density residential uses. These areas may also include amenities for residents such as parks, community centers, and resident-oriented commercial uses. The site's compatibility with the Future Land Use Plan and proximity to the downtown area may justify a rezoning to DN-3, Downtown High Density Residential.

- 4e. **Ordinance changing real estate from R-1, Single Family Residential to DN-1, Downtown Low-Density Residential, Caroline Eastman, 403 NW 6th Street.**

(Pages 41-43)

The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan currently depicts this property as Medium Density Residential. These areas include single-family, townhouse and duplex residential properties. According to the applicant's narrative, the proposed porch extends into the current 20-foot setback. The proposed DN-1 zoning district would allow the porch to come into compliance by allowing a 15' front setback. In addition, the surrounding uses, and general downtown location may justify a zoning to DN-1, Downtown Low-Density Residential.

- 4f. **Ordinance changing real estate from A-1, Agricultural and PUD, Planned Unit Development to C-2, General Commercial, SS Properties, LLC, 1505 SW 14th Street.**

(Pages 44-47)

The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan currently depicts this property as General Commercial. These areas include services and uses that serve both nearby residents and the larger community. The site's adjacency to a major arterial road (Highway 102) and compatibility with the Future Land Use Plan may justify a rezoning to C-2, General Commercial.

- 4g. **Ordinance changing real estate from A-1, Agricultural to R-1, Single Family Residential, Sewell Family Development, LLC, Highway 112.**
(Pages 48-53)
The Planning Commission voted 6-0, recommending approval.

This property is located within a recently annexed area that was outside of the city's planning jurisdiction boundary. Therefore, there is no current Land Use classification for the subject property. The site's adjacency to two single-family subdivisions to the north and west, and the general character of the area, may justify a rezoning to R-1, Single Family Residential.

- 4h. **Tabled from the March 26, 2019 City Council Meeting - Ordinance accepting Subdivision Code Amendments.**
(Pages 54-66)
The Planning Commission voted 5-0, recommending approval.

Staff periodically reviews the Subdivision Code for clarification, corrections, or updates to meet current conditions. The staff report summarize the most significant issues and proposed changes to the code. Staff requests approval of the proposed ordinance to amend Chapter 15 Subdivision Code.

5. Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 137 of Providence Village Phase 1. **(Pages 67-69)**
6. Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 138 of Providence Village Phase 1. **(Pages 70-72)**
7. Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 142 of Providence Village Phase 1. **(Pages 73-75)**
8. Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 143 of Providence Village Phase 1. **(Pages 76-78)**
9. Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 161 of Providence Village Phase 1. **(Pages 79-81)**
10. Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 162 of Providence Village Phase 1. **(Pages 82-84)**
11. Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 169 of Providence Village Phase 1. **(Pages 85-87)**

12. Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 170 of Providence Village Phase 1. **(Pages 88-90)**
13. Approve resolution by City Council allowing the Mayor and City Clerk to enter into an amended agreement with Garver Engineers on the NW 3rd Street Phase 3 Project. This amendment will add \$115,200.00 to the contract for professional services for further study of Coler Creek and preparing a Letter of Map Revision (LOMR) and submitting the LOMR to FEMA. **(Pages 91-102)**
14. Recommend Mayor and City Clerk award 750 underground wire to the lowest bidder as shown on the attached bid tabulation in the amount of \$86,224.50. **(Pages 103-105)**
15. Request City Council approve the reclassification of one (1) Heavy Equipment Operator I/II/III position (Grade 16/17/18) in the Electric Department budget to (1) Electric Technician I/II/III position (Grade 92/93/94) in the Electric Department budget. The Electric Department has been systematically eliminating the position of Heavy Equipment Operator I/II/III through attrition and retirements. Additionally, for several years the Electric Department has been cross training their lineman to operate heavy equipment - allowing them to speed up workflow on their various job sites requiring heavy equipment operations. With this cross training of lineman, the need for an actual Heavy Equipment Operator I/II/III has been eliminated. The last actual Heavy Equipment Operator I/II/III in the Electric department has recently cross-trained in the duties of an Electric Technician I/II/III position - which is increasing in demand within the department. There are NO additional budget adjustments needed to affect this change. **(Page 106)**
16. Approve resolution that the City Council recognize the retirement of Police Department K-9 Tyson, declaring a surplus status, and authorizing the ownership of the K-9 to be transferred to his handler, Detective Corporal Andy Ball. The K9's age (10 years) and medical history confirm that Tyson's retirement is in the best interests of this K9 and all involved parties. (A replacement K9 is included in our 2019 budget). This action would also correspond to Detective Ball's recent selection and transfer to the Criminal Investigation Division. Upon Tyson's retirement, Detective Ball would assume complete responsibility for the K9. See attached letter from Detective Ball to this effect. **(Pages 107-109)**
17. This is a request to authorize the purchase of one vehicle that was not included in our 2019 budget. The purchased vehicle would be obtained via Arkansas State Bid pricing and would be used for criminal investigations and undercover type operations. The vehicle currently used in this capacity was purchased by the Benton County Prosecutors' Office in 2011, at no cost to the city. Per the agreement made in 2011 it will be turned over to the Prosecutors' Office for their disposal or reassignment. The funding to purchase a replacement vehicle, approximately \$26,000.00, is available in our 2019 vehicle budget due to savings realized (approximately \$12,000.00) during the purchase and set up of our 2019 budgeted vehicles and also as the result of Council authorization at the February 26, 2019 meeting to surplus two 2011 Tahoes. These two Tahoes were approved for trade in with our providing dealership, leaving an additional \$18,000.00 unspent in our Capital Vehicle account. It is also important to note that the purchase and use of this vehicle is directly connected to our Police Department's involvement in a Federal task force, the Gulf Coast High Intensity Drug Trafficking Area Program, (Gulf Coast HIDTA). Our

involvement in this program has also made us eligible to receive a yearly vehicle reimbursement in the amount of \$8,400.00, (this reimbursement for 2018 was received by the city last month, this year's reimbursement is pending). This reimbursement agreement will ultimately result in a vehicle at little to no cost to the city but requires that our agency provide a vehicle no older than 5 years and with no more than 80,000 miles. The aforementioned Avalanche does not meet these criteria. **(Page 110)**

18. This is a request to recognize a vehicle insurance settlement from Arkansas Municipal League and apply the settlement amount to our Vehicle Maintenance account. The settlement was the result of a February 15, 2019 on-duty accident involving one of our marked Tahoe police cars (2010-29). There were no injuries and our operator received the contributing factor. The settlement amount from ARML was \$6,609.52 after the \$1,000.00 deductible was applied. Repairs to the vehicle amounted to \$7,149.93, leaving a difference of \$540.41 due to adjustments made to the repair and the use of parts that were already owned by the city. **(Pages 111-112)**
19. Mayor and City Council to award bid #IFB-19-25 to Asphalt Zipper, Inc. in the amount of \$140,488.50. Please see attachments. **(Pages 113-136)**
20. Recommend Mayor and City Council to award the bid to Navigation Electronics for one Trimble R10 Receiver in the amount of \$22,595.33 plus tax. This item is included in our 2019 budget. **(Pages 137-155)**
21. Staff recommends City Council award IFB-19-20 to Empire Group Property Management for the bi-weekly mowing of city owned detention ponds in an amount not to exceed \$60,000.00. This is a 2019 budgeted item. This agreement may be extended up to 3 years upon mutual agreement of both parties and Council allocating funds. **(Pages 156-172)**
22. City Council approval of motion authorizing the City Attorney to pursue a Quiet Title and Declaratory Judgment Action for the Bella Vista Lake property. **(Pages 173-180)**
23. City Council approval of budget adjustment to recognize a donation in the amount of \$39,768.08, for the purchase of a Utility Vehicle to assist with tree maintenance on city property. **(Pages 181-184)**
24. Parks and Recreation staff seeks approval of Changer Order #3, in the amount of \$3,433.00 for the Citizens Park Complex. Additional funding includes striping for pickle ball play. **(Pages 185-191)**
25. City Council approval of Bid IFB-19-24 in the amount of \$101,700.00 for the purchase of a 16' Jacobsen Rotary Mower from Kansas Golf and Turf. **(Pages 192-195)**



CHECK ALL THAT APPLY			
☐	Bid Award	Bid #	
☐	Budget Adjustment		
☐	Change Order		
☒	Informational		
☐	Ordinance		
☐	Resolution		
☐	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Hadi Dudley

Department

Library Director

Phone

271-3194

ACTION REQUIRED:

Presentation to City Council of Bentonville Public Library's 2018 Annual Report.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

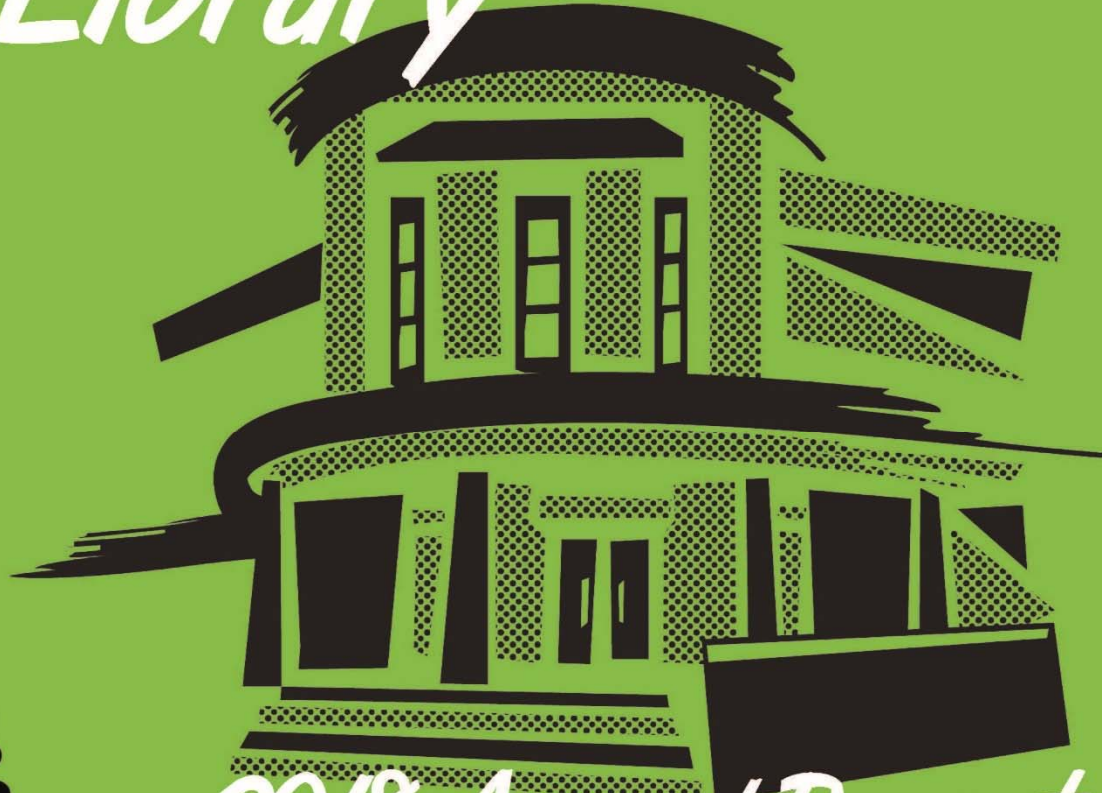
www.bentonvillear.com



PLEASE RECYCLE



*Bentonville
Public
Library*



2018 Annual Report



Library Advisory Board

Members:

Betsy Batey
Megan Bolinder
Melissa Godoy
Aaron Jones
Judy Marquess
Nathan Pollet
Kimberly Seay

Chair:

Hadi Dudley, Library Director

Ex-Officio:

Chuck Pribbernow, Friends of
the Bentonville Library
Teresa Stafford, Bentonville
Library Foundation

Octavio Sanchez, Bentonville
City Council
Michelle Vargas, Board
Secretary

Bentonville Library Foundation Board of Directors

President:

Patrick Carroll

Vice-President:

Matthew Kezhaya

Treasurer:

Rustin Chrisco

Secretary:

Patrick Heavrin

Members:

Shanendra Barnes
Ashley Books
Bethany Culpepper

Camille Davie

Katie Eaves

Denise Estrada

Bo Grimes

Lisa Herschbach

Alyssa Hobbs

Mallory Keith

Shelli Kerr

Ben Lacy

Chris Sooter

Nithya Sundar

Ex-Officio:

Hadi Dudley
Teresa Stafford

Advisory:

Margaret Conrads
Howard Kerr
Shelli Kerr

Friends of the Bentonville Library Executive Board

President:

Chuck Pribbernow

Vice-President:

Jean Batta

Treasurer:

Luci Henderson

Membership:

Marianne Losapio

Co-Secretaries:

Diane Pribbernow
Nate Losapio

Ex-Officio: Hadi Dudley

Teen Advisory Board

Mary-Claire Clark - President

Sandeep Chitturi - Secretary

Nithya Sundar - Foundation Liaison
and Service Project Chair

Madelyn Bertrand - Friends of the
Library Liaison

Khadeeja Asif - Foundation Liaison

Kate Peretz - Literacy Specialist

Ridhik Kalaiselvan

Arjun Krishna

Artur Kucharewicz

Pranav Vasan

Chair:

Sarah Herford, Teen Librarian



In 2018, Bentonville Public Library realized several milestones through accomplishments above and beyond previous years' successes. I am proud of how our library team serves our community!

Highest Library Visits, Ever!

- o BPL recorded 302,398 visits to our library

Record Number of Downloads

- o Use of eBooks, downloadable audiobooks and digital magazines totaled 66,365
- o This is more than 10,000 downloads compared to the year prior

Summer Reading Highlights

- o 112,419 items checked out
- o Participation of 2,799 patrons logged 51,629 reading hours

Record Program Attendance

- o More than 79,000 community members attended BPL programs, workshops, clubs, storytimes, special exhibits and community events

5 Years of BPL Tech Cards

- o BPL issued 25,000 library cards to local students in our library's service area
- o Annual database usage totaled more than 230,000 and rivals downloadable services

In Gratitude

Last year, 561 volunteers gave 12,178 hours in support of our library, which is valued at \$315,612. We appreciate and celebrate those who selflessly give their time and talent. Thank you to library volunteers of all ages, work study students, corporate groups, board members, friends and program presenters. The personal names, businesses and organizations included in the library's annual report are a testament to our generous community.

At year-end, our City was preparing for a change in leadership. On December 13, the Library team honored Mayor Bob McCaslin, wishing him a happy retirement. On a personal note, I remain grateful to Bob, as he promoted me from a librarian to the director position in 2007. I feel fortunate to have worked closely with him and believe Mayor Bob McCaslin's leadership, professionalism and service with integrity will endure as his legacy for many, many years to come.

Hadl S. Dudley, M.S., M.A.

Director, Bentonville Public Library

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Thinking Money: A Financial Expedition

February 10, 2018 - March 15, 2018

Bentonville Public Library hosted *Thinking Money: A Financial Expedition*. Through an adventure-themed storyline, interactive iPad content and other fun activities, Thinking Money explores themes like wants vs. needs, preparing for a rainy/sunny day and imagining your future self.

Geared toward tweens, teens and their families, BPL supported the traveling exhibit with a variety of programs, clubs, events, workshops and presentations. More than 3,000 patrons viewed the exhibit or attended *Thinking Money* library events. BPL was one of fifty libraries nationwide selected to host the display.

Credit: The American Library Association Public Programs Office in collaboration with the FINRA Investor Education Foundation, whose support made this exhibition possible, developed Thinking Money.



An Afternoon with Lisa Wingate

June 2, 2018

BPL co-hosted "An Afternoon with Lisa Wingate," author of *Before We Were Yours*, with Bella Vista Public Library. In partnership with the Arkansas Center for the Book at the Arkansas State Library, the presentation kicked-off the 2018 *If All Arkansas Read the Same Book* statewide tour.

Ms. Wingate discussed her best-selling novel that is based on the true story of a Memphis orphanage responsible for the kidnapping and selling of thousands of children in illegal adoptions. After her presentation to 135 people, Ms. Wingate answered questions and autographed books giving readers a chance to visit with the author.

Credits: Friends of the Bentonville Library, Friends of the Bella Vista Library and Barnes & Noble. If All Arkansas Read the Same Book is sponsored by the Arkansas Center for the Book at the Arkansas State Library; this project is made possible in part by the Institute of Museum and Library Services.



Library Service Awards

September 18, 2018

Howard Kerr, Outstanding Advocate Award

Presented by the Bentonville Library Foundation, sponsored by Oelke Construction Company

Howard is an experienced leader who served many years as a BLF board member and continues today in an advisory capacity. In 2016, he helped promote the Rotary Club of Bentonville's "challenge grant." He always responds enthusiastically when called upon, and Howard's joyful spirit raises that of others!

Elaine Kerr, Distinguished Service Award

Presented by the Bentonville Public Library, sponsored by Celebrate Arkansas

Elaine is a former Library Advisory Board member who served many years with dedication and passion. She values our library in word and deed and always has a kind way of applauding BPL successes. The Kerr's loyalty and tireless commitment to the library is a benefit to all who enjoy it.



Jean Batta, Best Friend Award

Presented by Friends of the Bentonville Library, sponsored by Two Friends Books & Records

A long-time Friends member and recently serving as the group's vice president, Jean has provided significant financial support to various library programs through Walmart's Volunteerism Always Pays (VAP) program. Volunteering more than 1,300 hours, her service garnered over \$13,000 in VAP support for BPL.

Alyssa Hobbs, Inaugural Emerging Leader Award

Presented by the Library Advisory Board, sponsored by Adair Creative

Alyssa was a dedicated teen library volunteer for four years and served both as a Bentonville Public Library Teen Advisory Board (TAB) member and a Bentonville Library Foundation board member as the TAB liaison. Her positivity, engagement and leadership were an asset to BPL.





BENTONVILLE'S YOUTH LITERATURE FESTIVAL

April 27 & 28, 2018



School Visit Day: Thanks to partnerships with Bentonville Schools, Bentonville Schools ESL Center, Haas Hall Academy, St. Vincent de Paul and Thaden School, thousands of students across all grade levels were inspired by authentic connections to books, reading, writing and art.

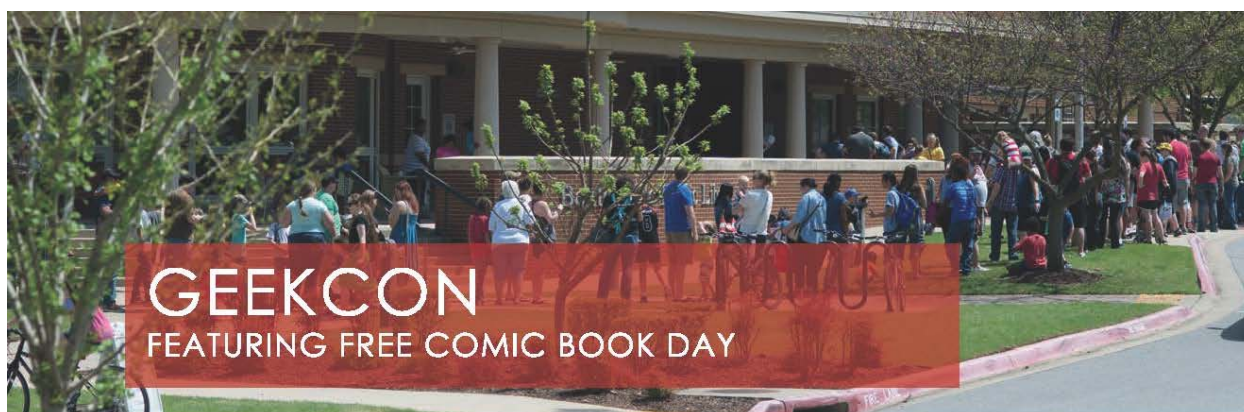
A Community Event: A Festival of Family Stories: Celebrating Día, Writing with Pictures: the Amulet Series and An American Girl® Getting to Know You Celebration were featured events that provided unique opportunities to connect with authors and illustrators. Individual presentations and workshops gave readers a chance to hear personally from creators of literature and art. The event concluded with a book sale and signing.

Record Numbers: More than 10,000 participants were encouraged to read, create and grow their own artistic talents!



As Bentonville's Lit Fest continues, the library's goal is connecting our community with authors and illustrators in order to foster and nurture a lifelong love of literature, writing and creativity. Special events are planned for 2019; learn more at bentonvillelitfest.org.

A Children's Book Week Official Event - Presented by BPL and the Bentonville Library Foundation.



May 5, 2018



Inaugural Event: Previously known as Free Comic Book Day, Bentonville GeekCon debuted as a library-based convention to promote literacy and creativity through graphic novels and pop culture.

Superheroes = Super Fun: Special appearances by Batman, WonderWoman, Star Wars' Rey, Super Why, a Stormtrooper and Mandalorian Mercenary, the Bentonville Police and Fire Departments, plus other heroes inspired even the littlest superheroes to strike their best super poses.

A Cosmic Success: Over 2,500 attendees enjoyed the day with free comics, illustrator presentations, martial arts demonstrations, tabletop gaming, fun activities, free food and more!



The mission of Bentonville GeekCon is to bring the community together through a common interest in all things geeky. May 4, 2019 is planned for Bentonville's Second Annual GeekCon; learn more at bentonvillegeekcon.org.

A Children's Book Week Official Event - Presented by BPL and Friends of the Bentonville Library.



2018 BUDGET & STATS

667,538

Circulation

302,398

Library Visits

79,313

Program Attendance

18,341

Computer Usage

27,640

Material Requests Filled

5,573

New Library Cards

9,986

Outreach

1,460

Library Tours

51,629

Summer Reading Hours

21.15

Staff Full-Time Equivalent

819

Meeting Room Groups

11,053

Meeting Room Attendees

143,760

Collection Size

\$3,126,886

Collection Value

Library Expenditures

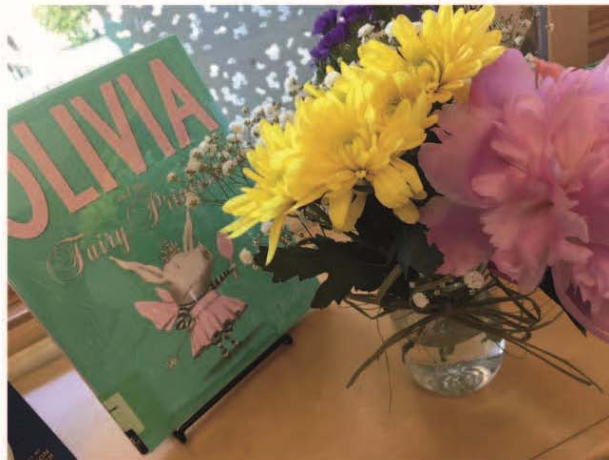
Personnel Salaries	\$ 835,327
Personnel Benefits	\$ 251,265
Library Materials & Digital Resources	\$ 260,044
General Operating & Maintenance	\$ 275,309
Capital Expenditures	\$ -
	\$ 1,621,944

Library Revenue

Cost-Recovery Fees & Overdue Fines	\$ 53,213
Grant Funds & Donations	\$ 10,491
	\$ 63,704

Contributions

Materials & In-Kind	\$ 80,174
Sponsorships & Donations	\$ 119,267
Volunteerism	\$ 315,612
	\$ 515,053



Budget & expenditures are unaudited; some contributions are estimated

New Library Cards do not include BPL Tech Cards issued to local students

Outreach and Library Tour attendees included in Program Attendance; Program Attendance includes BYLF4 school visits

Collection Size and Value does not include digital materials such as eBooks, databases or eLearning resources



ADULTS AND JUNIOR PARTNERS

Adelaide Tine
 Amal Soliman
 Amanda Bryson
 Anushka Sista
 Ashley Tougaw
 Bekah Haught
 Ben Kuykendall
 Christina Campbell
 Clark Mullins
 Courtney Magnabosco
 Cree Foster
 Crystal Cole
 Dana Apple
 Debbie Onukwube
 Dominique Dandridge-
 Chapman
 Drew Carlstedt
 Elizabeth Hundley
 Holly Wertens
 Jacob Price
 Janet Tonne
 Jennifer Hood
 Jody Agnacion
 Juan Diaz
 Julissa Swank
 Karla Johnson
 Katelynn Vandekamp
 Katie Puckett
 Kelsey Howell
 Kristi Beers
 Lakshmi Gouthami
 Tunuguntla
 Linda Bechtel
 Linda Hoang
 Madison Gable
 Margaret Curry
 Martha Lorene Ramick
 Mary Eileen Ameigh
 Mathangi Sekar
 Melanie Moncur

Michael Lucero
 Naima Hassan
 Nayana Swain
 Nithya Muthusamy
 Pam Willis
 Pavithra Gopalakrishnan
 Payel Acharya
 Rachel Gabbard
 Raelyn Kelley
 Remington Gould
 Rohini Kizhakinkara
 Sukumaran
 Rondell Secrest
 Roy Stutts
 Sharon Shields
 Sonya Mason
 Sudha Prabhu
 Suzanne Sease
 Swathini Kanagasabapathy
 Tesline Thomas
 Tobie Taylor Jones
 Tung Ho
 Venkataraman Bagavathi-
 Subramanian
 William Hurst





TEENS

Aaliyah Maurice
Abhinandana Saravanan
Abhinav Komanduri
Abhinav Krovvidi
Abhishek Madhavan
Adam Stucki
Adelaide Berry
Adithya Sundar
Adrienne Gray
Ahmed Moustafa
Aiden Dillard
Aiden Maurice
Aishwarya Saravanan
Akshath Verma
Alex Chrisco
Alex Solis
Alex Sumrall
Alexis Hecht
Alicia Acquistapace
Alyssa Hobbs
Aman Prasanna
Amirtha Sureshbabu
Amy Dang
Ananya Vangoor
Andres Alvarado
Andrew Brothers
Andrew Giardina
Angel Sotero
Ani Tavva
Anish Guntreddi
Annandita Sureshbabu
Anumi Wickramasinghe
Aparajithaa Thirumakkulam
Apoorva Krovvidi
Arjun Krishna
Arshiya Neupane
Arthi Krishna
Artur Kucharewicz
Ashi Patel
Ashwin Marathe
Audrey Brown
Aydin Swales
Bailey Wheeler
Bethany Terry
Bhavana Omkaram
Bilal Raza
Blake Sooter
Breanna Huber
Bri Scallion
Briana Sosa
Brianna Estus
Brynn Beck
Caitlin Purcell
Caitlyn Sellers
Callie Johnson
Caroline Cheek

Caroline Wilhelm
Charli Myers
Chase Alvarado
Chasmita Batta
Chloe Bracht
Christian Sanchez
Ciarrh Rousey-Rangel
Cindy Ferreyra
Daisy Sequichie
Daniela Rios
Deeksha Shanmuganathan
Dhruva Rangarathna
Dinesh Vasireddy
Dineshi Abeyagunawardene
Dominic DeMania
Dominic Hecht
Draven Salomon
Elizabeth Gregory
Elizabeth Jennings
Ella O'Brien
Ellie Dean
Emily Wheelless
Emmanuel Onyebueke
Ethan Olivas Bartels
Eunsol 'Grace' Kim
Faith Pearrow
Farah Khalil-Ahmed
Furqaan Indori
Gavin Jones
Grace Goshert
Grayson Gomulka
Haadiya Muhammad
Hannah Vass
Harmony Reynolds
Harsha Nannapaneni
Harshdeep Singh
Harshini Mahesh
Haya Raza
Hayley Szymanek
Heidi Suram
Himani Patel
Illyana Lerch
Immaculin Joe
Irene Huang
Ivonne Sanchez
Jacob Floyd
Jadeh Roberts
Jake Jesudasan
James Quirk
Jassy Trejo
Jeremy Burns
Jessica Kannangara
Jessie Agcaoili
Jimmy Garcia
Joanna Garcia
Joanna Suarez

Jonathan Dirks
Jonathan Sanchez
Jordan Acevedo
Joseph Purvis
Joshua Buxton
Jyothika Arunkumar
Kaiden Jackson
Kaitlin Murray
Kaitlyn Dirks
Kaleb Marler
Kaleigh Gallagher
Karina Batra
Kassidy Bauer
Kate Pearce
Katherine Cribb
Katherine Peretz
Katie Roethlis
Katrianna Brisack
Kavya Kannan
Kaylan Lihalangsy
Kaylees Delay-Sparks
Kelly Hester
Kendrick Estus
Kennedy Pate
Khadeeja Asif
Khushi Taori
Kiana Magsam
Kyra Resende
Laasya Ravipati
Lauren Axe
Leah Keogh
Lexie Holum
Liam Gould
Lillie Dawes
Lily Baer
Lindsey Wewers
Lucy Goldstein
Lukas Danehy
Luke Bingham
Lynda Nguyen
Maanasvi Kotturi
Mackenzie Allen
Mackenzie DeMania
Mackenzie Greenleaf
Maddie Bashara
Madelyn Bertrand
Madison Eubanks
Madison Hall
Maggie Driette
Majestic Driskell
Makayla Jones
Malachi Sequichie
Mallorie Braswell
Manas Chithirala
Mariam Abboud
Mary Claire Clark

Matthew Dixon
Mayona Garner
McKayla Austin
Megan Cordell
Megan Messier
Meghana Chithirala
Mekhi Scullaw
Michaela Myers
Michelle Diaz
Michelle Hester
Muskaan Arshad
Muskan Taori
Mutheshree Rajesh
Nadine Moustafa
Natalie Franklin
Natalie Sayre
Nathali Meza
Nathan Jones
Nathan Lee
Nikita Britto
Nikita Venugopal
Niithya Sundar
Noah Hooper
Olivia Eishoff
Olivia Harrison
Omar Allaiddin
Owen Reynolds
Paige Edmund
Paige Medlin
Paige Zamora
Pavan Kondamuri
Pradyun Pandey
Pranav Natarajan
Pranav Polavarapu
Pranav Vasan
Pranit Dodda
Rayahn Sharif
Ridhik Kalaiselvan
Rishab Gaddam
Rishvik Vannemreddy
Rithvik Talluri
Rohith Ratheesh
Rowan Christensen
Ruben Mathew
Rumaanah Sharif
Rylan Barker
Saahas Parise
Samantha Moncur
Sandeep Chitturi
Sarah Beth Price
Sarah Scallion
Sarah Sivakumar
Satvik Movva
Savannah Shoemaker
Sebastian Barajas
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Julie Jarrett & Haylee the Dog
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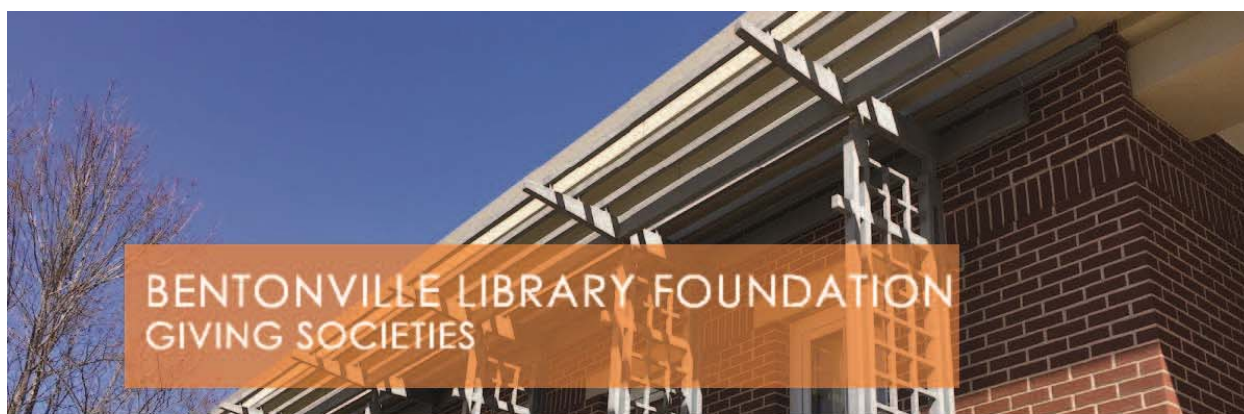
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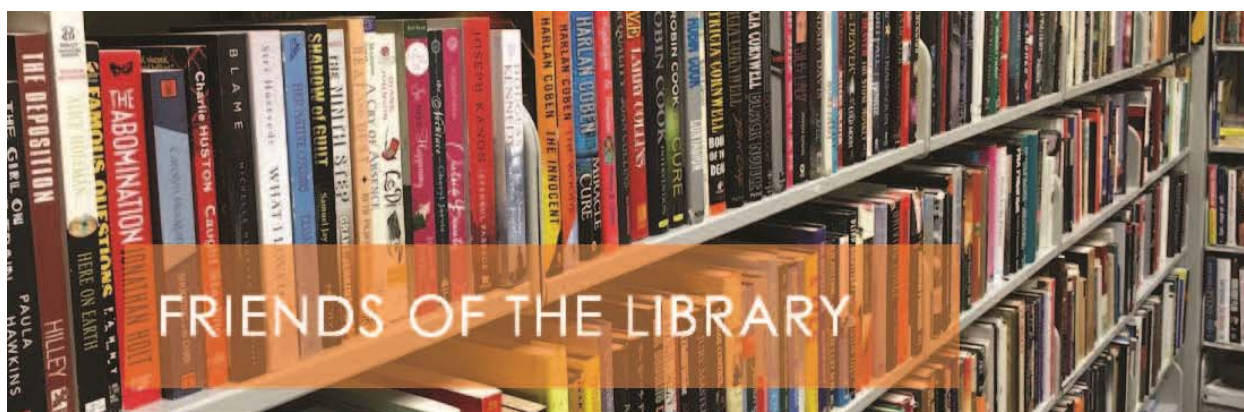
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community, encourage discovery and promote literacy
by offering lifelong learning opportunities!*



City Council Agenda Items
For City Council Meeting of April 9, 2019
From the April 2, 2019 Planning Commission Meeting

- a. Ordinance accepting a property line adjustment of Lot 20, Block 1 of Smartt's Addition and Lot 2, Block 1 of Depot Addition, Main Co-Op Property, LLC, 501 SW A Street, DC, Downtown Core and DE, Downtown Edge.**

The Planning Commission voted 6-0, recommending approval.

A Property Line Adjustment of Lot 19, Block 1, of Smartt's Addition, and Lot 1, Block 1, of Depot Addition, creating new Lot 20, Block 1 (+/- 2.3 acres), of Smartt's Addition and Lot 2, Block 1 (+/- .37 acres), of Depot Addition. The plat dedicates a 20-foot utility easement and approximately 5-feet of right-of-way.

- b. Ordinance accepting a property line adjustment of Lot 11, Block 1 of Pritchard Addition, Poppyseed Properties, LLC, 706 NW 6th Street, R-1, Single Family Residential.**

The Planning Commission voted 6-0, recommending approval.

A Property Line Adjustment of Lots 1 and 2, Block 1 of Pritchard Addition, creating new Lot 11, Block 1 (+/- .24 acres). The plat dedicates a 10-foot utility easement and approximately 5-feet of right-of-way along NW 6th Street.

- c. Ordinance accepting a final plat of Amber Ridge South at Woods Creek, Northeast Marina Drive.**

The Planning Commission voted 6-0, recommending approval.

Final Plat establishing a 31-lot, single-family subdivision to be known as Amber Ridge at Woods Creek. All non-bondable items and guarantees of improvements must be complete and a final inspection performed and approved prior to final platting.

- d. Ordinance changing real estate from R-1, Single Family Residential to DN-3, Downtown High-Density Residential, Ozark Bible Fellowship Church, 244 NW 3rd Street.**

The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan currently depicts this property as High Density Residential. These areas include apartments and other higher density residential uses. These areas may also include amenities for residents such as parks, community centers, and resident-oriented commercial uses. The site's compatibility with the Future Land Use Plan and proximity to the downtown area may justify a rezoning to DN-3, Downtown High Density Residential.

- e. Ordinance changing real estate from R-1, Single Family Residential to DN-1, Downtown Low-Density Residential, Caroline Eastman, 403 NW 6th Street.**

The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan currently depicts this property as Medium Density Residential. These areas include single-family, townhouse and duplex residential properties. According to the applicant's narrative, the proposed porch extends into the current 20-foot setback. The proposed DN-1 zoning district would allow the porch to come into compliance by allowing a 15' front setback. In addition, the surrounding uses, and general downtown location may justify a zoning to DN-1, Downtown Low-Density Residential.

- f. Ordinance changing real estate from A-1, Agricultural and PUD, Planned Unit Development to C-2, General Commercial, SS Properties, LLC, 1505 SW 14th Street.**

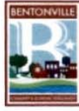
The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan currently depicts this property as General Commercial. These areas include services and uses that serve both nearby residents and the larger community. The site's adjacency to a major arterial road (Highway 102) and compatibility with the Future Land Use Plan may justify a rezoning to C-2, General Commercial.

- g. Ordinance changing real estate from A-1, Agricultural to R-1, Single Family Residential, Sewell Family Development, LLC, Highway 112.**

The Planning Commission voted 6-0, recommending approval.

This property is located within a recently annexed area that was outside of the city's planning jurisdiction boundary. Therefore, there is no current Land Use classification for the subject property. The site's adjacency to two single-family subdivisions to the north and west, and the general character of the area, may justify a rezoning to R-1, Single Family Residential.



Consent Agenda Items

For Planning Commission meeting of April 2, 2019

Reviewer: Tyler Overstreet, Planner

- ❖ At the Technical Review meeting held on March 26, 2019 the Planning Commission requested these items be placed on the consent agenda. The descriptions below shall serve as the staff report for each of the consent agenda items.

Property Line Adjustment: Lot 20, Block 1, Smartt's Addition & Lot 2, Block 1, Depot Addition, Main Co—Op Property, LLC, 501 SW A Street, DC, Downtown Core & DE, Downtown Edge (PLA19-0004)

A Property Line Adjustment of Lot 19, Block 1, of Smartt's Addition, and Lot 1, Block 1, of Depot Addition, creating new Lot 20, Block 1 (+/- 2.3 acres), of Smartt's Addition and Lot 2, Block 1 (+/- .37 acres), of Depot Addition. The plat dedicates a 20-foot utility easement and approximately 5-feet of right-of-way.

(Please click on this link to access the vicinity map for this item: <http://geo.bentonvillear.com/mgweb/PZpending/>)

Property Line Adjustment: Lot 11, Block 1, Pritchard Addition, Poppyseed Properties, LLC, 706 NW 6th Street, R-1, Single-Family Residential, (PLA19-0005)

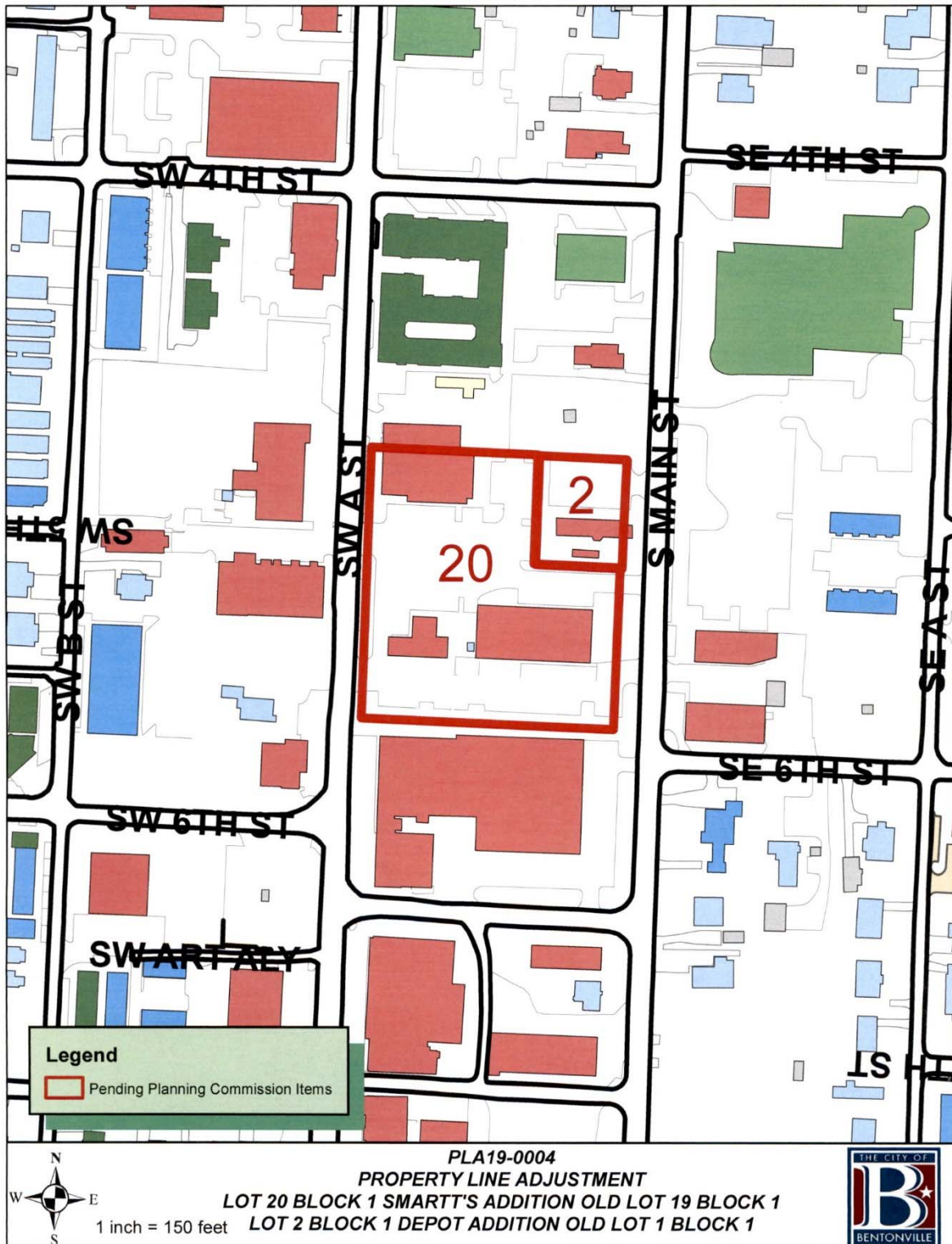
A Property Line Adjustment of Lots 1 and 2, Block 1 of Pritchard Addition, creating new Lot 11, Block 1 (+/- .24 acres). The plat dedicates a 10-foot utility easement and approximately 5-feet of right-of-way along NW 6th Street.

(Please click on this link to access the vicinity map for this item: <http://geo.bentonvillear.com/mgweb/PZpending/>)

Final Plat: Amber Ridge at Woods Creek, The Meadows of Woods Creek, Inc, NE Marina Drive, R-1, Single-Family Residential (FP19-0001)

Final Plat establishing a 31-lot, single-family subdivision to be known as Amber Ridge at Woods Creek. All non-bondable items and guarantees of improvements must be complete and a final inspection performed and approved prior to final platting.

(Please click on this link to access the vicinity map for this item: <http://geo.bentonvillear.com/mgweb/PZpending/>)



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOT 20, BLOCK 1 OF SMARTT'S ADDITION AND LOT 2, BLOCK 1 OF DEPOT ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS (PROJECT NUMBER: PLA19-0004).

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the property line adjustment of Lot 20, Block 1 of Smartt's Addition and Lot 2, Block 1 of Depot Addition of the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on April 2, 2019; and,

WHEREAS, said property line adjustment is attached hereto as Exhibit "A"; and,

WHEREAS, the Bentonville Planning Commission considered said property line adjustment on the date stated and at other times, and voted to recommend the approval of said property line adjustment to the City Council; and,

WHEREAS, the property line adjustment of real property as described herein has been submitted to the City Council for the City of Bentonville, and after consideration and deliberation, said Council is of the opinion that said property line adjustment should be approved.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the property line adjustment of Lot 20, Block 1 of Smartt's Addition and Lot 2, Block 1 of Depot Addition to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said property line adjustment by certifying said acceptance on the approved property line adjustment.

PASSED AND APPROVED this _____ day of _____, 2019.

APPROVED:

ATTEST:

MAYOR

CITY CLERK



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOT
11, BLOCK 1 OF PRITCHARD ADDITION TO THE CITY OF BENTONVILLE,
ARKANSAS (PROJECT NUMBER: PLA19-0005).**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the property line adjustment of Lot 11, Block 1 of Pritchard Addition of the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on April 2, 2019; and,

WHEREAS, said property line adjustment is attached hereto as Exhibit "A"; and,

WHEREAS, the Bentonville Planning Commission considered said property line adjustment on the date stated and at other times, and voted to recommend the approval of said property line adjustment to the City Council; and,

WHEREAS, the property line adjustment of real property as described herein has been submitted to the City Council for the City of Bentonville, and after consideration and deliberation, said Council is of the opinion that said property line adjustment should be approved.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF
BENTONVILLE, ARKANSAS:**

Section 1: That the property line adjustment of Lot 11, Block 1 of Pritchard Addition to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said property line adjustment by certifying said acceptance on the approved property line adjustment.

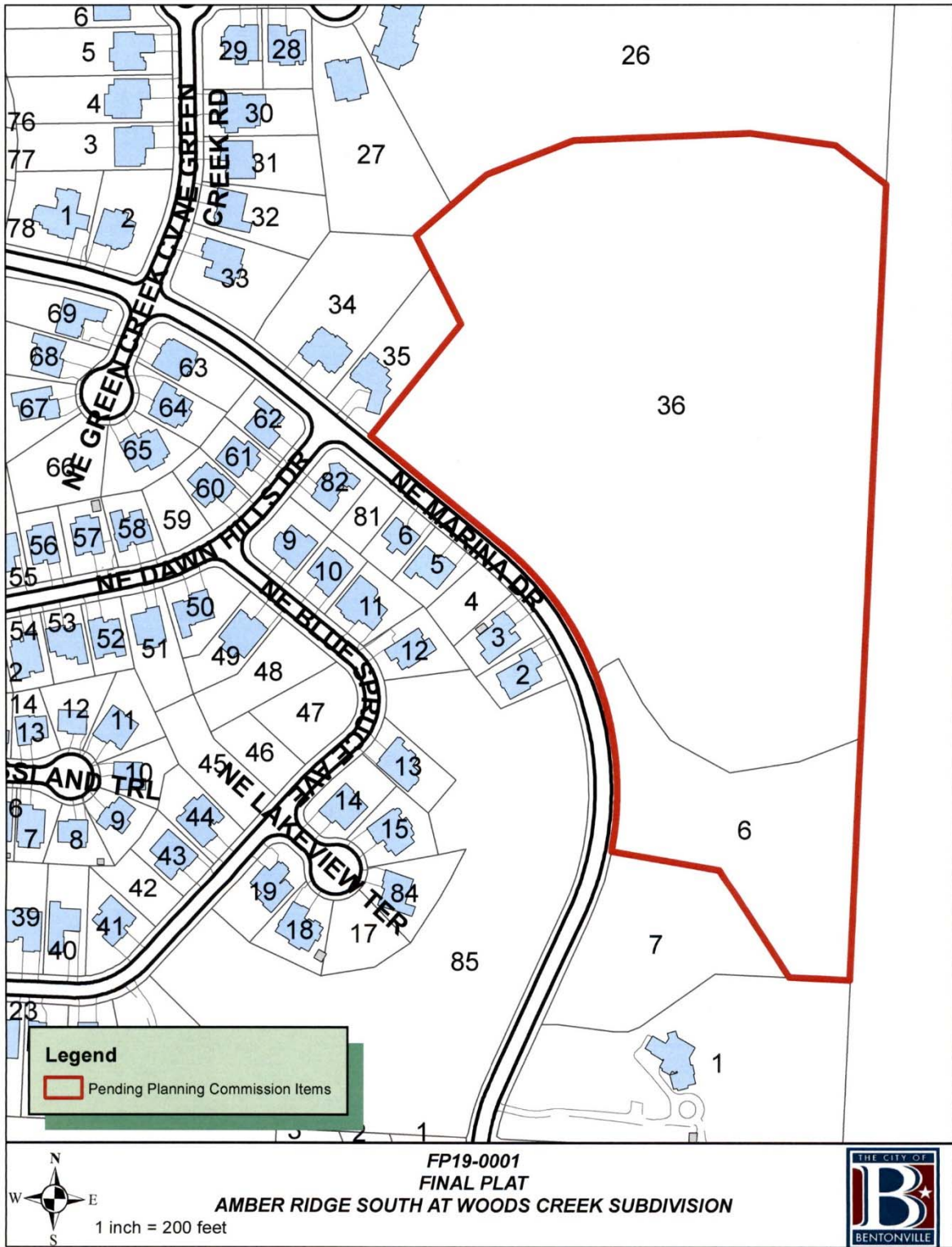
PASSED AND APPROVED this _____ day of _____, 2019.

APPROVED:

ATTEST:

MAYOR

CITY CLERK



BENCHMARK:

Postville Civilian Control Rd is a one-way road with a M^2 curve (top blocked on the southeast corner) at the intersection with M^2 from the edge of Water Tower Rd. The measurement is approximately 1/4" from the edge of Water Tower Rd and 1/4" from E. Central Ave.

POSTVILLE CIVILIAN CONTROL RD
 1/4" FROM E. CENTRAL AVE.
 1/4" FROM WATER TOWER RD

FLOOD ZONE CERTIFICATION*:

The property is located within Zone "B". Areas designated to be used as flood storage are to be managed by the local government. Areas designated to be used as flood storage are to be managed by the local government. Areas designated to be used as flood storage are to be managed by the local government.

WETLAND STATEMENT:

There are no known side-effects on the user.

SURVEY DESCRIPTION:

LOT 36 OF AMHERST ESTATE SURVEY AS RECORDED AT BOOK 2015 & PAGE 47 OF 90, LOT 6 OF RAY ESTATE SURVEY AS RECORDED AT BOOK 2015 & PAGE 527 AND, AND A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 30 WEST, BENTONVILLE, BENTON COUNTY, ARKANSAS.

PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 22 NORTH, RANGE 30

[illegible]

ZONING INFORMATION:

[illegible][illegible]

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FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479-443-4506
FAX: 479-582-1883

www.BLEWING.com

SHEET 1 of 2
FP19-0001

CERTIFICATE OF APPROVAL:

IN ACCORDANCE WITH THE HENTONVILLE REVENUE REGULATIONS AND ALL OTHER
REGULATIONS AND APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY
ACCEPTED. THIS CERTIFICATE IS HEREBY SIGNED UNDER THE AUTHORITY OF THE
CITY OF HENTONVILLE.

CITY CLERK, CITY OF BOSTONVILLE
CERTIFICATE OF RECORDING:

THIS DOCUMENT FILLED FOR RECORD

DATE, 2011 BY PLAT

CERTIFICATE OF OWNERSHIP:

ALL THE UNDERGROUND OWNERS OF THE REAL ESTATE, HOUSES AND CROCKED GARAGE, DO HARRY CROPP THAT WE BELIEVE-ONE, PLATTED, AND HIGHER-LEVEL AND HIGHER-LAY OFF, PLAT, HIGHER-LEVEL IN REAL ESTATE IN ACCORDANCE WITH THIS PLAN AND DO HIGHER-LEVEL TO THE USE OF THE PUBLIC THE STREET, ALLEYS, DRIVES, EASEMENTS, ETC. AS SHOWN ON SAID PLAN.

COEFFICIENT OF SURVEYING ACCURACY:

ACKNOWLEDGEMENTS: HERBERT GUTTENTY THAT THIS PLAY CORRECTLY REPRESENTS A NON-SCARY HERBERT MAJOR BY ME AND INLANDARY MARKERS AND LOT COVERED HERBERT HERSON ACTUALLY EXIST AND THEIR LOCATIONS, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MENING RECOGNIZATIONS OF THE ARGUMENTAL MOVING STANDARDS FOR LAND HERBERT HAVE BEEN MET.

CONTACTS:

[illegible]

NOTES

© All Elements shown not being submitted to the City of Southwold per the plan.
 And number of June 30 = 1. Left Status List

Common Area shall be maintained by the House Owners Association.
 Boundaries are indicated from the Book of Gods, the Edge of Salswold, or the
 center/End of Street.

Proposed Salswold To be Constructed Prior To Certificate of Occupancy of House.
 House Street Trees are planted 5' From Water Main, Storm Drainage, And Other Utilities.
 Page 364

ABBREVIATIONS

- 5. - Building Setback Line
- 7/8. - Right of Way
- 8. - Utility Easement
- 9. - Driveway Easement
- 10. - Access Easement
- 11. - Minimum Fronted Plot Easement

have many not be doing

owner/Developer shall coordinate with all local utilities to ensure that each lot has water, sewer and electric service.

CURVE TABLE:

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INDEX

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1.1	1.1	1.1
1.2	1.2	1.2
1.3	1.3	1.3
1.4	1.4	1.4
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1.6	1.6	1.6
1.7	1.7	1.7
1.8	1.8	1.8
1.9	1.9	1.9
2.0	2.0	2.0

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A FINAL PLAT OF AMBER RIDGE
SOUTH AT WOODS CREEK TO THE CITY OF BENTONVILLE,
ARKANSAS (PROJECT NUMBER: FP19-0001).**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the final plat of Amber Ridge South at Woods Creek, to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on April 2, 2019; and,

WHEREAS, said final plat is attached hereto as Exhibit "A"; and,

WHEREAS, the Bentonville Planning Commission considered said final plat on the date stated, and at other times, and voted to recommend the approval of said final plat to the City Council; and,

WHEREAS, the final plat of real property as described herein has been submitted to the City Council of the City of Bentonville and, after consideration and deliberation, said Council is of the opinion that said final plat should be approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE
CITY OF BENTONVILLE, ARKANSAS:**

Section 1: That the final plat of Amber Ridge South at Woods Creek to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said final plat by certifying said acceptance on the approved final plat.

PASSED AND APPROVED this _____ day of _____, 2019.

APPROVED:

ATTEST:

MAYOR

CITY CLERK

REZONING STAFF REPORT



Ozark Bible Fellowship Church

244 NW 3rd Street

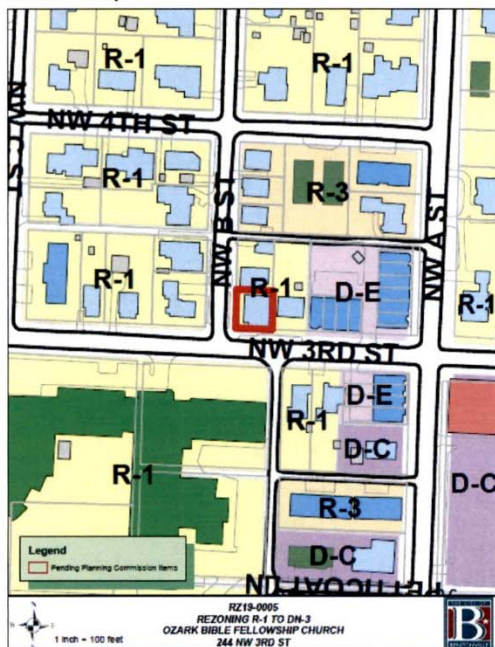
PC Date: 4/2/2019

Reviewer: Ali Worley, Planning Technician

Project Number	RZ19-0005
Applicant / Current Owner	Ozark Bible Fellowship Church, Inc. 212 SE 17 th Street Bentonville, AR 72712
Site Area	+/- 0.9 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-3, Downtown High Density Residential
Future Land Use Map Designation	High Density Residential

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

This property is located north of Northwest 3rd Street and east of Northwest B Street. The property is currently zoned R-1, Single Family Residential. Adjacent zonings are R-1, Single Family Residential immediately surrounding the property. However, there is R-3, Medium Density Residential located north and DE, Downtown Edge located east.

Projected Traffic Impact

The proposed rezoning does have the potential to impact traffic in the area. However, the existing downtown street grid should be adequate to handle any increase in traffic or density caused by the rezoning.

Relationship to the General Plan

The Future Land Use Plan currently depicts this property as High Density Residential. These areas include apartments and other higher density residential uses. These areas may also include amenities for residents such as parks, community centers, and resident-oriented commercial uses.

Analysis

The site's compatibility with the Future Land Use Plan and proximity to the downtown area may justify a rezoning to DN-3, Downtown High Density Residential.

My name is Matt Miller and I have the property of 244 NW 3rd Street Bentonville, Ar 72712 under contract to purchase. It is currently zoned single family but the building on the property is a church. I would like to have the property re-zoned to DN-3 so that I can remodel the current building into 2 units such as Condos/Townhomes. Under the zone map from the City's website it shows this area to be High-Density and my plans will fit into the current growth of Downtown Bentonville. By changing this to DN-3, It will allow the units to be affordable for professional individuals- from teachers at Baker Elementary to retirees that wish to live in Downtown Bentonville. The remodel will be a complete remodel using the existing footprint and finishing the units into brand new One-Level Condos/Townhomes that have similar amenities as the other properties in that area.



ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, SINGLE FAMILY RESIDENTIAL TO DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL (PROJECT NUMBER: RZ19-0005).

WHEREAS, Ozark Bible Fellowship Church duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, Single Family Residential to DN-3, Downtown High Density Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

TRACT 1: LOT 1, CALVARY TEMPLE CHURCH ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN THE PLAT RECORD 22 AT PAGE 4 TRACT 2: THE SOUTH 65 FEET OF LOT 6, BLOCK 9, DEMINGS ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN SURVEYOR'S RECORD "G", PAGES 163 AND 263, BEING DESCRIBED AS BEGINNING AT THE ASW CORNER OF SAID LOT 6, RUN THENCE NORTH 65 FEET; THENCE EAST 61 FEET; THENCE SOUTH 65 FEET; THENCE WEST 61 FEET TO THE PLACE OF BEGINNING.; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held April 2, 2019 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public notice of said hearing having been published in the Benton County Daily Record for the time and in the manner required by law; and,

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, Single Family Residential to DN-3, Downtown High Density Residential.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, Single Family Residential to DN-3, Downtown High Density Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2019.

APPROVED:

ATTEST:

MAYOR

CITY CLERK

REZONING STAFF REPORT



PC Date: 4/2/2019

Reviewer: Ali Worley, Planning Technician

Project Number	RZ19-0006
Applicant / Current Owner	Caroline Eastman 403 NW 6 th Street Bentonville, AR 72712
Site Area	+/- 0.25 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-1, Downtown Low-Density Residential
Future Land Use Map Designation	Medium Density Residential

Property Description

This property is located south of Northwest 6th Street and west of Northwest C Street. The property is currently zoned R-1, Single Family Residential. Adjacent zonings are R-1, Single Family Residential to the north, south, east, and west.

Projected Traffic Impact

The proposed rezoning does not have the potential to impact traffic in the area.

Relationship to the General Plan

The Future Land Use Plan currently depicts this property as Medium Density Residential. These areas include single-family, townhouse and duplex residential properties.

Analysis

According to the applicant's narrative, the proposed porch extends into the current 20-foot setback. The proposed DN-1 zoning district would allow the porch to come into compliance by allowing a 15' front setback. In addition, the surrounding uses, and general downtown location may justify a zoning to DN-1, Downtown Low-Density Residential.

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



February 23, 2019

City of Bentonville Planning and Development Services
305 SW A Street
Bentonville, AR 72712

RE: Rezoning Request for 403 NW 6th Street; Parcel #01-02222-000

I am requesting a change in zoning designation for the above mentioned property. The current zoning designation is R-1 Single Family Residential, and the new proposed zoning would be DN-1 Downtown Low Density Residential.

The rezoning request is for the addition of a porch to an existing single family home. The DN-1 designation will allow for a 15' setback instead of the existing 20' setback on which the new porch would encroach.

This property will remain as a single family home, as are all adjacent homes. There will be no change in traffic as this is a residential neighborhood side street. No signage will be placed on the property. The addition of a new porch will add curb appeal to the existing structure and increase the value of the property.

The property is currently served by existing city water and sewer connections, therefore sewer and water are available to this property.

Thank you for your consideration of this request.
Respectfully,

Caroline Eastman
Property Owner



ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, SINGLE FAMILY RESIDENTIAL TO DN-1, DOWNTOWN LOW-DENSITY RESIDENTIAL (PROJECT NUMBER: RZ19-0006).

WHEREAS, Caroline Eastman duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, Single Family Residential to DN-1, Downtown Low-Density Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 4 AND THE EAST HALF OF LOT 5, BLOCK 17, DEMINGS 2ND ADDITION, PER A PLAT FILED IN THE BENTON COUNTY, ARKANSAS RECORDERS OFFICE IN SURVEYORS RECORD G AT PAGE 263 AND PLAT RECORD B AT PAGE 24.; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held April 2, 2019 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public notice of said hearing having been published in the Benton County Daily Record for the time and in the manner required by law; and,

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, Single Family Residential to DN-1, Downtown Low-Density Residential.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, Single Family Residential to DN-1, Downtown Low-Density Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2019.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

REZONING STAFF REPORT



SS Properties, LLC

1505 SW 14th Street

PC Date: 4/2/2019

Reviewer: Ali Worley, Planning Technician

Project Number	RZ19-0007
Applicant / Current Owner	SS Properties, LLC 1402 SW Susana St, Ste. 6 Bentonville, AR 72712
Site Area	+/- 7.93 acres
Current Zoning	A-1, Agricultural & PUD, Planned Unit Development
Requested Zoning	C-2, General Commercial
Future Land Use Map Designation	General Commercial

Property Description

This property is located south of Highway 102 and west of Southwest Susana Street. The property is currently zoned R-1, Single Family Residential. Adjacent zonings are A-1, Agricultural to the north and west, R-O, Residential Office to the north, PUD, Planned Unit Development to the north and south, and C-2, General Commercial to the east.

Projected Traffic Impact

The proposed rezoning does not have the potential to impact traffic in the area.

Relationship to the General Plan

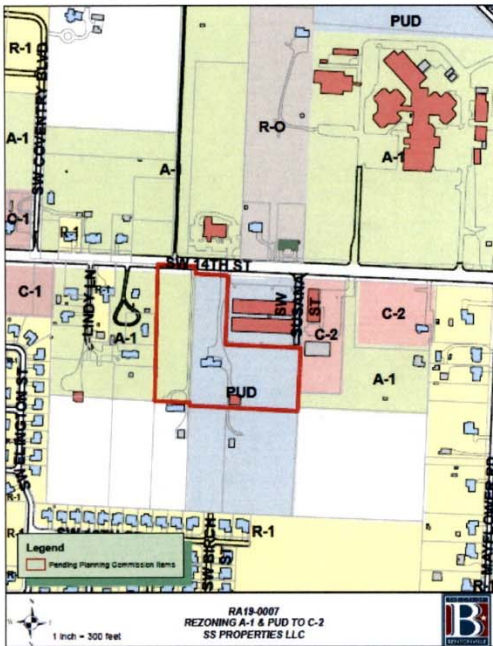
The Future Land Use Plan currently depicts this property as General Commercial. These areas include services and uses that serve both nearby residents and the larger community.

Analysis

The site's adjacency to a major arterial road (Highway 102) and compatibility with the Future Land Use Plan may justify a rezoning to C-2, General Commercial.

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map





CEI Engineering Associates, Inc.

ENGINEERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS ■ PLANNERS

3108 SW Regency Parkway, Suite 2
Bentonville, AR 72712
(479) 273-9472 Fax (479) 273-0844
www.ceieng.com

February 25, 2019

City of Bentonville
Planning Dept.
305 SW A St.
Bentonville, AR 72712

RE: Hwy 102 rezoning application

Dear Planning Commission:

Please accept this narrative letter to accompany a formal application by SS Properties, LLC, owner of real property located in the City of Bentonville, for consideration of a rezoning request for Benton County parcels #01-00819-000 & 18-18370-000 from A-1 agricultural and PUD planned unit development respectively to C-2 general commercial zoning district.

The property requested for rezoning is generally in a developed part of the city bordered on the north by SW 14th Street (Hwy 102) and the south by vacant farmland with Windwood Subdivision behind. Property to the east of the requested commercial zone is currently zoned C-2 and A-1 and developed as Camp BowWow and a retail/office building (102 Business Park). Properties west of the requested commercial zone are currently zoned A-1 with use as single family residential. It should be noted that the future land use map shows both properties requested for rezoning to be "General Commercial".

Both 8" water and 8" sanitary sewer exist on the property along the north side due to previous development of commercial and residential property along Hwy 102. Pending approval of the requested rezoning applications, the property will be sold to a developer for purpose of commercial development as may be allowed under the requested zoning district. Traffic from the development can easily be handled by the 5-lane arterial street on the north side of the property (Hwy 102). Access, specific use, signage, and appearance of the development will be presented at the time of Large Scale Development pending approval of this zoning request.

Thank you for your time and consideration in this matter.

Respectfully submitted,

CEI Engineering Associates, Inc.
Nate Bachelor, PE
Project Manager

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ PENNSYLVANIA



ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1, AGRICULTURAL AND PUD, PLANNED UNIT DEVELOPMENT TO C-2, GENERAL COMMERCIAL (PROJECT NUMBER: RZ19-0007).

WHEREAS, SS Properties, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, Agricultural and PUD, Planned Unit Development to C-2, General Commercial to be used in accordance with city zoning laws and state laws, which property is described as follows:

A PART OF THE FRACTIONAL NE 1/4 OF THE NW 1/4 OF SECTION 1, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING ALL THAT PORTION OF THE LAND RECORDED IN DEED BOOK 2016 AT PAGE 38037 THAT LIES WITHIN THE CITY LIMITS OF BENTONVILLE, ALSO DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 1; THENCE SOUTH 86°42'07" EAST A DISTANCE OF 615.20 FEET TO A 5/8" REBAR AT THE SOUTHWEST CORNER OF THE TRACT DESCRIBED IN DEED BOOK 2016, PAGE 38037; THENCE NORTH 02°35'05" EAST ALONG THE WEST LINE OF SAID TRACT A DISTANCE OF 537.23 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE NORTH 02°35'05" EAST A DISTANCE OF 659.89 FEET TO A 5/8" REBAR AT THE SOUTH RIGHT OF WAY OF STATE HIGHWAY 102; THENCE SOUTH 87°09'32" EAST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 181.47 FEET TO A 5/8" REBAR; THENCE LEAVING SAID RIGHT OF WAY SOUTH 02°35'05" WEST ALONG THE EAST LINE OF THE TRACT RECORDED IN DEED BOOK 2016, PAGE 38037 A DISTANCE OF 659.63 FEET TO A 5/8" REBAR; THENCE NORTH 87°14'12" WEST A DISTANCE OF 181.47 FEET TO THE POINT OF BEGINNING, CONTAINING 119,724 SQUARE FEET OR 2.75 ACRES, MORE OR LESS. AND LOT 2, MAC'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS,

AS SHOWN ON PLAT BOOK 2017 AT PAGE 402 AND CORRECTION FILED AS
PLAT BOOK 2017 AT PAGE 432.; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the
petition for public hearing to be held April 2, 2019 in the Council Chambers of the City of Bentonville;
and,

WHEREAS, public notice of said hearing having been published in the Benton County Daily
Record for the time and in the manner required by law; and,

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition
be approved and that said property be rezoned from its present classification of A-1, Agricultural and
PUD, Planned Unit Development to C-2, General Commercial.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF
BENTONVILLE, ARKANSAS:**

Section 1: That the above described real property is hereby changed from its present zoning
classification of A-1, Agricultural and PUD, Planned Unit Development to C-2, General Commercial to
be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2019.

APPROVED:

ATTEST:

MAYOR

CITY CLERK

REZONING STAFF REPORT



Sewell Family Development, LLC

Highway 112

PC Date: 4/2/2019

Reviewer: Ali Worley, Planning Technician

Project Number	RZ19-0008
Applicant / Current Owner	Sewell Family Development, LLC 3051 N Chapel View Drive Fayetteville, AR 72703
Site Area	+/- 24.7
Current Zoning	A-1, Agricultural
Requested Zoning	R-1, Single Family Residential
Future Land Use Map Designation	None

Property Description

This property is located east of Highway 112 and the intersection of Windmill Road. The property is currently zoned A-1, Agricultural. Adjacent zonings are R-1, Single Family Residential to the west and the City of Cave Springs and county land to the north, east, and south.

Projected Traffic Impact

The proposed rezoning does have the potential to impact traffic in the area. Additional traffic analyzes may be necessary at the time of development.

Relationship to the General Plan

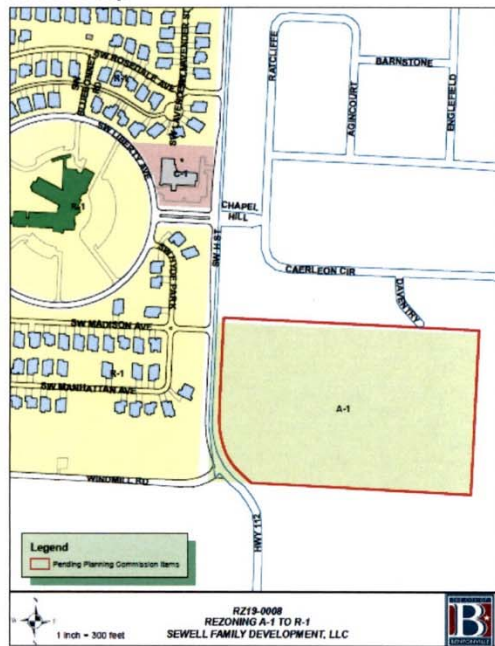
This property is located within a recently annexed area that was outside of the city's planning jurisdiction boundary. Therefore, there is no current Land Use classification for the subject property.

Analysis

The site's adjacency to two single-family subdivision to the north and west, and the general character of the area, may justify a rezoning to R-1, Single Family Residential.

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Rezone Narrative:

Sewell Family Development, LLC is requesting to rezone approximately 24.7 acres located at HWY 112 and Windmill Road from Agricultural (A-1) to Single Family Residential (R-1). The owners intend to develop the property into a single family residential subdivision. Access into the subdivision will be from HWY 112. It is anticipated that a subdivision monument sign will be placed at the entrance to Alleghany Avenue. The development in appearance will be compatible to the surrounding subdivisions. An 8" water line is available across Hwy 112 in Central Park Subdivision PH V. Sanitary sewer will be collected and a new on-site lift station will pump across Hwy 112 to an existing lift station in Central Park. The rezone request is compatible with the adjacent zoning. The property is surrounded to the west by Bentonville R-1, to the south by Benton County, to the east by Cave Springs R-1, and to the north by Cave Springs R-1 properties.



NOTICE OF INTENT TO REZONE

Sewell Family Development, LLC has requested the Bentonville Planning

Commission to set a public hearing date to consider rezoning the following property from

A-1

to

R-1

The legal description of the property is as follows:

see attached.

The common description of the property is:

Proposed land use: Single Family Residential

The public hearing will be held April 2, 20 19 at 5:00 p.m. It will be held at 305 SW A Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479)271-3122 extension 2.

I/We have received notice of the public hearing for the rezoning of the above described property and:

☐ I/we have no objections to the rezoning.

☒ I/we object to the rezoning because:

SEE ATTACHED

Signature

I/we object to the rezoning because:

- The current proposed land use of "Single Family Residential" is too vague. There is no information on the planned community of lots size, minimum square feet, value and other amenities of the neighborhood. This new subdivision could affect property value of St Valery Downs unless homes are equal to the size and value of current homes in SVD.
- No explanation of easement along St Valery Downs community.
- How will Bentonville city utilities access the new community without damage to St Valery Downs community?
- If Bentonville city utilities are granted, then will St Valery downs be annexed in as well?
- What are the plans to route water drainage that currently goes from the street to the back of the property? Drainage from Caerleon Circle is routed to back of property.
- Added traffic on HWY 112. Currently there is no intersection or secure crossing for access to Central Park Elementary and with all the development on HWY 112, this is a safety concern.
- What is the planned development time as work trucks driving on HWY 112 will create more traffic and possibly require widening of HWY 112
- If approved, will new subdivision plant privacy trees/bushes to create a noise/visual barrier of new neighborhood?
- If approved, will building time-lines be enforced? Example of start and end times as this will create construction noise.



ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1, AGRICULTURAL TO R-1, SINGLE FAMILY RESIDENTIAL (PROJECT NUMBER: RZ19-0008).

WHEREAS, Sewell Family Development, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, Agricultural to R-1, Single Family Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

ALL THAT PART OF THE S1/2 OF SE1/4 OF THE SE1/4 AND THE S1/4 OF THE N1/2 OF THE SE1/4 OF THE SE1/4, ALL IN SECTION 13, TOWNSHIP 19 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTONVILLE, BENTON COUNTY, ARKANSAS, LYING EAST OF ARKANSAS STATE HIGHWAY NO. 112, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SE1/4 OF THE SE1/4, THENCE N86°52'30"W, 1109.25 FEET, ALONG THE SOUTH LINE OF SAID SE1/4 OF THE SE1/4 TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID HIGHWAY 112; THENCE ALONG SAID RIGHT OF WAY LINE, THE FOLLOWING FIVE (5) COURSES:(1) N44°45'09"W, 104.16 FEET; (2) NORTHEAST 130.31 FEET ALONG A 270.00 FOOT-RADIUS CURVE TO THE RIGHT, WHOSE CHORD BEARS N30°55'34"W, 129.05 FEET; (3) NORTHWEST, 160.45 FEET ALONG A 479.22 FOOT-RADIUS NON-TANGENT CURVE RIGHT, WHOSE CHORD BEARS N07°31'06"W, 159.70 FEET; (4) N02°03'47"E, 182.17 FEET; (5) N 02° 45' 20" E, 310.23 FEET; THENCE S87°14'17"E, 1289.62 FEET, LEAVING SAID RIGHT OF WAY LINE, ALONG THE NORTH LINE OF SAID S1/4 OF THE N1/2 OF THE SE1/4 OF THE SE1/4, BEING IDENTICAL TO THE SOUTH LINE OF LOTS 23 THRU 29 OF ST. VALERY DOWNS, A SUBDIVISION RECORDED IN BOOK 2002, PAGE 174, PLAT RECORDS OF SAID COUNTY TO A POINT ON THE EAST LINE OF SAID SECTION 13; THENCE S02°50'50"W, 834.28 FEET, ALONG SAID EAST LINE, TO THE POINT OF BEGINNING. CONTAINING 24.15 ACRES OF LAND.; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held April 2, 2019 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public notice of said hearing having been published in the Benton County Daily Record for the time and in the manner required by law; and,

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1, Agricultural to R-1, Single Family Residential.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the above described real property is hereby changed from its present zoning classification of A-1, Agricultural to R-1, Single Family Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2019.

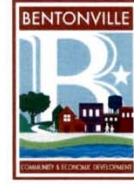
APPROVED:

ATTEST:

MAYOR

CITY CLERK

MEMO



To: Mayor Stephanie Orman, City Council
From: Shelli Kerr, AICP, Planning Services Manager
CC Date: April 9, 2019
Re: Subdivision Code Amendments

On March 26, 2019, City Council postponed the vote for the Subdivision Code Amendments to the April 9, 2019 City Council meeting.

Mayor Orman called a Subdivision Amendment Work Session to meet in her office on Thursday, March 28 at 11:30 a.m. The following attended: Mayor Stephanie Orman, Councilman Bill Burckart, Councilman Octavio Sanchez, Councilman Chris Sooter, Councilwoman Cindy Acree (via phone) and Councilman Tim Robbins (via phone around 1 p.m.). From city staff were Shelli Kerr, Travis Matlock, Preston Newbill, and Ellen Norvell.

Staff helped answer questions and clarify intent of several code amendments. Several items discussed did not directly pertain to the proposed amendments and will be addressed during a more comprehensive review of the code.

The draft presented for the April 9 meeting is the same draft presented on March 26. However, based on the working session, staff recommends two adjustments to the draft as proposed.

1. The current proposals adds language requiring water and sewer installations to meet current standards at the time construction. However, there could be an instance where between the time the plans were approved and the installation takes place that the standards change. Staff recommends that the installations meet what was approved on the plans.
2. The current proposal eliminates "Community Development" from the title of director. Councilmember Burckart was concerned that there could be some confusion as to which city director is being referenced. Therefore, staff recommends that the full title remain throughout the document.

Based on these recommendations, staff suggests the following language for a motion to approve:

"Motion to approve with the following amendment(s):

1. *That the proposed language in code Section 500.08(c) and (e) and Section Sec. 700.11(d) and (f) that states "Installation required per currently adopted water and sewer specifications" be amended to state "Installation required per water and sewer specifications as shown on approved plans."*
2. *That all references to the Community Development Director shall remain as written and shall not be amended as proposed."*

ORDINANCE STAFF REPORT

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Subdivision Ordinance Amendments

PC Date: 3/5/2019

Reviewer: Shelli Kerr, AICP, Planning Services Mngr

<http://www.bentonvillear.com/198/Code-Amendments>

History

July 17, 2018 - The Planning Commission approved amendments to the Subdivision Ordinance on July 17, 2018. However, in preparing the agenda item for City Council, the city staff attorney identified a couple amendments that warranted additional review. Therefore, the amendment did not advance to city council.

November 6, 2018 - The item was on the November 6, 2018 Planning Commission agenda. Planning Commission held the public hearing, but agreed to table for further review.

The following staff report was prepared for the July 17 meeting and is updated with italicized text indicating changes from the original draft approved by Planning Commission.

From time to time, staff reviews the Subdivision Code for clarification, corrections, or updates to meet current conditions. The staff report summarize the most significant issues and proposed changes to the code. Staff requests approval of the proposed ordinance to amend Chapter 15 Subdivision Code.

Generally:

- Replaced “permitted” with allowed when there is no actual permit involved.
- Change the full title of “Community Development Director” to “director.”
- Change AHTD to ArDOT.
- Reorganized the design standards into alphabetical order, with specific design regulations (i.e. commercial, downtown, airport, etc.) moved to the end of the article.
- Reorganized the landscaping chapter to combine some regulations that were the same but listed several times throughout.
- The code currently requires applications to be submitted 22 days prior to the Planning Commission meeting. This timing was established when development activity slowed down during the recession. Since then, the planning review process has been adjusted to 36 days. To avoid amending the code when development levels change, the code should reference “currently adopted policies.”
- Chapter 15 is currently titled the Subdivision Code. Since the chapter regulates large scale developments and other non-subdivision related items, a more comprehensive title is needed and recommended to be titled “Land Development Code.”

ORDINANCE STAFF REPORT

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Issue	Solution
Ord. Sec. 3 Applicability	
1. The applicability section is vague and needs clarification.	100.06 Add language requiring all new construction and additions to meet the requirements unless specifically exempted.
Ord. Sec. 4 - Definitions	
2. Defined terms should be in the Definitions article instead of the regulatory articles. Where they are located in the regulatory articles they have been moved into the Definitions article.	Relocate definition of “caliper” and “dangerous traffic conditions” from the regulatory article to the definitions article and create a definition for “off-street parking space.”
3. Definitions should not include any regulatory language. The regulations pertaining to conduits are already established in the BEUD specifications.	Remove regulations pertaining to conduits from the Subdivision Code to avoid conflicts with BEUD specifications.
4. Definition of lot frontage is specific to abutting a street. The definition of street is broader and includes public – right-of-way.	In the definition of lot frontage, remove the term “street” and replace with “public right-of-way.”
5. Definition of lot split is inconsistent with regulations. Remove and let the regulations describe a lot split.	Remove the definition of lot split.
Att. A: Article 300 Administration and Enforcement	
6. The role of the planning commission as it relates to land development is unclear. Use language similar to that in the zoning chapter.	Pg. 1 – 300.01: Add language from the zoning code regarding planning commission’s role in development review.
7. Fees related to land development are not addressed in this chapter.	Pg. 1 – 300.01: Add language from zoning pertaining to development fees.
8. <i>Language is unclear as to when platting is required in order to issue a building permit.</i>	<i>Pg. 1 – 300.02: Exempt unplatted A-1 zoned properties from having to plat prior to issuing a building permit.</i>
9. Ownership and maintenance of detention ponds is an administrative function, not a regulatory function.	Pg. 2 – 300.02: Move the regulations for ownership and maintenance of detention ponds from the Design Standards article to the Administration article.
10. <i>Ensure that waivers are being used appropriately.</i>	<i>Pg. 3 – Sec. 300.04: Revise language to ensure that the regulation from which a waiver is being requested is applicable.</i>

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| <p>11. <i>Engineering is currently reviewing vacations of street right-of-way, easements, and alleys; there is an application fee, the code does not address recording.</i></p> <p>12. Per state statutes, appeals to the board of adjustment are for zoning code regulations or for staff interpretations. Planning commission approves waivers for development codes.</p> <p>13. Trail construction is currently addressed in the Administration chapter. This is best located in the regulatory section.</p> | <p><i>Pg. 4 – 300.06 Replace Planning with Engineering as the department accepting applications; add “payment of application fee” in the application checklist, and add process for City Clerk to record vacations.</i></p> <p>Pg. 5 – 300.07: Revise wording to reflect that appeals to the board of adjustment are for staff interpretations, and appeals to city council are for planning commission decisions.</p> <p>Pg. 5 – 300.08: Move trail construction language from the Administration article to the applicability section for Large Scale Development regulations.</p> |
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Att. B: Article 400 Preliminary Plat

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| <p>14. The process for development review has changed and plans are required instead of voluntary submittal of sketch plans.</p> <p>15. Utilities requires a specific size of paper and drawing scale for submittals.</p> <p>16. Planning commission action is to be based on when all comments have been addressed instead of when they initially submit.</p> <p>17. City staff approves water and sewer, not the State Board of Health as the code states. Need to ensure that water and sewer supply is available to each lot.</p> <p>18. A pre-construction meeting is required before an applicant can proceed with making improvements.</p> <p>19. Before a building permit can be issued for a model home, water and sewer must be available and the lift station complete.</p> | <p>Pg. 1 – 400.02: Add language that requires plans to be submitted for the pre-application process in accordance with current policies.</p> <p>Pg. 2 – 400.03: Add language that requires utility drawings to be on a 24” x 36” paper at a scale of 1” = 30’ or larger.</p> <p>Pg. 2 – 400.04: Change action deadline from the date of submittal to the date when staff accepts the submittal as complete and ready for review by Planning Commission.</p> <p>Pg. 3 – 400.05: Change water and sewer approvals from State Board of Health to water and sewer staff and require each lot to have access to an approved source of water and sewer.</p> <p>Pg. 3 – 400.06: Clarify that Planning Commission approval means the applicant can proceed to the pre-construction conference, which is required prior to construction.</p> <p>Pg. 4 – 400.08: Require water and sewer services to be available and a lift station to be completely finished before issuing a building permit for a model home.</p> |
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ORDINANCE STAFF REPORT

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Att. C: Article 500 Final Plats

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| 20. Require utility easement dedications to be part of the final plat for approval. | Pg. 2 – 500.04: Add that utility easement dedications are also required on final plats. |
| 21. The code lists development items that cannot be guaranteed and have to be complete prior to Planning Commission approving a final plat. It also provides a list of items that can be guaranteed. | Pg. 4 – 500.08-09: Add water and sewer requirements for a project to be considered substantially complete. |

Att. D: Article 600 Incidental Subdivisions

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| 22. <i>Need clarification to criteria for lot splits and property line adjustments and what requirements apply.</i> | <i>Pg. 1 – 600.01: Make the review criteria the applicability standards for all incidental subdivisions. Add language regarding when new streets or alleys can be required. Exempt unplatted A-1 zoned property from platting when the remaining lots are five acres or more and no new streets are required or proposed. An informal plat is any platting that does not require any improvements, dedications, waivers, variances, etc.</i> |
| 23. All lots need access to water and sewer. | <i>Pg. 1 – 600.01: Add language to required that all lots created by a split or readjustment must have direct access to public water or sewer or an approved source of water and/or sewer.</i> |
| 24. The regulations do not have a mechanism for platting easements or dedications only. | Pg. 2 – 600.01: Establish an easement plat as an incidental subdivision. |
| 25. Administrative approvals should only be allowed where no waivers from the planning commission are required. | Pg. 2 – 600.03: Clarify that administrative approvals can only be approved if no waivers or variances are requested, <i>and revise so that all incidental subdivisions are eligible for administrative approval if they meet the requirements.</i> |
| 26. The process for recording incidental subdivision is different than that of other subdivisions. For consistency, the same process/language should be used for both. | Pg. 3 – 600.04: Revise language to read the same as recording of final plats. |

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Att. E: Large Scale Developments

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| 27. All development related departments should review trail construction and parking lots. | Pg. 1 – 700.01: Under applicability of large scale developments, require trails and parking lots to go through the process. |
| 28. The pre-application conference is mandatory to ensure that submittals for planning commission review are complete and accurate. | Pg. 1 – 700.02: Remove the “optional” section from Pre-Application conference and require plans to be submitted. |
| 29. The requirement to submit plans to other departments is no longer necessary now that eTrakIt is online. | Pg. 2 – 700.03: Remove the requirement to submit plans to other departments. |
| 30. Trails and parking lots can be administratively approved by the director | Pg. 2 – 700.04: Add trails and parking lots to the applicability section for administrative approval of large scale developments. |
| 31. The review criteria is written in a negative tone. It should be worded in a manner describing what is desired instead of what is prohibited. | Pg. 3 – 700.05: Revise wording to establish criteria that is desirable. |
| 32. The current expiration of a large scale development of six months is resulting in additional work on staff to extend the LSD. Financing and development related issues are common and can delay a project beyond six months. Staff feels that one year is adequate time to get an approved LSD started. | Pg. 4 – 700.07: Change the expiration on Large Scale developments from six months to one year. |
| 33. The appeals section is redundant with the administration article. | Pg. 4 – 700.08: Remove the appeals sections. |
| 34. Terminology in the code conflicts with terms used in the inspection process. | Pg. 5 – 700.10: Replace “development final” with “site final” and replace “certificate of occupancy” with “building final.” |
| 35. Additional items need to be complete before passing a site final. | Pg. 6 – 700.11-12: Add items that must be complete prior to passing a site final and what is acceptable to proceed with scheduling a building final. |

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Att. F: Planned Developments

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| 36. The Zoning Code categorized Planned Unit Developments (PUD) and Planned Residential Developments (PRD) as Planned Developments. They are to be developed under the same regulations. | Pg. 1 – 800.00: Change Article 800 Planned Unit Developments to regulate both PUDs and PRDs. |
| 37. Water and sewer availability and capacity should be reviewed when approving a planned development. | Pg. 3 – 800.05: Add a review criteria that water and sewer availability/capacity must be adequate for the proposed use and density. |

Att. G: Plat & Plan Requirements

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| 38. Establish requirements for scale and size of plans. | Pg. 1 – 900.01: Add a statement that the plan scale must be a minimum of 1" to 100' and minimum page size is 18" x 24". |
| 39. Needs a statement that the items in the table are to be shown on plats and plans. | Pg. 1 – 900.02: Add a statement that the item on the table are to be shown on corresponding application types. |
| 40. To assist with documentation, all plans and plats should have the assigned project number. | Pg. 2 – 900.02: Add requirement to indicate the project number on all submittals. |
| 41. It is important that any utilities locations have been field verified. | Pg. 3 – 900.02: Add a requirement for a statement on the plan that all utility locations have been field verified on all plats and plans except final plats. |
| 42. Need consistency on how detention and retention ponds should be shown on plans. | Pg. 5 – 900.02: Add standards for how detention and retention ponds should be shown on plans and plats. |
| 43. <i>Need to know if applicant proposed any fences in new developments.</i> | <i>Pg. 6 – 900.02 Add that proposed, not just required, fences be shown on plats, LSD's and PD's.</i> |
| 44. <i>Street frontage landscaping is required on large-scale developments and should apply to preliminary plats.</i> | <i>Pg. 6 – 900.02 Require landscape plan for preliminary plats.</i> |
| 45. Certificates of accuracy and approval are only needed on the final plats. The county has a stamp of recording, therefore a separate certificate is not necessary. | Pg. 7 – 900.03: Remove certificate requirements for preliminary survey accuracy, preliminary engineering accuracy, preliminary plat approval, and certificate of recording. |

ORDINANCE STAFF REPORT

Pg. 7

Att. H: Art. 1100 Design Standards

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| 46. As written, a lot must have access. This term is vague and the intent is to have direct access. | Pg. 1 – 1100.01: Add “direct” in front of “access” to require “direct access.” |
| 47. Engineering has established a right-of-way permit. | Pg. 2 – 1100.02: Revise city approval of curb cuts from a letter of approval from Community Development to a Right of way permit from Engineering. |
| 48. The regulations requiring specific distances between curb cuts does not establish how they are to be measured. | Pg. 3 – 1100.02: Add that the curb cuts are to be measured from centerline-to-centerline. |
| 49. Ownership of detention ponds is located in the design standards. This is more of an administration / enforcement issue and has been moved to Art. 300 Administration and Enforcement. | Pg. 7 – 1100.04: Delete ownership and maintenance of detention ponds, which is now in the administration chapter. |
| 50. Driveway standards apply to commercial, industrial and multifamily. They should also be applied in mixed-use developments. | Pg. 8 – 1100.05: Add “mixed-use” to the list of driveways that must meet the width standards. |
| 51. The driveway design standards conflict with adopted fire code standards for access to properties. | Pg. 9 - 1100.05: Revise driveway design standards for compliance with the fire code, requiring paving for any driveway longer than 150 ft. |
| 52. Fence regulations are currently in the landscaping article. Since fences pertain to any development, not just as a screening requirement, it is better served in the design standards article. | Pg. 10 - 1100.06: Relocate the fence regulations to the design standards article. |
| 53. Currently fence fees are to be paid after the application has been approved. This has resulted in the applicant being notified of approval and not picking up the permit or paying the fee. | Pg. 10 - 1100.06: Require fence fees to be paid at time of application. <i>Require a cut sheet with a fence application.</i> |
| 54. As development has increased in the downtown area, several variances for taller fences have been granted by the Board of Adjustments. Since this appears to be a trend that is supported by the board, the code should be changed to allow a taller fence downtown. <i>Also, the existing 3' maximum height in front yards is difficult because the standards size for materials is 4'.</i> | Pg. 12 - 1100.06: Change the fence height in the DN zoning districts from 6' to 8'. <i>Change the front and exterior side yard fences to be four feet in height instead of three feet.</i> |
| 55. Floodplain regulations are in a separate chapter, but staff feels it important that it be referenced in the design standards since floodplain regulations can affect site design. | Pg. 13 – 1100.07: Reference compliance with floodplain regulations. |

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| <p>56. Landscaping and screening are in a separate chapter of the development code, but staff feels it important that it be referenced in the design standards since landscape regulations can affect design.</p> <p>57. Parking regulations are in the zoning code, but staff feels it important that such regulations be referenced in the design standards since parking regulations can affect site design.</p> <p>58. Engineering is reviewing retaining wall permits but the code states it is the Community Development Director.</p> <p>59. ADU's create an additional unit, which is essentially new residential construction and should be required to install sidewalks as other new residential construction.</p> <p>60. <i>Many sidewalk waivers are going to Planning Commission. In some instances, these can be administratively approved.</i></p> <p>61. <i>The right-of-way dedication is missing a section regarding applicability.</i></p> <p>62. In case the requirements of the master street plan change, the table should be removed and referenced to avoid inconsistency with future adopted plans.</p> <p>63. The same street light standards apply in several sections. Staff recommends compiling them into one location for easier reference.</p> <p>64. To assist in implementation of the Master Bicycle and Pedestrian Plan, as is done with the Master Street Plan, compliance with the plan should be required.</p> <p>65. <i>Requirements for screening of trash receptacles is vague.</i></p> <p>66. Existing electric overhead can be placed underground at the expense of the developer if approved.</p> | <p>Pg. 15 – 1100.09: Reference compliance with landscaping and screening regulations.</p> <p>Pg. 18 – 1100.13: Reference compliance with parking regulations.</p> <p>Pg. 19 – 1100.14: Replace the community development director with engineering as the reviewer of retaining wall permits.</p> <p>Pg. 21 – 1100.15: Add ADU's to the list of new residential construction required to build sidewalks.</p> <p><i>Pg. 21 – 1100.15: Add exemptions for A-1 zoned lots of 150 linear street frontage or more used for low density residential. Add that low-density residential sidewalk waivers can be approved administratively, and establish review criteria for granting a sidewalk waiver.</i></p> <p><i>Pg. 22 – 1100.16: Create an applicability section with review criteria and exempt A-1 property of five acres or more from dedicating right-of-way.</i></p> <p>Pg. 22 - 1100.16: Remove table of master street plan requirements and require compliance with the master street plan.</p> <p>Pg. 25 – 1100.17: Combine regulations that apply in all conditions instead of listing them out under each individual condition.</p> <p>Pg. 27 – 1100.18: Add language that requires compliance with the Master Bicycle and Pedestrian Plan.</p> <p><i>Pg. 27 – 1100.19 Require trash receptacle screening to be consistent with the utility and mechanical equipment screening in the LSD design standards.</i></p> <p>Pg. 27 – 1100.20: Specify that developers can place overhead electric underground at their own expense, if approved.</p> |
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Pg. 9

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| 67. The DN districts have their own design standards and should be exempt from the large scale development design standards. | Pg. 28 - 1100.21: For LSD design standards, exempt the DN district, which have their own design standards. <i>For industrial and agricultural zoned properties, add that the design standards apply to sides that are visible from a public right-of-way.</i> |
| 68. The regulations do not specify how the design standards apply in the case of additions and is interpreted to apply only to the addition itself. | Pg. 29 – 1100.21: Clarify that only the addition to the building must to meet the design standards. |
| 69. To ensure screening of utility and mechanical equipment presents a consistent appearance with the rest of the building, such screening should use similar materials as the primary structure. | Pg. 30 – 1100.21: Add that screening of mechanical and utility equipment must use materials similar to the primary building. |
| 70. Bike racks should be an allowed site amenity to meet the site amenities requirement. | Pg. 32 - 1100.21: Add bike racks as an allowed site amenity for LSD site amenity requirements. |
| 71. The design standards for the downtown neighborhood zoning districts are currently in the zoning code and should be relocated to the development code so that all design standards are in the same code section. | Pg. 32-44 – 1100.22: Insert the DN district designs standard that were previously in the zoning regulations. |
| 72. <i>The phrase “where alleys exist” is vague.</i> | <i>Pg. 33 – 1100.22: Replace “exist” with “are platted and paved.” Add language allowing property owners to pave alley consistent with adopted standards.</i> |
| 73. To avoid conflicts, doors that access directly onto a sidewalk should be recessed to allow for safe pedestrian use of the sidewalk. | Pg. 46 – 1100.23: Require doors onto sidewalks to be recessed the width of the door. |
| 74. Engineering staff recommends that the applicant for a project at the municipal airport must first meet with and receive approval from the airport manager instead of the Airport Advisory Board. | Pg. 50 – 1100.24 Revise language to require a meeting with the airport manager prior to beginning the large-scale process and that the project must be approved by the airport manager before moving on to Planning Commission approval. |
| 75. The landscaping regulations for the airport district are currently in the design article. All landscaping regulations should be in the landscaping article. | Pg. 52 – 1100.24: Relocate landscape regulations to the landscape chapter and add that the development must comply with the specific landscape regulations for airports. |

ORDINANCE STAFF REPORT

Pg. 10

Att. I: Art. 1400 Landscaping & Screening

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| 79. Landscaping and screening applies to parking lots and residential preliminary plats. | Pg. 1 – 1400.02: Add language that require the landscape requirements to apply to parking lots and residential preliminary plats. |
| 80. The Tree and Landscape Advisory Committee has determined that the Street Tree Corridor Plan has not achieved the anticipated goals. | Pg. 2 & 21 – 1400.04 & 1400.16: Delete the Street Tree Corridor Plan. |
| 81. The items shown on the landscape plan must also be shown in compliance with the landscaping regulations. | Pg. 3 – 1400.05: Require that the items shown on the plan are in compliance with the landscape regulations. |
| 82. The list of items to be shown on the plan also include regulations, which are best suited in regulatory sections, not plan requirement sections. | Pg. 3 – 1400.05: Combine regulations and relocate to the general provisions and tree size requirements. |
| 83. <i>There are some cases where private utility easements do not allow for the placement of trees and those easements are in the same location as the required street frontage buffer.</i> | <i>Pg. 5 – 1400.06: Add a requirement that when there are private utility conflicts in the street frontage buffer, trees are still required in an area parallel to the street and the location selected must be approved by the director.</i> |
| 84. <i>Current perimeter landscaping requirements do not make accommodations for cross access between properties.</i> | <i>Pg. 5 – 1400.07: Allow required perimeter landscaping requirements to be placed elsewhere on site when cross access is being provided.</i> |
| 85. Large scale developments and homeowners are required to plant trees. Tree planting should also apply to preliminary plats. | Pg. 5 & 9 – 1400.10: Add language requiring preliminary plats to plant one shade tree per 50 feet of street frontage along the perimeter streets of the subdivision. |
| 86. The same regulations are listed several times for different conditions. | Pg. 10 – 1400.12: Combined similar regulations into one area. |
| 87. The Tree and Landscape Advisory Committee has reviewed and established a new approved tree list and a new prohibited tree list. | Pg. 12 to 19 – 1400.13 & 1400.14 Revise both the approved and prohibited tree lists, as recommended by the Tree and Landscape Advisory Committee. |

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 15 SUBDIVISION CODE OF THE
BENTONVILLE MUNICIPAL CODE.

WHEREAS, Bentonville periodically reviews the Subdivision Code which uncovers errors, need for clarification, or updates to meet current conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

Section 1. That within this ordinance, except section headings, all underlined text shall be added and strikethrough text shall be deleted.

Section 2. The Bentonville Municipal Code, Chapter 15 Subdivision Code shall be and is hereby renamed to Land Development Code.

Section 3. That Bentonville Municipal Code, Chapter 15 Subdivision Code, Art. 100 General Provisions shall be and is hereby amended with the following:

Sec. 100.06 Applicability.

It is hereby declared to be the policy of the City of Bentonville to consider the subdivision of land and the subsequent development of subdivided plat as subject to the control of the City pursuant to the General Plan, primarily the Land Use Plan and Master Street Plan of the City for orderly planning and efficient development of the City and the planning area. These regulations and development standards shall apply to the following forms of land subdivision and development:

- (a) *Subdivision.* The division of land into two or more tracts, lots, sites, or parcels;
- (b) *Property line adjustments.* A transfer or adjustment of a property line which does not create a separate, new lot. A property line adjustment may or may not dedicate right-of-way or utility easements;
- (c) *Large scale developments.* All development required to go through the Large Scale Development process ~~other than single-family and duplex; or~~
- (d) *Dedications.* The dedication of any street or alley right-of-way, utility easement, drainage easement, or access easement through any tract of land regardless of the area involved.
- (e) *New construction and additions.* All new construction and additions, unless specifically exempt.

Section 4. That Bentonville Municipal Code, Chapter 15 Subdivision Code, Art. 200 Definitions shall be and is hereby amended with the following:

Caliper: The measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size.

Dangerous traffic condition: A traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.

Lot Frontage: That dimension of a lot or portion of a lot abutting on a ~~street~~ public right-of-way, excluding the side dimension of a corner lot.

Lot split: A subdivision of three lots or less where right-of-ways and or utility easement are being dedicated to the City.

Parking space, off-street: A space for the parking of a motor driven vehicle within a parking lot and having a permanent means of access to a street right-of-way without requiring passage through another parking space.

Primary Junction Box: Used in both commercial and residential locations. These enclosures are used by BEUD in order to provide underground power in multiple directions. The underground cables in these devices carry primary power only (12.47/7.2 kV). There are three types of primary junction boxes: a 600A three-phase junction box, a 200A three-phase junction box, and a 200A single-phase junction box. ~~Conduits coming in and out of this device should be buried four (4) feet deep.~~

Secondary Junction Box: Provide secondary power to multiple locations. In a residential setting, these are typically located on the lot line in the front yard. ~~Conduits coming in and out of this device should be buried two (2) feet deep.~~

Section 5. That Bentonville Municipal Code, Chapter 15 Subdivision Code, Sec. 1200.2 Determining Necessity for Off-Site Improvements shall be and is hereby amended by adding the following:

(d) The off-site improvement shall be required whenever a proposed development or residence causes the need for such improvements.

Section 6. That the following articles of the Bentonville Municipal Code, Chapter 15 Subdivision Code, shall be and are hereby deleted and replaced with the respective attachment, an electronic copy and paper copy of which are on file with the City Clerk, and are hereby adopted by reference as though they were copied herein fully:

Attachment A: Art. 300 Administration and Enforcement
Attachment B: Art. 400 Preliminary Plats
Attachment C: Art. 500 Final Plats
Attachment D: Art. 600 Incidental Subdivisions;
Attachment E: Art. 700 Large Scale Developments;
Attachment F: Art. 800 Planned Developments
Attachment G: Art. 900 Plat and Plan Requirements;
Attachment H: Art. 1100 Design Standards; and,
Attachment I: Art. 1400 Landscaping, Screening and Buffering.

Section 7. This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this _____ day of _____, 2019.

Approved:

Mayor Stephanie Orman

ATTEST:

City Clerk Linda Spence



CHECK ALL THAT APPLY		
☐	Bid Award	Bid #
☐	Budget Adjustment	
☐	Change Order	
☐	Informational	
☐	Ordinance	
☒	Resolution	
☐	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Ellen Norvell

Department

Engineering

Phone

271-3168

ACTION REQUIRED:

Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 137 of Providence Village Phase 1.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

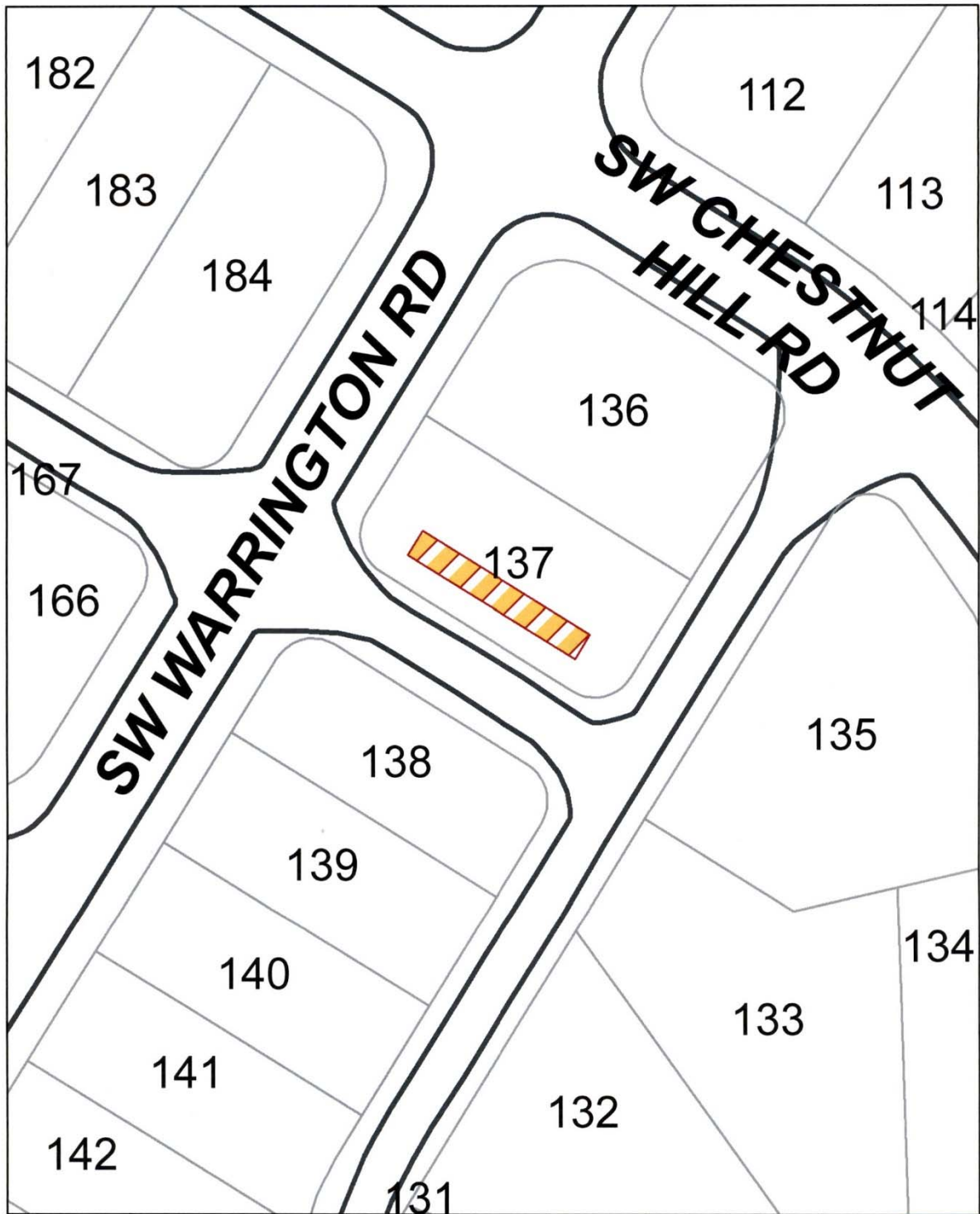
117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





VAC19-0005 Easement Vacation

1 inch = 43 feet



RESOLUTION NO. _____

IN THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas by Rausch Coleman requesting utility easement vacation within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

Vacation of an existing easement in Providence Village Subdivision as shown on Plat Record Book 2007 Page 20 Filed for Record at the Benton County Clerk's Office, Bentonville, Arkansas and further described as follows:

COMMENCING AT THE NE CORNER OF LOT 137;
THENCE N58°21'49"W 20.00'; THENCE S31°42'11"W 34.62' TO THE POB; THENCE
S31°42'11"W 10.00'; THENCE N58°17'49"W 68.97'; THENCE N31°42'11"E 10.00';
THENCE S58°17'49"E 68.97' TO THE POB.

WHEREAS, Ark. Code Ann. Section 14-301-302(c) provides that the City Council shall by resolution fix a day for the hearing of the petition and shall direct the City Clerk and Recorder to give notice of the meeting, by publication, once per week for two (2) consecutive weeks in some newspaper published in and having general circulation in Bentonville, Benton County, Arkansas.

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing on April 23, 2019 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved and adopted the _____ day of _____, 2019 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Linda Spence, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



CHECK ALL THAT APPLY		
☐	Bid Award	Bid #
☐	Budget Adjustment	
☐	Change Order	
☐	Informational	
☐	Ordinance	
☒	Resolution	
☐	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Ellen Norvell

Department

Engineering

Phone

271-3168

ACTION REQUIRED:

Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 138 of Providence Village Phase 1.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

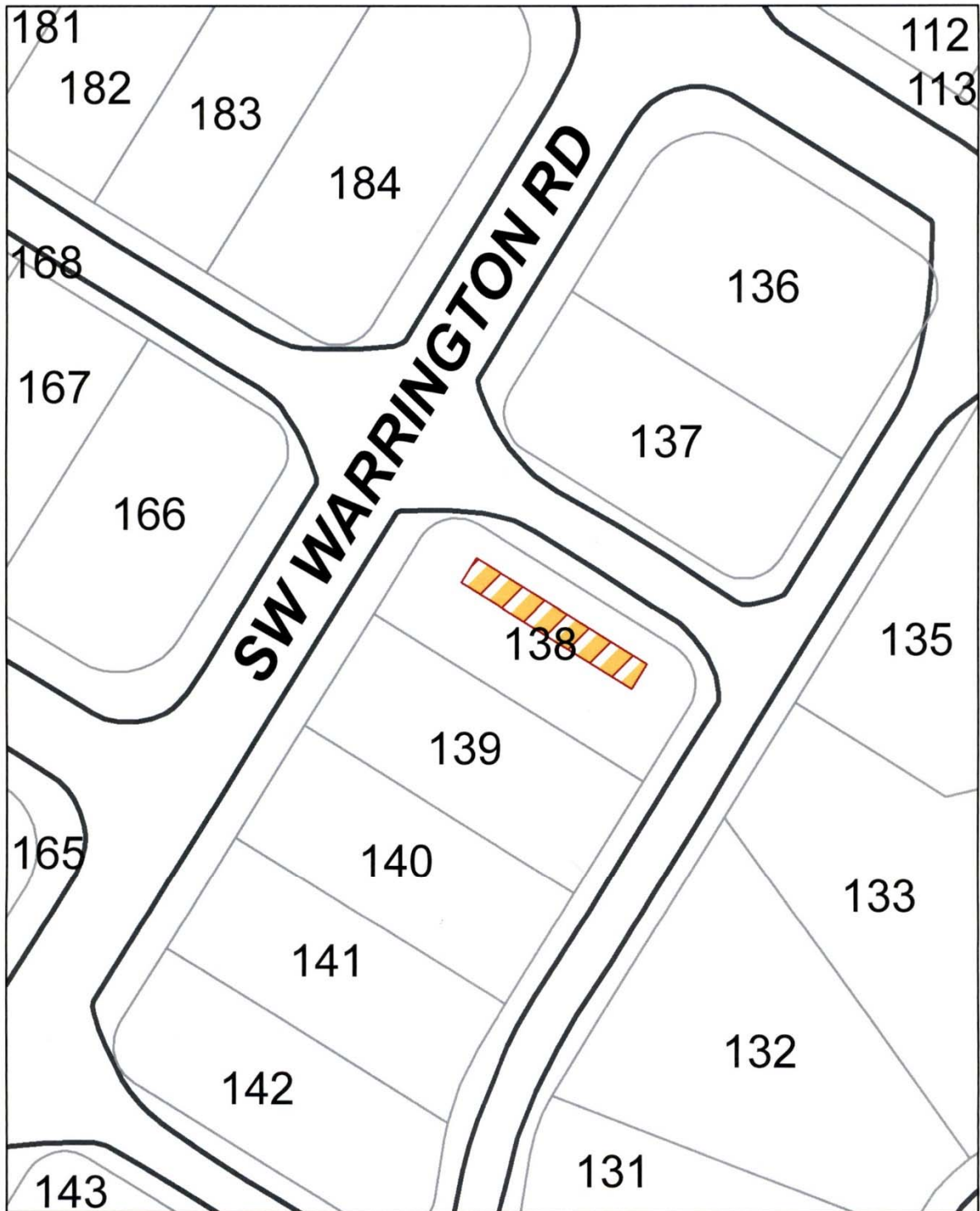
117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





VAC19-0006 Easement Vacation

1 inch = 42 feet



RESOLUTION NO. _____

IN THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas by Rausch Coleman requesting utility easement vacation within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

Vacation of an existing easement in Providence Village Subdivision as shown on Plat Record Book 2007 Page 20 Filed for Record at the Benton County Clerk's Office, Bentonville, Arkansas and further described as follows:

COMMENCING AT THE SE CORNER OF LOT 138; THENCE N58°17'49"W 20.00'; THENCE N31°42'11"E 25.07' TO THE POB; THENCE N58°17'49"W 68.97'; THENCE N31°42'11"E 10.00'; THENCE S58°17'49"E 68.97'; THENCE S31°42'11"W 10.00' TO THE POB.

WHEREAS, Ark. Code Ann. Section 14-301-302(c) provides that the City Council shall by resolution fix a day for the hearing of the petition and shall direct the City Clerk and Recorder to give notice of the meeting, by publication, once per week for two (2) consecutive weeks in some newspaper published in and having general circulation in Bentonville, Benton County, Arkansas.

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing on April 23, 2019 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved and adopted the _____ day of _____ 2019 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Linda Spence, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



CHECK ALL THAT APPLY		
☐	Bid Award	Bid #
☐	Budget Adjustment	
☐	Change Order	
☐	Informational	
☐	Ordinance	
☒	Resolution	
☐	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Ellen Norvell

Department

Engineering

Phone

271-3168

ACTION REQUIRED:

Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 142 of Providence Village Phase 1.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





RESOLUTION NO. _____

IN THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas by Rausch Coleman requesting utility easement vacation within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

Vacation of an existing easement in Providence Village Subdivision as shown on Plat Record Book 2007 Page 20 Filed for Record at the Benton County Clerk's Office, Bentonville, Arkansas and further described as follows:

COMMENCING AT THE NW CORNER OF LOT 142; THENCE S58°17'49"E 20.00'; THENCE S31°42'11"W 24.91' TO THE POB; THENCE S58°17'49"E 81.85'; THENCE S31°42'11"W 10.00'; THENCE N58°17'49"W 81.85'; THENCE N31°42'11"E 10.00' TO THE POB.

WHEREAS, Ark. Code Ann. Section 14-301-302(c) provides that the City Council shall by resolution fix a day for the hearing of the petition and shall direct the City Clerk and Recorder to give notice of the meeting, by publication, once per week for two (2) consecutive weeks in some newspaper published in and having general circulation in Bentonville, Benton County, Arkansas.

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing on April 23, 2019 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved and adopted the _____ day of _____ 2019 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Linda Spence, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



CHECK ALL THAT APPLY		
☐	Bid Award	Bid #
☐	Budget Adjustment	
☐	Change Order	
☐	Informational	
☐	Ordinance	
☒	Resolution	
☐	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Ellen Norvell

Department

Engineering

Phone

271-3168

ACTION REQUIRED:

Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 143 of Providence Village Phase 1.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

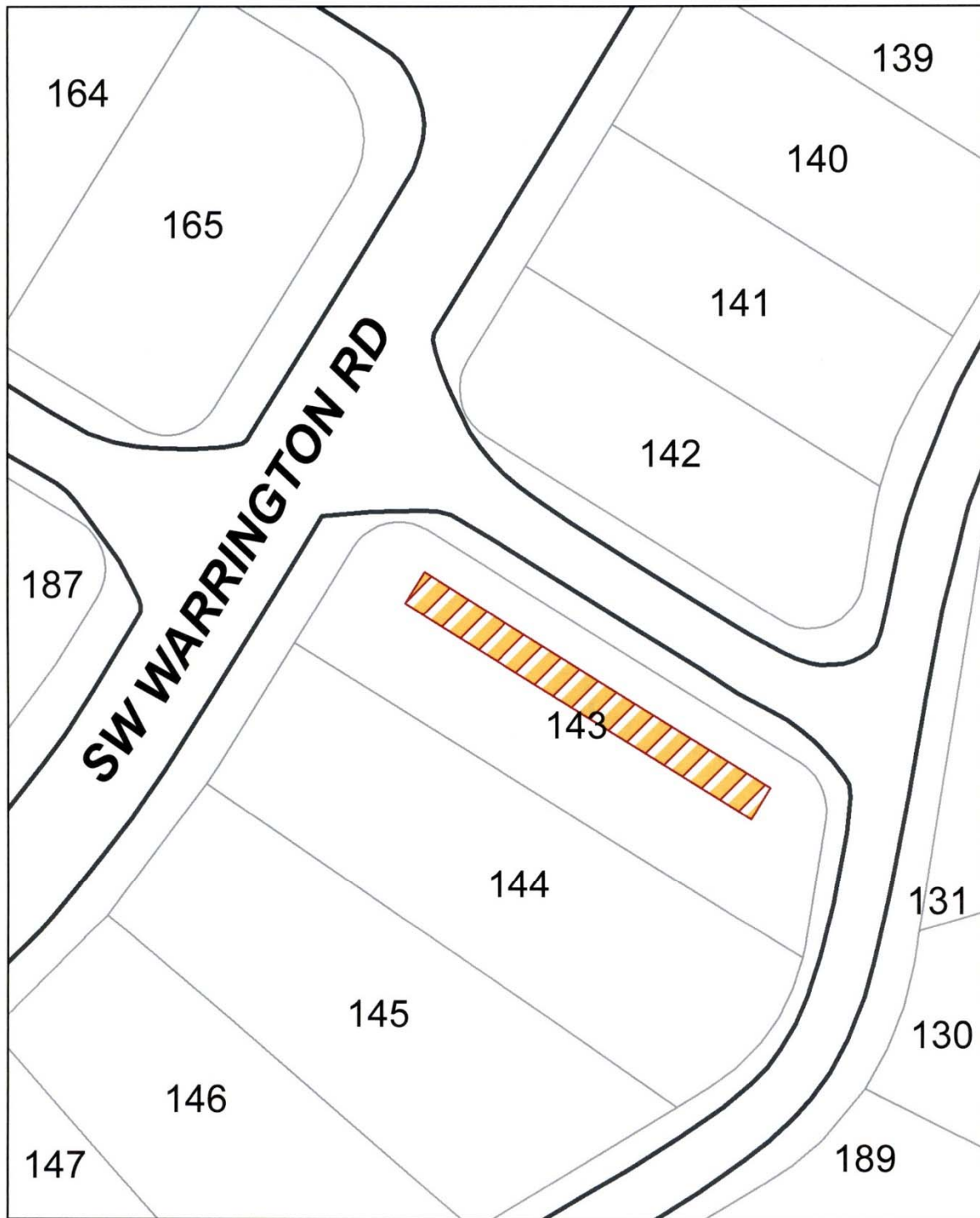
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www.bentonvillear.com



PLEASE RECYCLE





VAC19-0008 Easement Vacation

1 inch = 33 feet



RESOLUTION NO. _____

IN THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas by Rausch Coleman requesting utility easement vacation within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

Vacation of an existing easement in Providence Village Subdivision as shown on Plat Record Book 2007 Page 20 Filed for Record at the Benton County Clerk's Office, Bentonville, Arkansas and further described as follows:

COMMENCING AT THE SW CORNER OF LOT 143; THENCE S58°17'49"E 20.02'; THENCE N31°42'11"E 24.98' TO THE POB; THENCE N31°42'11"E 10.00'; THENCE S58°17'49"E 110.97'; THENCE S31°42'11"W 10.00'; THENCE N58°17'49"W 110.97' TO THE POB.

WHEREAS, Ark. Code Ann. Section 14-301-302(c) provides that the City Council shall by resolution fix a day for the hearing of the petition and shall direct the City Clerk and Recorder to give notice of the meeting, by publication, once per week for two (2) consecutive weeks in some newspaper published in and having general circulation in Bentonville, Benton County, Arkansas.

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing on April 23, 2019 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved and adopted the _____ day of _____, 2019 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Linda Spence, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



CHECK ALL THAT APPLY		
☐	Bid Award	Bid #
☐	Budget Adjustment	
☐	Change Order	
☐	Informational	
☐	Ordinance	
☒	Resolution	
☐	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Ellen Norvell

Department

Engineering

Phone

271-3168

ACTION REQUIRED:

Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 161 of Providence Village Phase 1.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

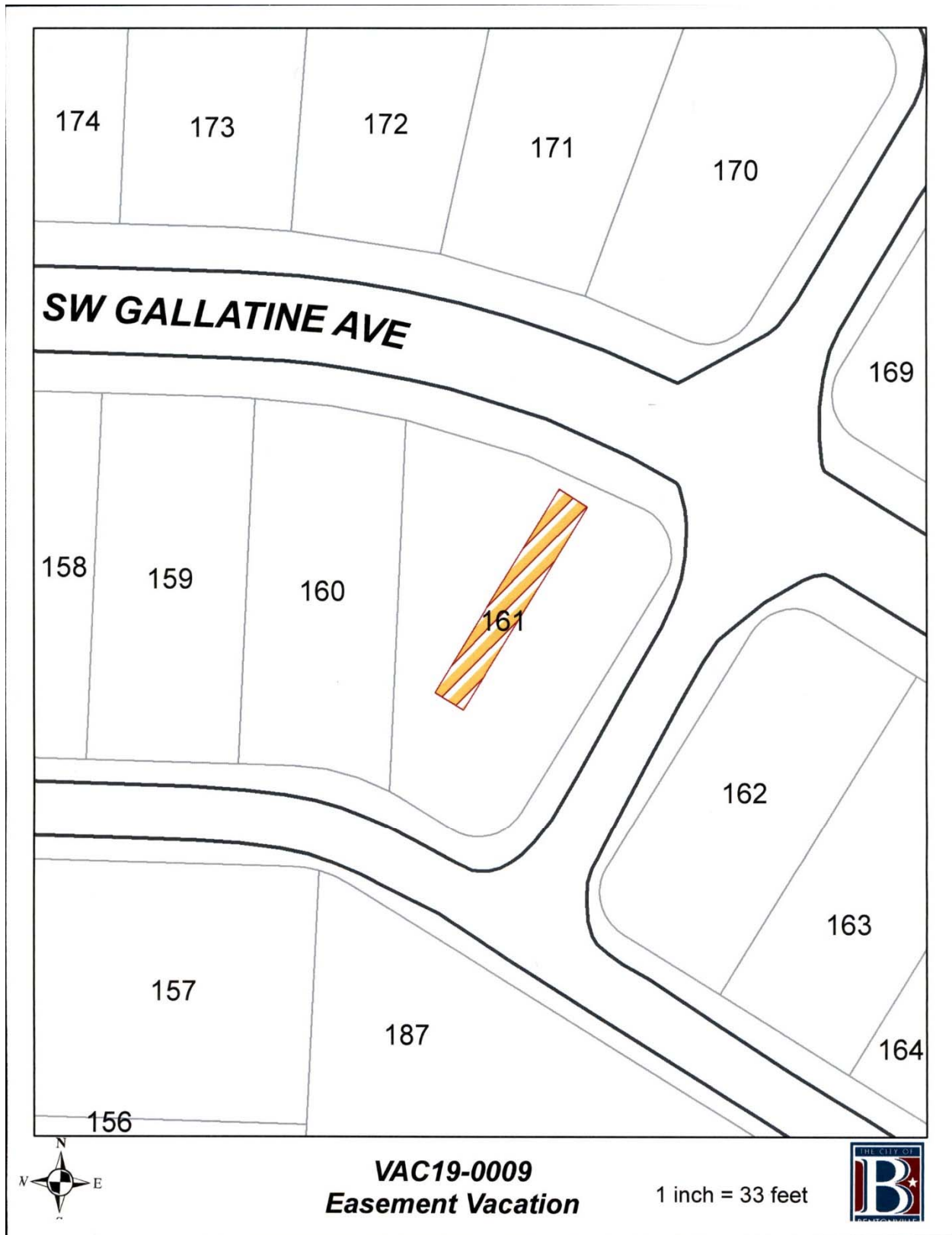
117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





RESOLUTION NO. _____

IN THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas by Rausch Coleman requesting utility easement vacation within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

Vacation of an existing easement in Providence Village Subdivision as shown on Plat Record Book 2007 Page 20 Filed for Record at the Benton County Clerk's Office, Bentonville, Arkansas and further described as follows:

COMMENCING AT THE SW CORNER OF LOT 161; THENCE N02°36'08"E 21.60'; THENCE ALONG A CURVE TO THE RIGHT 14.62', SAID CURVE HAVING A RADIUS OF 85.00' AND A LONG CHORD OF S63°13'29"E, 14.60'; THENCE S58°17'49"E 12.55' TO THE POB; THENCE N31°42'11"E 70.29'; THENCE S58°17'49"E 10.00'; THENCE S31°42'11"W 70.29'; THENCE N58°17'49"W 10.00' TO THE POB.

WHEREAS, Ark. Code Ann. Section 14-301-302(c) provides that the City Council shall by resolution fix a day for the hearing of the petition and shall direct the City Clerk and Recorder to give notice of the meeting, by publication, once per week for two (2) consecutive weeks in some newspaper published in and having general circulation in Bentonville, Benton County, Arkansas.

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing on April 23, 2019 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved and adopted the _____ day of _____ 2019 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Linda Spence, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



CHECK ALL THAT APPLY		
☐	Bid Award	Bid #
☐	Budget Adjustment	
☐	Change Order	
☐	Informational	
☐	Ordinance	
☒	Resolution	
☐	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Ellen Norvell

Department

Engineering

Phone

271-3168

ACTION REQUIRED:

Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 162 of Providence Village Phase 1.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

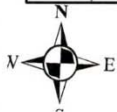
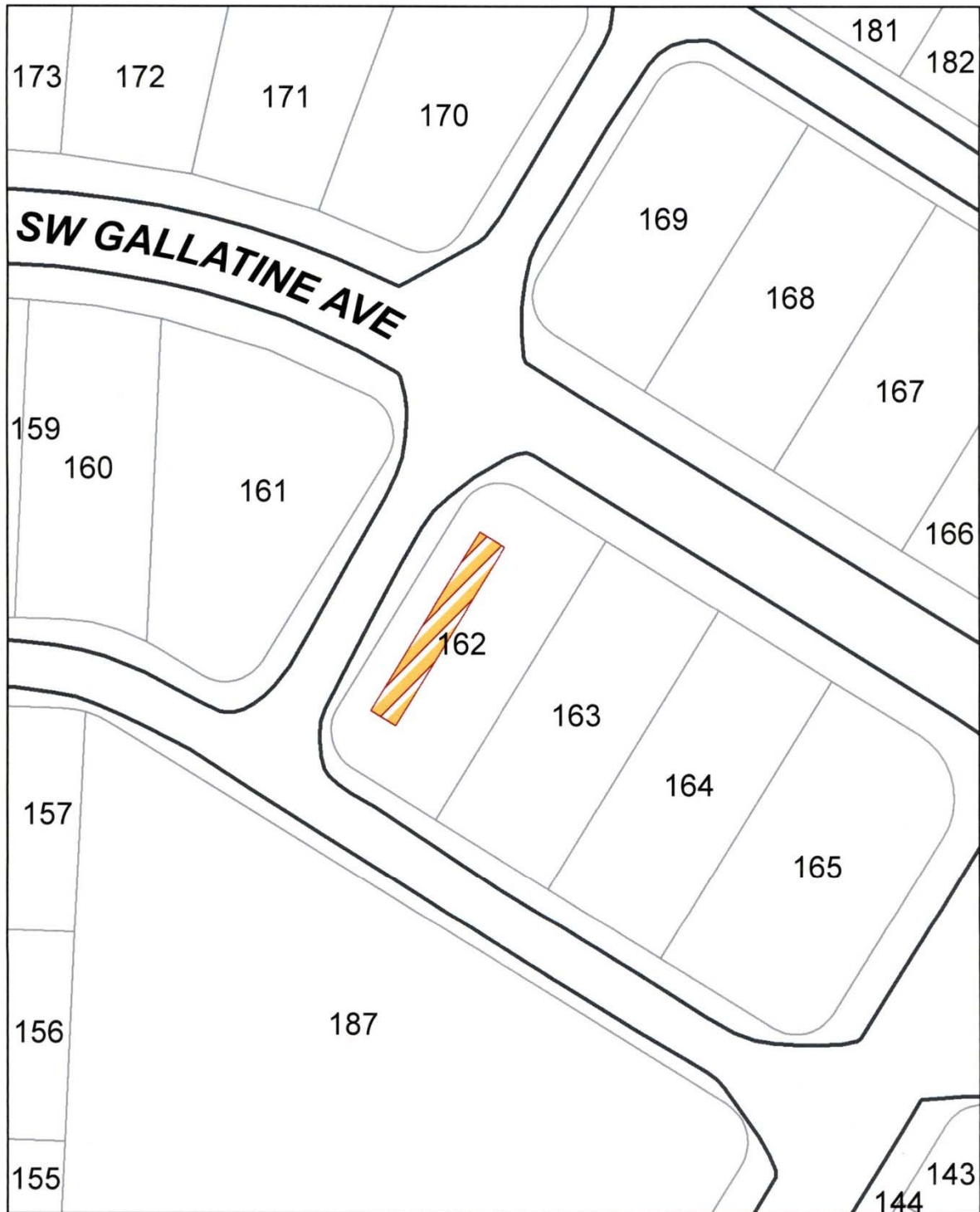
117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





VAC19-0010 Easement Vacation

1 inch = 41 feet



RESOLUTION NO. _____

IN THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas by Rausch Coleman requesting utility easement vacation within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

Vacation of an existing easement in Providence Village Subdivision as shown on Plat Record Book 2007 Page 20 Filed for Record at the Benton County Clerk's Office, Bentonville, Arkansas and further described as follows:

LOT 162

COMMENCING AT THE SE CORNER OF LOT 162; THENCE N31°42'11"E 20.00'; THENCE N58°17'49"W 28.44' TO THE POB; THENCE N58°17'49"W 10.00'; THENCE N31°42'11"E 71.08'; THENCE S58°17'49"E 10.00'; THENCE S31°42'11"W 71.08' TO THE POB. CONTAINING .02 ACRES +/-

WHEREAS, Ark. Code Ann. Section 14-301-302(c) provides that the City Council shall by resolution fix a day for the hearing of the petition and shall direct the City Clerk and Recorder to give notice of the meeting, by publication, once per week for two (2) consecutive weeks in some newspaper published in and having general circulation in Bentonville, Benton County, Arkansas.

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing on April 23, 2019 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved and adopted the _____ day of _____ 2019 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Linda Spence, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



CHECK ALL THAT APPLY		
☐	Bid Award	Bid #
☐	Budget Adjustment	
☐	Change Order	
☐	Informational	
☐	Ordinance	
☒	Resolution	
☐	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Ellen Norvell

Department

Engineering

Phone

271-3168

ACTION REQUIRED:

Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 169 of Providence Village Phase 1.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

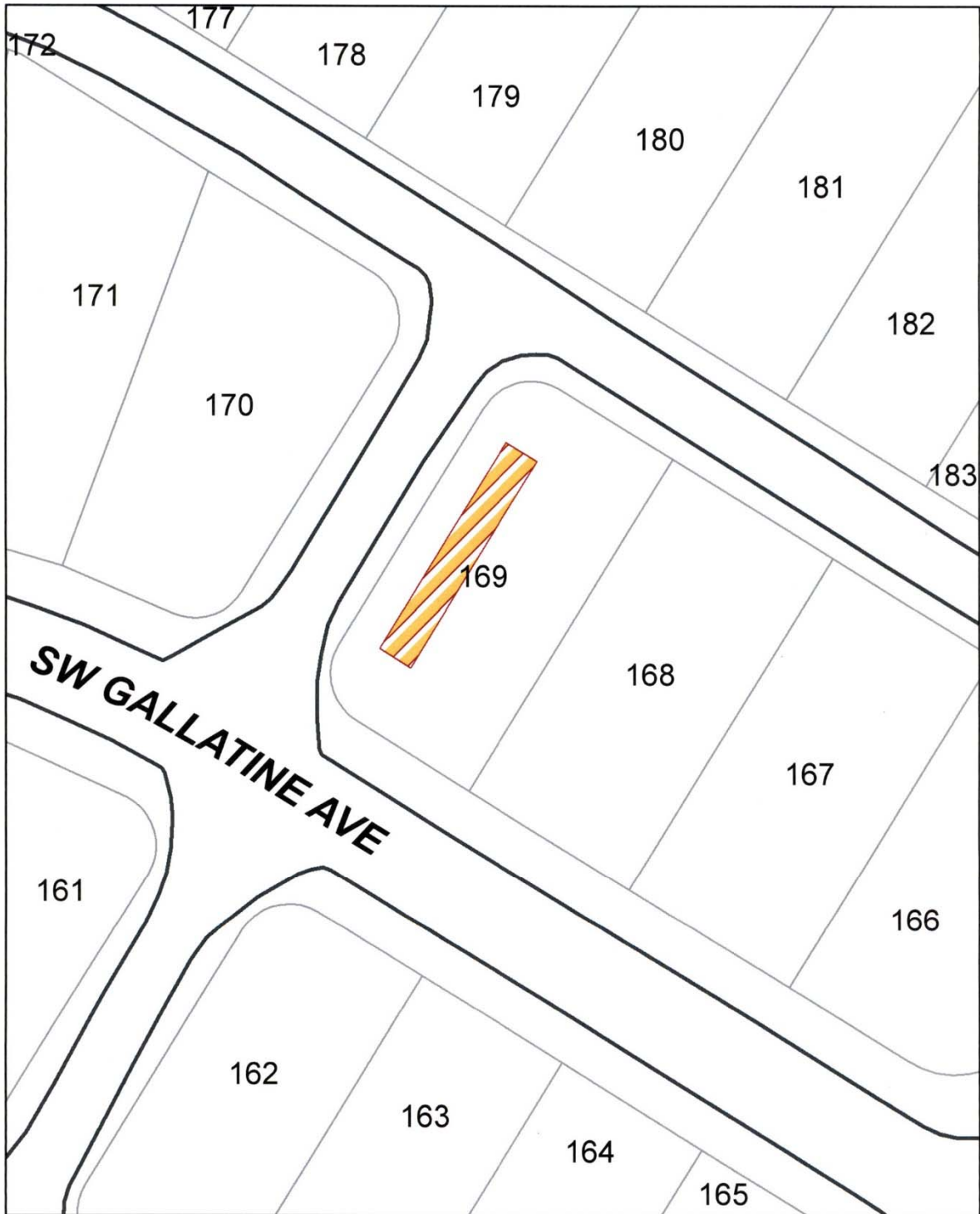
117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





VAC19-0011
Easement Vacation

1 inch = 33 feet



RESOLUTION NO. _____

IN THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas by Rausch Coleman requesting utility easement vacation within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

Vacation of an existing easement in Providence Village Subdivision as shown on Plat Record Book 2007 Page 20 Filed for Record at the Benton County Clerk's Office, Bentonville, Arkansas and further described as follows:

COMMENCING AT THE NE CORNER OF LOT 169; THENCE S31°42'11"W 20.00'; THENCE N58°17'49"W 31.30' TO THE POB; THENCE S31°42'11"W 65.96'; THENCE N58°17'49"W 10.00'; THENCE N31°42'11"E 65.96'; THENCE S58°17'49"E 10.00' TO THE POB.

WHEREAS, Ark. Code Ann. Section 14-301-302(c) provides that the City Council shall by resolution fix a day for the hearing of the petition and shall direct the City Clerk and Recorder to give notice of the meeting, by publication, once per week for two (2) consecutive weeks in some newspaper published in and having general circulation in Bentonville, Benton County, Arkansas.

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing on April 23, 2019 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved and adopted the _____ day of _____, 2019 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Linda Spence, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



CHECK ALL THAT APPLY		
☐	Bid Award	Bid #
☐	Budget Adjustment	
☐	Change Order	
☐	Informational	
☐	Ordinance	
☒	Resolution	
☐	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Ellen Norvell

Department

Engineering

Phone

271-3168

ACTION REQUIRED:

Resolution setting a public hearing for April 23, 2019 for Utility Easement Vacations requested by Rausch Coleman for Lot 170 of Providence Village Phase 1.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

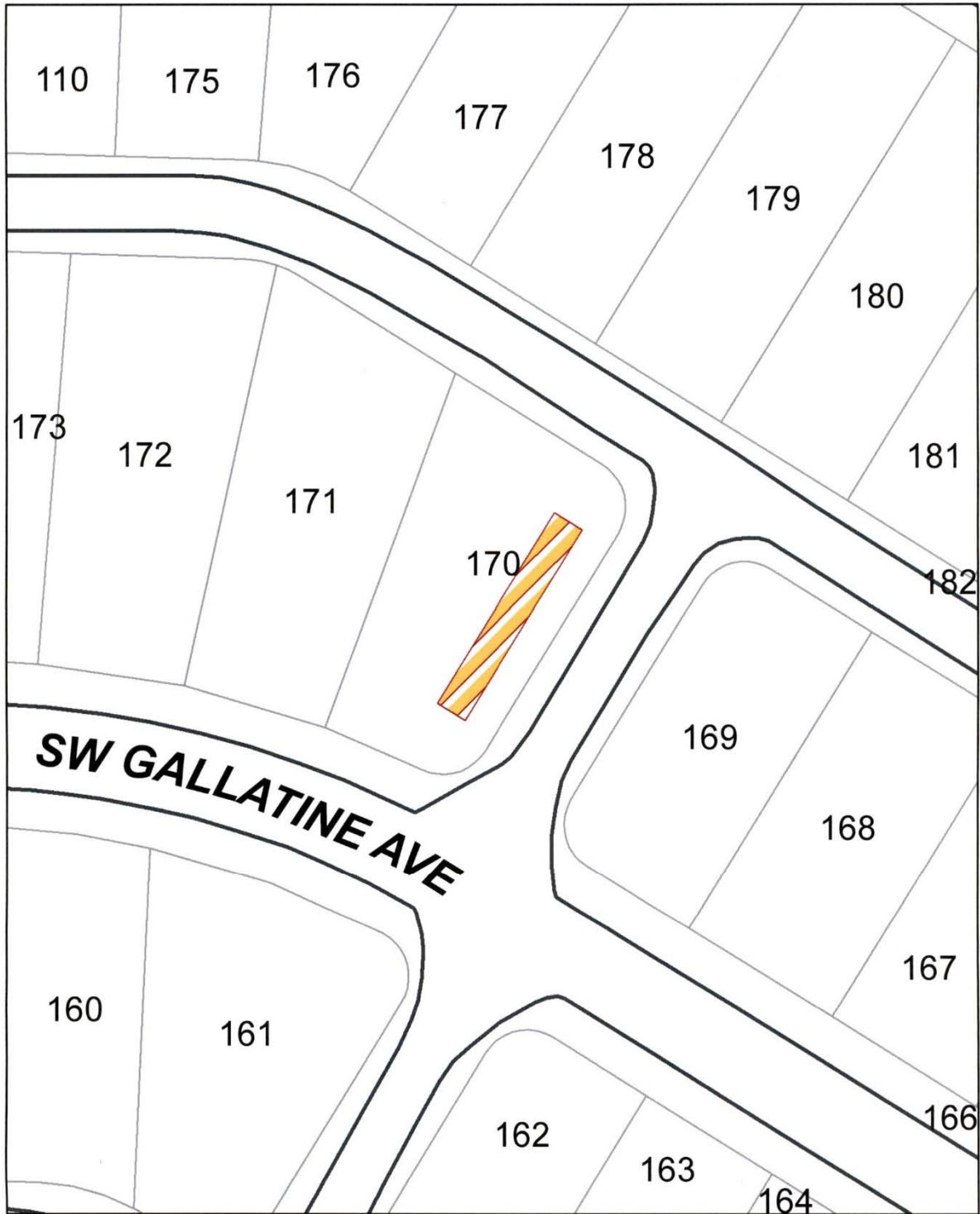
117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





VAC19-0012 Easement Vacation

1 inch = 37 feet



RESOLUTION NO. _____

IN THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas by Rausch Coleman requesting utility easement vacation within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

Vacation of an existing easement in Providence Village Subdivision as shown on Plat Record Book 2007 Page 20 Filed for Record at the Benton County Clerk's Office, Bentonville, Arkansas and further described as follows:

COMMENCING AT THE NW CORNER OF LOT 170; THENCE S20°24'38"W 20.39'; THENCE S58°17'49"E 43.76' TO THE POB; THENCE S58°17'49"E 10.00'; THENCE S31°42'11"W 68.11'; THENCE N58°17'49"W 10.00'; THENCE N31°42'11"E 68.11' TO THE POB.

WHEREAS, Ark. Code Ann. Section 14-301-302(c) provides that the City Council shall by resolution fix a day for the hearing of the petition and shall direct the City Clerk and Recorder to give notice of the meeting, by publication, once per week for two (2) consecutive weeks in some newspaper published in and having general circulation in Bentonville, Benton County, Arkansas.

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing on April 23, 2019 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved and adopted the _____ day of _____ 2019 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Linda Spence, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



CHECK ALL THAT APPLY		
	Bid Award	Bid #
	Budget Adjustment	
	Change Order	
	Informational	
	Ordinance	
X	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Bryan Wick

Department

Engineering

Phone

696-0227

ACTION REQUIRED:

Approve resolution by City Council allowing the Mayor and City Clerk to enter into an amended agreement with Garver Engineers on the NW 3rd Street Phase 3 Project. This amendment will add \$115,200.00 to the contract for professional services for further study of Coler Creek and preparing a Letter of Map Revision (LOMR) and submitting the LOMR to FEMA.

COST TO CITY:

Cost of this Request: \$115,200.00

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	Bond Account
Funds Expended to Date	
Remaining Budget	
Budget Adjustment	\$ -
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



Memorandum



To: Mayor and City Council
From: Bryan Wick, Project Manager
Date: Thursday, March 28, 2019
Re: NW 3rd Street Phase 3 – Amendment 3 to Garver Contract

This amendment will add professional service items to the current contract for NW 3rd Street Phase 3 Improvements project. The cost of Amendment #3 is \$115,200.00, which will include a detailed study along Coler Creek and prepare and submit a Letter of Map Revision (LOMR) to FEMA. The cost of this amendment will come from the Bond Account.

The NW 3rd Street Construction project came in \$95,365.32 under contract. This reduction in price would be used to help supplement the overall cost of this amendment.

Staff is seeking City Council approval for a resolution allowing the Mayor to enter into an amended agreement with Garver, LLC.

Please contact me with any questions or concerns regarding the proposed contract or the project as a whole. My telephone number is (479) 696-0227 or I can be reached via email at bwick@bentonvillear.com.



AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES
City of Bentonville
Bentonville, Arkansas
Project No. 18047202

CONTRACT AMENDMENT NO. 3

This Contract Amendment No. 3, effective on the date last written below, shall amend the original contract between the City of Bentonville (Owner) and GARVER, LLC (GARVER), dated February 19, 2015 referred to in the following paragraphs as the original contract.

This Contract Amendment No. 3 adds professional services to further study Coler Creek and prepare a Letter of Map Revision (LOMR) to be submitted to FEMA for the:

Widening of Phase 3 of NW 3rd Street project from Saddlebrook Street westward to Coler Creek including curb & gutter, sidewalks, underground drainage, retaining walls and the widening or replacement of the bridge over Coler Creek.

The original contract is hereby modified as follows:

SECTION 3 – PAYMENT

The Payment Summary Table is replaced with the below Table:

WORK DESCRIPTION	AGREEMENT AMOUNT	AMEND NO. 1	AMEND NO. 2	AMEND NO. 3	TOTAL AMENDED FEE	FEE TYPE
Geotechnical Services (GHBW)	\$14,000	\$0	\$0	\$0	\$14,000	HOURLY
Record Research	\$2,100	\$0	\$0	\$0	\$2,100	
Utility Marking (ARKUPS)	\$700	\$0	\$0	\$0	\$700	
Surveys	\$25,100	\$3,562	\$0	\$29,500	\$58,162	
Conceptual Design	\$30,200	\$0	\$0	\$0	\$30,200	
Preliminary Design	\$0	\$0	\$0	\$0	\$0	
Final Design	\$69,400	\$0	\$0	\$0	\$69,400	
Property Acquisition Documents	\$14,300	\$0	\$0	\$0	\$14,300	
Drainage Study	\$0	\$0	\$6,500	\$0	\$6,500	
LOMR Study	\$0	\$0	\$0	\$77,450	\$77,450	
FEMA Review Fee	\$0	\$0	\$0	\$8,250	\$8,250	
Water & Sewer Relocations	\$0	\$5,609	\$0	\$0	\$5,609	
Bidding Services	\$5,500	\$0	\$0	\$0	\$5,500	
Construction Phase Services	\$78,700	\$38,184	\$38,700	\$0	\$155,584	
TOTAL FEE	\$240,000	\$47,355	\$45,200	\$115,200	\$447,755	

Contract Amendment No. 3
 NW 3rd Street, Phase III

1 of 2

Garver Project No. 18047202



The following scope of services are added to the agreement as initially documented in **Appendix A** and **Appendix B** of the original agreement:

APPENDIX A –SCOPE OF SERVICES

The scope of services as included in the attached **APPENDIX A – SCOPE OF SERVICES FOR AMENDMENT 3** shall be added to the agreement.

APPENDIX B – FEE SPREADSHEETS

The fee spreadsheets as included in the attached **APPENDIX B – AMENDMENT 3 FEE SPREADSHEETS** shall be added to the agreement.

This Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, Owner and GARVER have executed this Amendment effective as of the date last written below.

CITY OF BENTONVILLE

GARVER, LLC

By: _____
Signature

By: _____
Signature

Name: _____
Printed Name

Name: Ronald S. Petrie
Printed Name

Title: _____

Title: Sr. Project Manager

Date: _____

Date: 3/19/2019

Attest: _____

Attest: _____

Contract Amendment No. 3
NW 3rd Street, Phase III

2 of 2

Garver Project No. 18047202

APPENDIX A – SCOPE OF SERVICES FOR AMENDMENT 3

1. General

Generally, the scope of services includes providing floodplain modeling services for Coler Creek in Bentonville, AR. The purpose of the project will be to update the Effective hydraulic model of Coler Creek for approximately two miles from just upstream of Jackson Lake to its confluence with McKissic Creek and submit a Letter of Map Revision (LOMR) to FEMA on behalf of the City of Bentonville.

2. Channel and Structure Surveys

Garver will provide field survey data to document the improvements to Coler Creek in the study area that is defined as just upstream of Jackson Lake to its confluence with McKissic Creek. The survey will include seven recently constructed pedestrian bridges, three trail head parking areas, a pool and riffle creek section, and channel cross sections to the detail required for the hydraulic model. Additionally, the dam at Jackson Lake will be surveyed to the detail required for the hydraulic model.

3. Drainage Study

3.1. Hydrology

Garver will review the Effective HEC-HMS hydrologic model of the stream obtained from the City and update as required to reflect current development in the watershed. Modeling parameters, such as areas, slopes, drainage paths, and distances will be obtained from Owner-provided planimetric contour maps and aerial photos and verified by field investigations. Runoff characteristics for non-developed areas will be based on current land-use plans. Additionally, Garver will determine "Fully Developed" discharges for the watershed to provide to the City. These flows can be used in any future projects by the City or others to determine the potential viability of projects and will be based on the assumption of a "Fully Developed" watershed. Data submitted to FEMA for the LOMR application will only include current hydrologic conditions. "Fully Developed" flow information will be for city-use only.

3.2. Hydraulics

Garver will develop a HEC-RAS hydraulic model to determine limits of the 100-year and 500-year floodplain and floodway for Coler Creek from the upstream limit of the Effective model near Jackson Lake to the confluence with McKissic Creek. The Effective HEC-RAS hydraulic model will be obtained from the City and updated with best available data, including 2017 contour data and project survey.

A Post-Project hydraulic model will include the following developments:

- NW 3rd Street bridge replacement
- Coler Creek trail running generally parallel to Coler Creek
- Overbank development such as parking lot trail heads
- Seven pedestrian trail bridge crossings and one low water crossing of Coler Creek
- Channel improvements including a pool/riffle system near Lettered Section E

3.3. FEMA Coordination

An application for a LOMR will be prepared and submitted to the City. The application will include the existing reach of Coler Creek upstream of NW 3rd Street, the bridge replacement at NW 3rd Street, additional development along the reach as indicated by the City, and any potential mitigation along the stream. A copy of the LOMR will be submitted to FEMA after the City has reviewed and signed the submittal. The submittal will include a brief report with exhibits, maps, hydraulic models, hydrologic models (if changes to current conditions are required), and draft notification letter. Garver will prepare

and send the notification letters to adjacent property owners and complete FEMA MT 2 forms. The LOMR will be for the project area described previously.

Currently the FEMA regulations require a review fee for a LOMR that includes man-made improvements for \$8,250. The review fee is a part of this scope of services.

4. Project Deliverables

The following will be submitted to the Owner, or others as indicated, by Garver:

- A. Digital copies of the updated hydrologic and hydraulic models.
- B. Flood Study report that documents the new floodplain and floodway boundaries including any information on potential mitigation options.
- C. Typical LOMR Submittal documents including notification letters to adjacent property owners.

5. Extra Work

The following items are not included under this agreement but will be considered as extra work:

- A. Any additional work not specifically included in the Scope of Services.
- B. Hydraulic modeling upstream of the Effective model limits or downstream of the confluence with McKissic Creek.
- C. Utility locates.
- D. Wetland identification or other work related to environmentally or historically (culturally) significant items.
- E. Detailed mitigation plans and cost estimates beyond conceptual design options for mitigation along Coler Creek.
- F. As-built survey of any mitigation options implemented. See Section 6.

Extra Work will be as directed by the Owner in writing for an addition fee as agreed upon by the Owner and Garver.

The City will provide and/or accomplish the following:

- A. Right of entry to the property.
- B. Electronic Effective hydrologic and hydraulic models. If the City cannot provide this data, a FEMA Data Request will be submitted and expensed to the City. The current FEMA data request fee is \$300.
- C. The best available topographic data in the form of contours and/or a raster surface.
- D. All available plans and as-built information for pre- and post-project structures and development, including the trail and parking lot plans. Construction plans for all post-project structures will be required by FEMA as part of the LOMR submittal.

6. Potential Supplemental Project Work

In the event that mitigation options are pursued for this project, the construction of the mitigation feature(s) must be completed prior to the LOMR submittal to FEMA. Potential future supplemental work for this project would be to complete detailed designs for the mitigation feature(s) and to construct the feature(s). As-built project survey would also need to be completed to include in the FEMA LOMR submittal. If mitigation is to be pursued, the project schedule would be interrupted to complete the mitigation design, construction, and post-project survey.

7. Schedule

Garver shall begin work under this Agreement within ten (10) days of a Notice to Proceed and shall complete the work in accordance with the schedule below:

Phase Description	Calendar Days
Surveys	42 days from Notice to Proceed
Drainage Study	42 days from completion of survey
LOMR Application Package*	35 days from approval of Drainage Study

* Contingent on City decision on channel mitigation. See Section 6.



APPENDIX B
NW 3rd, Phase III - Amendment No. 3
Garver Hourly Rate Schedule: July 2018 - June 2019

Classification	Rates
Engineers / Architects	
E-1.....	\$ 105.00
E-2.....	\$ 122.00
E-3.....	\$ 148.00
E-4.....	\$ 173.00
E-5.....	\$ 210.00
E-6.....	\$ 264.00
E-7.....	\$ 351.00
Planners / Environmental Specialist	
P-1.....	\$ 127.00
P-2.....	\$ 159.00
P-3.....	\$ 198.00
P-4.....	\$ 225.00
P-5.....	\$ 261.00
P-6.....	\$ 297.00
P-7.....	\$ 359.00
Designers	
D-1.....	\$ 99.00
D-2.....	\$ 115.00
D-3.....	\$ 137.00
D-4.....	\$ 159.00
Technicians	
T-1.....	\$ 77.00
T-2.....	\$ 97.00
T-3.....	\$ 119.00
Surveyors	
S-1.....	\$ 47.00
S-2.....	\$ 62.00
S-3.....	\$ 84.00
S-4.....	\$ 120.00
S-5.....	\$ 159.00
S-6.....	\$ 181.00
2-Man Crew (Survey).....	\$ 192.00
3-Man Crew (Survey).....	\$ 239.00
2-Man Crew (GPS Survey).....	\$ 212.00
3-Man Crew (GPS Survey).....	\$ 259.00
Construction Observation	
C-1.....	\$ 93.00
C-2.....	\$ 119.00
C-3.....	\$ 146.00
C-4.....	\$ 179.00
Management/Administration	
M-1.....	\$ 359.00
X-1.....	\$ 60.00
X-2.....	\$ 82.00
X-3.....	\$ 114.00
X-4.....	\$ 145.00
X-5.....	\$ 178.00
X-6.....	\$ 227.00
X-7.....	\$ 270.00

Agreement for Professional Services
 NW 3rd, Phase III - Amendment No. 3

Garver Project No. 18047202

APPENDIX B
AMENDMENT NO. 3 - ADDITIONAL SCOPE OF SERVICES

City of Bentonville
Coler Creek Drainage Study

FEE SUMMARY

Title I & II Services	Estimated Fees				Totals
	Original	Amendment 1	Amendment 2	Amendment 3	
Geotechnical Services (GHBW)	\$14,000.00	\$0.00	\$0.00	\$0.00	\$14,000.00
Record Research	\$2,100.00	\$0.00	\$0.00	\$0.00	\$2,100.00
Utility Marking (ARKUPS)	\$700.00	\$0.00	\$0.00	\$0.00	\$700.00
Surveys	\$25,100.00	\$3,562.00	\$0.00	\$29,500.00	\$58,162.00
Conceptual Design	\$30,200.00	\$0.00	\$0.00	\$0.00	\$30,200.00
Preliminary Design	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Final Design	\$69,400.00	\$0.00	\$0.00	\$0.00	\$69,400.00
Property Acquisition Documents	\$14,300.00	\$0.00	\$0.00	\$0.00	\$14,300.00
Drainage Study	\$0.00	\$0.00	\$6,500.00	\$0.00	\$6,500.00
LOMR Study	\$0.00	\$0.00	\$0.00	\$77,450.00	\$77,450.00
FEMA Review Fee	\$0.00	\$0.00	\$0.00	\$8,250.00	\$8,250.00
Water & Sewer Relocations	\$0.00	\$5,609.00	\$0.00	\$0.00	\$5,609.00
Bidding Services	\$5,500.00	\$0.00	\$0.00	\$0.00	\$5,500.00
Construction Phase Services	\$78,700.00	\$38,184.00	\$38,700.00	\$0.00	\$155,584.00
Subtotal for Title I & II Services	\$240,000.00	\$47,355.00	\$45,200.00	\$115,200.00	\$447,755.00

APPENDIX B**City of Bentonville
Coler Creek Drainage Study****SURVEYS - AMENDMENT 3**

WORK TASK DESCRIPTION	E-4	S-5	S-4	2-Man Crew (Survey)	2-Man Crew (GPS Survey)	3-Man Crew (GPS Survey)	X-1
	\$173.00	\$159.00	\$120.00	\$192.00	\$212.00	\$259.00	\$60.00
	hr	hr	hr	hr	hr	hr	hr
1. Surveys - Topographic							
Coordination and Administration	2	4					1
Establish Horizontal & Vertical Control		2	4	22	8		
Channel Cross-Sections				88			
Bridge Surveys (7 Bridges)				20			
Data Processing/DTM Preparation							
Subtotal - Surveying	2	6	4	130	8	0	1

Hours	2	6	4	130	8	0	1
Salary Costs	\$346.00	\$954.00	\$480.00	\$24,960.00	\$1,696.00	\$0.00	\$60.00

SUBTOTAL - SALARIES: **\$28,496.00**

DIRECT NON-LABOR EXPENSES

Survey Supplies	\$54.00
Travel Costs	\$950.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: **\$1,004.00**

SUBTOTAL: **\$29,500.00**

SUBCONSULTANTS FEE: **\$0.00**

TOTAL FEE: **\$29,500.00**

APPENDIX B

**City of Bentonville
Coler Creek Drainage Study**

LOMR STUDY - AMENDMENT 3

WORK TASK DESCRIPTION	E-6	E-5	E-3	E-2	E-1	T-1	T-2
	\$275.00	\$219.00	\$154.00	\$127.00	\$110.00	\$81.00	\$101.00
	hr	hr	hr	hr	hr	hr	hr
1. Drainage Study							
Site Visit		8	8				
Gather Existing Data			4	8			
Hydrology - HEC-HMS							
Review and update Effective model for current development representation			16	16			
Supply City with "Fully Developed" flows			8	16			
Hydraulics - HEC-RAS							
Duplicate Effective HEC-RAS Model			2	4			
Corrected Effective HEC-RAS Model			12	48			
Post-Project HEC-RAS Model			36	80			
Report - Tech Memo			14	40			
Q/C		4	4	8			
Meeting w/ City		8	8	8			
Subtotal - Drainage Study	0	20	112	228	0	0	0
2. LOMR Application and Comments							
Letter of Map Revision for FEMA							
Prepare model for submittal			4	4			
Floodplain Mapping (Annotated FIRM)			2	16			
Report/Forms			8	20			
Notification Process							
ID Impacted Parcels			2	8			
Develop Address Database			1	6			
Prepare Draft Letter			1	4			
Mail Letters			1	6			
Structure Exhibit			3	12			
Entity Approvals							
Respond to City of Bentonville Comments		2	6				
Meetings		8	8				
Coordination With FEMA		8	40	8			
Subtotal - LOMR Application and Comments	0	18	76	84	0	0	0
Hours	0	38	188	312	0	0	0
Salary Costs	\$0.00	\$8,322.00	\$28,952.00	\$39,624.00	\$0.00	\$0.00	\$0.00
SUBTOTAL - SALARIES:		\$76,898.00					
DIRECT NON-LABOR EXPENSES							
Document Printing/Reproduction/Assembly	\$202.00						
Postage/Freight/Courier	\$50.00						
Travel Costs	\$300.00						
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		\$552.00					
SUBTOTAL:		\$77,450.00					
TOTAL FEE:		\$77,450.00					

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AMENDED AGREEMENT WITH GARVER, LLC. FOR PROFESSIONAL SERVICES FOR A DETAILED STUDY OF COLER CREEK AND PREPARATION AND SUBMISSION OF A LETTER OF MAP REVISION TO FEMA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS.

Section 1: That the Mayor be and are hereby authorized to enter into an amended agreement with Garver, LLC. for professional services for a detailed study of Coler Creek and preparation and submission of a Letter of Map Revision to FEMA for an amount not to exceed \$115,200 as set forth in the proposal attached hereto as Exhibit "A".

Section 2: This resolution shall be in full force and effect from and after the date of its passage.

PASSED and APPROVED this _____ day of _____, 20____.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



CHECK ALL THAT APPLY			
☒	Bid Award	Bid #	18-060
☐	Budget Adjustment		
☐	Change Order		
☐	Informational		
☐	Ordinance		
☐	Resolution		
☐	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Travis Matlock

Department

Inventory

Phone

271-3145

ACTION REQUIRED:

Recommend Mayor and City Clerk award 750 underground wire to the lowest bidder as shown on the attached bid tabulation in the amount of \$86,224.50.

COST TO CITY:

Cost of this Request: \$86,225

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



M E M O R A N D U M

DATE: April 9, 2019

TO: **City Council, Mayor Orman**

FROM: Travis Matlock, Engineer Director

RE: **750 Underground wire**

The City of Bentonville recommends awarding the bids for 750 underground wire in the total amount \$86,224.50. The low bidders for the wire are as follows:

Techline in the amount of \$86,224.50
Arkansas Electric in the amount of \$86,589.00
Stuart Irby in the amount of \$92,610.00

This award is to replenish minimum stock level and provide on underground jobs within the city.

FORMAL BID #IFB-18-047

GRAND TOTAL:



CHECK ALL THAT APPLY		
☐	Bid Award	Bid #
☐	Budget Adjustment	
☐	Change Order	
☐	Informational	
☐	Ordinance	
☐	Resolution	
☒	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Ed Wheeler

Department

Administration

Phone

271-3191

ACTION REQUIRED:

Request City Council approve the reclassification of one (1) Heavy Equipment Operator I/II/III position (Grade 16/17/18) in the Electric Department budget to (1) Electric Technician I/II/III position (Grade 92/93/94) in the Electric Department budget. The Electric Department has been systematically eliminating the position of Heavy Equipment Operator I/II/III through attrition and retirements. Additionally, for several years the Electric Department has been cross training their lineman to operate heavy equipment - allowing them to speed up workflow on their various job sites requiring heavy equipment operations. With this cross training of lineman, the need for an actual Heavy Equipment Operator I/II/III has been eliminated. The last actual Heavy Equipment Operator I/II/III in the Electric department has recently cross-trained in the duties of an Electric Technician I/II/III position - which is increasing in demand within the department. There are NO additional budget adjustments needed to affect this change.

COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount \$0

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

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PLEASE RECYCLE





CHECK ALL THAT APPLY		
	Bid Award	Bid #
	Budget Adjustment	
	Change Order	
	Informational	
	Ordinance	
x	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Jon Simpson

Department

Police

Phone

271-3172

ACTION REQUIRED:

Approve resolution that the City Council recognize the retirement of Police Department K-9 Tyson, declaring a surplus status, and authorizing the ownership of the K-9 to be transferred to his handler, Detective Corporal Andy Ball. The K9's age (10 years) and medical history confirm that Tyson's retirement is in the best interests of this K9 and all involved parties. (A replacement K9 is included in our 2019 budget). This action would also correspond to Detective Ball's recent selection and transfer to the Criminal Investigation Division. Upon Tyson's retirement, Detective Ball would assume complete responsibility for the K9. See attached letter from Detective Ball to this effect.

COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712
www.bentonvillear.com



PLEASE RECYCLE





**CITY of
BENTONVILLE
POLICE
DEPARTMENT**

908 S. E. 14th Street
Bentonville, Arkansas 72712
(479) 271-3173

Jon Simpson
Chief of Police

March 25, 2019

Dear City Council Members,

K9 Tyson has been my assigned partner since September of 2013. He has been a valued member of our police department since September of 2012 and was assigned only briefly to one other handler prior to myself. In addition to being my daily partner, he has been involved in countless drug related investigations and arrests during his years of service to our city.

Currently, Tyson is 10 years old and has a history of health issues to include a back surgery in 2016 and dental surgery in 2017, and again this year, to remove a broken tooth. Over the last year, Tyson has more frequently struggled with injuries related to both training activities and on the job deployments. He is medicated daily to lessen his pain and limping.

It is in the best interests of all involved parties that Tyson be retired to my personal custody and, upon your approval, I agree to assume all costs and concerns related to his health and upkeep upon his retirement.

Respectfully,

Detective Corporal Andy Ball

RESOLUTION NO. _____

**A RESOLUTION RECOGNIZING THE RETIREMENT OF
POLICE K-9 TYSON AND AUTHORIZING THE K-9 TO BE
TRANSFERRED TO HIS HANDLER.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE
CITY OF BENTONVILLE, ARKANSAS.**

Section 1: That the Police K-9 known as "Tyson" is hereby retired from service and deemed surplus, and the City is authorized to transfer the K-9 to his handler, Detective Corporal Andy Ball.

Section 2: This resolution shall be in full force and effect from and after the date of its passage.

PASSED and APPROVED this ____ day of _____, 2019.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



CHECK ALL THAT APPLY		
☐	Bid Award	Bid #
☐	Budget Adjustment	
☐	Change Order	
☐	Informational	
☐	Ordinance	
☐	Resolution	
☒	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Jon Simpson

Department

Police

Phone

271-3172

ACTION REQUIRED:

This is a request to authorize the purchase of one vehicle that was not included in our 2019 budget. The purchased vehicle would be obtained via Arkansas State Bid pricing and would be used for criminal investigations and undercover type operations. The vehicle currently used in this capacity was purchased by the Benton County Prosecutors' Office in 2011, at no cost to the city. Per the agreement made in 2011 it will be turned over to the Prosecutors' Office for their disposal or reassignment. The funding to purchase a replacement vehicle, approximately \$26,000.00, is available in our 2019 vehicle budget due to savings realized (approximately \$12,000.00) during the purchase and set up of our 2019 budgeted vehicles and also as the result of Council authorization at the February 26, 2019 meeting to surplus two 2011 Tahoes. These two Tahoes were approved for trade in with our providing dealership, leaving an additional \$18,000.00 unspent in our Capital Vehicle account. It is also important to note that the purchase and use of the this vehicle is directly connected to our Police Department's involvement in a Federal task force, the Gulf Coast High Intensity Drug Trafficking Area Program, (Gulf Coast HIDTA). Our involvement in this program has also made us eligible to receive a yearly vehicle reimbursement in the amount of \$8,400.00, (this reimbursement for 2018 was received by the city last month, this year's reimbursement is pending). This reimbursement agreement will ultimately result in a vehicle at little to no cost to the city but requires that our agency provide a vehicle no older than 5 years and with no more than 80,000 miles. The aforementioned Avalanche does not meet these criteria.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





CHECK ALL THAT APPLY		
	Bid Award	Bid #
x	Budget Adjustment	
	Change Order	
	Informational	
	Ordinance	
	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Jon Simpson

Department

Police

Phone

271-3172

ACTION REQUIRED:

This is a request to recognize a vehicle insurance settlement from Arkansas Municipal League and apply the settlement amount to our Vehicle Maintenance account. The settlement was the result of a February 15, 2019 on-duty accident involving one of our marked Tahoe police cars (2010-29). There were no injuries and our operator received the contributing factor. The settlement amount from ARML was \$6,609.52 after the \$1,000 deductible was applied. Repairs to the vehicle amounted to \$7,149.93, leaving a difference of \$540.41 due to adjustments made to the repair and the use of parts that were already owned by the city.

COST TO CITY:

Cost of this Request: \$540

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE







CHECK ALL THAT APPLY			
X	Bid Award	Bid #	IFB-19-25
	Budget Adjustment		
	Change Order		
	Informational		
	Ordinance		
	Resolution		
	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Tony Davis

Department

Street

Phone

271-3130

ACTION REQUIRED:

Mayor and City Council to award bid #IFB-19-25 to Asphalt Zipper, Inc. in the amount of \$140,488.50. Please see attachments.

COST TO CITY:

Cost of this Request: \$140,489

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$	143,000
Funds Expended to Date		140,489
Remaining Budget		FALSE
Budget Adjustment		-
Remaining After Adjustment	\$	-

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





Bentonville Street Department
3200 SW Municipal Dr.
Bentonville, AR 72712
Phone: (479) 271-3130

MEMORANDUM

DATE: 3-28-2019
TO: City Council, Mayor Orman
FROM: Tony Davis, Street Manager
RE: Bid #IFB-19-25 Portable Asphalt Reclaiming /Trenching Attachment

On March 27, 2019 a bid opening for a Portable Asphalt Reclaiming/Trenching Attachment was held. Only one bid was received and it was from Asphalt Zipper Inc. in the amount of \$128,300.00. The bid did not include sales tax so when that is added the total cost for the machine will be \$140,488.50. The Street Department has a budgeted amount of \$143,000.00 for this, so no budget adjustment will be needed.

The Street Department is requesting awarding Bid #IFB-19-25 to Asphalt Zipper, Inc. in the amount of \$140,488.50. Please see attachments.

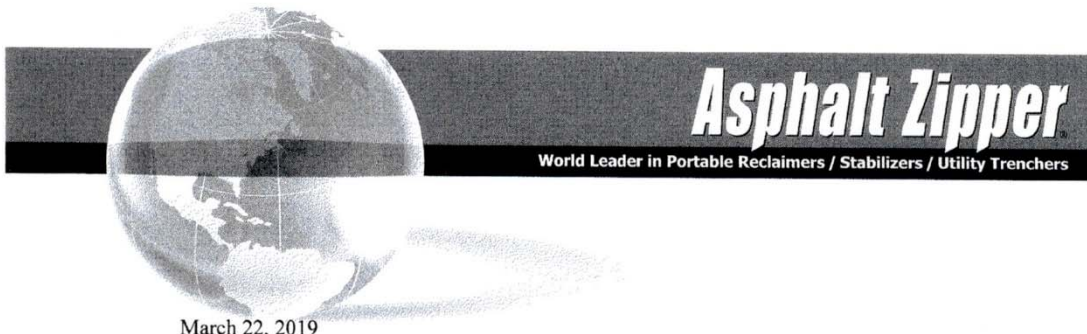
Sincerely,

Tony Davis
Street Manager



BID TABULATION:
PORTABLE ASPHALT RECLAIMING/TRENCHING ATTACHMENT
IFB-19-25
BID OPENING:
March 27th, 2019
10:00 A.M

BIDDER NAME	BID COMPLETE	DELIVERY 45 DAYS FROM RECEIPT OF PURCHASE ORDER	TOTAL BID PRICE
ASPHALT ZIPPER	YES		\$128,300.00 (Plus tax)



March 22, 2019

City of Bentonville, Arkansas
Purchasing Department
City Hall
117 W. Central Ave
Bentonville, Arkansas 72712

RE: BID # IFB-19-25

Dear Bentonville Purchasing Department:

In response to the City of Bentonville's Notice to Bidders for a Portable Asphalt Reclaiming / Trenching Attachment, BID # IFB-19-25, Asphalt Zipper, Inc. is pleased to provide background detail of our formal bid for a 420X-110B. The formal bid is being submitted separately using the Invitation for Bid documentation specified.

The 420X-110B meets the bid specifications with a few minor improvements to our most recent model that are noted in the Specifications section of the bid documentation. In addition, the bid calls for a "2019 or Newer Portable Asphalt Reclaiming / Trenching Attachment." The 420X-110B is equivalent of 2019. The attachment has all the features of our latest 2019 models, combined with a Tier III Flex engine. Due to EPA requirements, machines that used Tier III Flex engines had to be built by December 31, 2018. We will complete all customizable options for the 420X-110B in 2019 (e.g., cutter head, water system, trailer).

The following highlights some of the main reasons why customers choose Asphalt Zipper machines.

- A. **The Patented Bucket Mount System.** The patented Versa-Mount™ Easy-Connect System allows the Asphalt Zipper machine to be mounted to the widest range of backhoes and loaders. This unique system mounts the Asphalt Zipper to the front bucket of many backhoes and loaders, which gives you the ability to use different backhoes and loaders on the job site. In addition, if your host equipment breaks down, the Asphalt Zipper machine can easily be mounted to a rental or loaner backhoe or loader. No other self-powered asphalt pulverizing attachment uses this versatile bucket mounting or bucket clamping system.
- B. **6th Generation Award Winning Technology.** Asphalt Zipper is the World Leader in self-powered asphalt grinding and road reclamation attachments. Asphalt Zipper has been building Asphalt Zipper machines for over 20 years and has sold over 2,500 self-powered machines that

ASPHALT ZIPPER WORLD HEADQUARTERS

310 West 700 South • Pleasant Grove, Utah 84062, USA • Telephone +1 (801) 785-0706 • www.asphaltzipper.com

are in operation throughout North America. Asphalt Zipper machines have been proven over thousands and thousands of hours of operation. Asphalt Zipper, Inc. won the prestigious international construction award, the NOVA Award. The NOVA Award is recognized as the top award in construction worldwide. This award is presented by the Construction Innovation Forum to proven products that provide significant advances in quality and in reducing the costs of construction.

- C. **Experience.** Your Asphalt Zipper Representative, Barry Dill has been selling, servicing and training Asphalt Zipper customers for over 12 years. Barry has done hundreds and hundreds of demonstrations and trainings and has unparalleled experience in every aspect of asphalt grinding, full-depth reclamation, gravel road improvement and soil stabilization. With Asphalt Zipper and Barry, you get the added benefit of his knowledge and experience. Barry knows the equipment and the asphalt grinding processes inside and out. If you have a problem or question, he can tell you what others are doing and how they are getting superior results. There is no substitute for experience. Don't go it alone; we will be there as your partner.
- D. **Safety.** Asphalt Zipper machines are designed with the safe operation of your crew as our top priority. Proven controls and monitoring systems are strategically located throughout to provide unsurpassed safety, ease and convenience. The Machine Control Panel allows safe and easy control of all machine functions and emergency stop. The Host Vehicle Control Box provides the Loader Operator with a comprehensive engine monitoring computer and hard-wired emergency stop. The Wireless Remote Control allows the Asphalt Zipper Operator to control engine speed, depth adjustment, and machine stop away from the machine.
- E. **Patented ZipTec™ Enhanced Pulverizing System.** Asphalt Zipper's patented ZipTec™ Enhanced Pulverizing Systems improve the already unmatched pulverizing capability of Asphalt Zipper machines, especially in thin, cracked or alligatored asphalt and chip seal. An Asphalt Zipper using the EPS produces the finest material achievable in these conditions.
- F. **Custom Engineered Trailer.** An Asphalt Zipper custom trailer makes your machine easy to transport from site to site behind most work trucks. Each trailer is engineered to be a convenient and safe work platform for routine maintenance. Our trailers have a lower center of gravity for easy and safe mobilization, equipped with a customized storage box to store controls and tools. These trailers meet or exceed all United States DOT requirements. This allows for safe and inexpensive transport of the Asphalt Zipper machine to your job sites, saving you thousands in transportation costs over the life of your machine. Asphalt Zipper is the only manufacturer of asphalt grinding attachments that offers a custom trailer engineered specifically for each model of grinding attachment.
- G. **Warranty.** We offer a full two-year unlimited hour warranty on your Asphalt Zipper machine and components. Over the years, our customers have required minimal warranty work, but when required we have a network of qualified service centers that perform warranty work under the direction of our factory technical experts and engineers. Because Asphalt Zipper is all we do, we will help you maintain maximum "up-time".
- H. **Training.** Up to eight hours of training on the safe operation and maintenance of the Asphalt Zipper machine. This is to be done at your location. Additional follow up training will be provided as needed.

The following back-up detail is provided for the Asphalt Zipper New 420X-110B Bid Price:

New 420X Machine with 110 HP Tier III FLEX Cummins Diesel Engine, 42" Cutter Head, Bucket Mount System, Wireless Remote Control.	\$ 114,800.00
Custom Transport / Storage Trailer	\$ 9,970 .00
150 Gallon Water System (backhoe boom mount or hitch mount)	\$ 3,530 .00
Total Bid Package with 150 Gallon Water System (backhoe boom mount or hitch mount) and Custom Transport / Storage Trailer	\$ 128,300.00

This total does not include tax. Asphalt Zipper, Inc. does not have sales tax nexus in the State of Arkansas. Our Arkansas customers self-report to the appropriate tax authorities.

We hope this back-up detail is helpful for you as you evaluate our formal bid.

Thank you again for your consideration of the complete Asphalt Zipper offering: machine, system, quality, support, and total commitment. Our offering will provide you with the most value, combined with the lowest cost of ownership, over the life of your Asphalt Zipper machine. We look forward to serving you.

Respectfully,



Dave Fokken
Regional Sales Manager
Asphalt Zipper, Inc.



CITY OF BENTONVILLE, ARKANSAS
PURCHASING OFFICE
CITY HALL
117 W. CENTRAL AVE
BENTONVILLE, ARKANSAS 72712

INVITATION FOR BID (IFB)

IFB-19-25

2019 OR NEWER PORTABLE ASPHALT RECLAIMING/TRENCHING ATTACHMENT

Date of Issuance: **March 10, 2019**

Bid Number: **IFB-19-25**

Bid Opening Date: **March 26, 2019**

Bid Opening Time: **10:00 A.M.**

Questions regarding this bid should be directed to the Purchasing Department at purchasing@bentonvillear.com.
All questions must be submitted prior to 4:30 P.M., March 21, 2019.

All bids must be received by the Purchasing Department prior to **10:00 A.M., March 26, 2019** in a sealed envelope, clearly marked on the outside with **BID # IFB-19-25**. Bids which must be opened to be identified may be rejected. Late bids will be rejected.

Bids will be publicly opened at City Hall, first floor, Purchasing Department, 117 West Central Ave Bentonville, AR 72712.

EXECUTION OF BID

Upon signing this Bid, the bidder certifies that he/she has read and agrees to the requirements set forth in this bid proposal including specifications, conditions and pertinent information regarding the articles being bid on, and agrees to furnish these articles at the prices stated. Unsigned bids will be rejected - no exceptions.

NAME OF FIRM:	<i>Asphalt Zipper, Inc.</i>	PHONE NUMBER:	<i>888-947-7378</i>	FAX NUMBER:	<i>801-847-3250</i>
BUSINESS ADDRESS, STREETS:	<i>831 East 2nd South #250</i>	CITY:	<i>American Fork, UT</i>	STATE:	<i>UT</i>
SIGNATURE OF AUTHORIZED P	[Redacted]	DATE:	<i>3/22/19</i>	ZIP	<i>84003</i>
PRINTED OR TYPED NAME:	<i>Dave Fokken</i>	TITLE:	<i>VP Sales</i>		

ARKANSAS SALES OR USE TAX NUMBER: NA

STATE CONTRACTORS LICENSE NUMBER: NA

Asphalt Zipper, Inc. does not have sales tax nexus in the State of Arkansas. Our Arkansas customers self-report to the appropriate tax authorities.

INTENT

The intent of this Invitation for Bid is for the purchase and delivery of one (1) 2019 or newer portable asphalt reclaiming/trenching attachment designed for a loader/backhoe, and equipped with a transport trailer and water system for the City of Bentonville Street Department.

RESPONSE DOCUMENTS & PRE-BID REQUIREMENTS

The following documents must be complete to provide a complete bid response package:

- IFB document, all response fields complete.

All pricing must be entered on pricing sheet ("no bid" is an acceptable entry).

CONTRACT TERM:

The awarded bidder will receive a single Purchase Order from the City of Bentonville for the one-time purchase and delivery of one (1) 2019 or newer portable asphalt reclaiming/trenching attachment designed for a loader/backhoe, and equipped with a transport trailer and water system.

SCOPE

The City of Bentonville, Arkansas is soliciting bids for the purchase and delivery of one (1) 2019 or newer portable asphalt reclaiming/trenching attachment designed for a loader/backhoe, and equipped with a transport trailer and water system for the City of Bentonville Street Department.

The Unit shall be assembled, adjusted, and made ready for operation at the time of delivery to the City. All necessary parts, accessories, and tools for efficient operation of this Unit shall be furnished, whether or not they are specifically mentioned in this Invitation for Bid document, including standard equipment as regularly furnished by the manufacturer, unless specifically excluded in this IFB document.

DELIVERY

The City of Bentonville requests delivery within 30 calendar days after receipt of the City's Purchase Order. If this delivery schedule cannot be met, Bidder must state the number of calendar days required to place the Unit in the City's designated location after receipt of the City's Purchase Order. Failure to state a delivery time obligates the Bidder to complete delivery within the City's requested timeline. Extended delivery dates may be considered when in the best interest of the City.

Delivery: 45 calendar days after receipt of Purchase Order.

EQUIVALENT

Whenever these specifications mention an item by name and use specific descriptions as refers thereto, it is intended to convey to the bidder an understanding of the standard of excellence required. Items of equal type, quality, and size that will conform substantially to the standard of excellence established to provide equivalent merit, strength, durability, and to perform the required function in accordance with these specifications may be offered. Bids containing items proposed as equivalent shall clearly describe the equivalent article being offered and indicate how it differs from the City's original specification. Descriptive literature or manufacturer's specifications, in addition to any supplemental information necessary for comparison purposes should also be submitted with the bid. It is the Bidder's responsibility to demonstrate to the City that a substitute offer is equivalent to and meets the standard of quality indicated by the City's specifications. The City of Bentonville shall have the final approval of whether a substitute item is equal to the item specified.

TRAINING

The awarded Bidder shall furnish qualified personnel for the initial training of a minimum of two (2) operators, both of whom shall be City employees, on all aspects of the Unit upon delivery, and before operation of the Unit by City employees. The training shall be for up to eight (8) hours and consist of, but not limited to: operation, safety, service intervals, inspecting, proper timing for replacement of parts, cleaning, winter and summer operation instructions, proper preparation for seasonal changes, and general maintenance.

INVOICING

Bidder shall provide an invoice to the City no less than two (2) weeks prior to the scheduled delivery day.

City of Bentonville
ATTN: Accounts Payable
117 West Central Ave.
Bentonville, AR 72712

The City will provide payment, by check, for the items at the time they are delivered to the City.

PAYMENT TERMS

Net 30 days



Other: NA

Registered with the Secretary of State's Office to Conduct Business in the State of Arkansas:

____ Yes X No

Contractor/Vendor Disclosure

Company Name: Asphalt Zipper, Inc.

Identify each employee of the City Of Bentonville to whom you, any of your Employees owning more that 5% interest in your Company, or are a Director/Executive/Decision Maker of your Company are immediately related.

Immediate Relation includes:

- Spouse/Domestic Partner
- Parents-Natural or Legal/Step/In Laws
- Children/Step, Siblings-Whole/Half/Step/ In Laws
- Grandchildren/Step, Great Grandchildren.

No employees

Failure to disclose shall be considered a material breach and grounds for immediate termination of this contract/agreement. **Note: Any change in circumstances resulting in a conflict or appearance of a conflict shall be reported in 30 days of change of circumstance.** dlf Initials

SPECIFICATIONS

The specifications mentioned in this IFB document are intended to cover a diesel powered, portable asphalt reclaiming/trenching machine that attaches to the front bucket of a backhoe/loader, and is equipped with a transport trailer and water system for the City of Bentonville Street Department.

Bidder must indicate, "AS SPECIFIED", by placing an "X" in the designated space following specifications, or describe the equivalent or substitute item being proposed in the space provided. In the event that more space is needed, Bidders may submit supplemental descriptive information by including it in their bid submission.

Bidder must provide additional information where indicated.

- 1. Engine:** The Unit shall be equipped with a water-cooled, four-cylinder tier 3 EPA compliant, electronically controlled turbo diesel engine, developing 110 HP and 306 foot pounds of torque at the rated RPM. The engine shall be equipped with a remote throttle and an exhaust system, ~~with a muffler.~~ The Unit shall be equipped with a 12-volt electrical system including a starter, battery, wiring harness and alternator. The engine shall be equipped with a starter protection lockout and a shutdown system, with audible and visible signals for low oil pressure and high coolant temperature. The battery shall be maintenance free with side mounted, threaded posts and shall provide no less than 770 cold cranking amps at 0 degrees Fahrenheit. The alternator shall produce 14 volts and 75 amps. The Unit shall be equipped with an engine manufacturer's approved air cleaner, oil and fuel filters. The Unit shall be equipped with an engine management system that includes low oil pressure shutdown, low voltage warning, hour meter, and starter protection lockout. The fuel tank shall have a capacity of no less than 18 U.S. Gallons. The radiator cooling system shall be protected to -20° Fahrenheit with ethylene glycol type antifreeze, in compliance with the engine manufacturer's specifications. The Unit shall be equipped with an engine manufacturer's approved air cleaner, with a bypass indicator, oil and fuel filters and exhaust system.

AS SPECIFIED

☐

(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered

(Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

As specified except no muffler on exhaust system, and Battery is 1000 CCA with top mounted threaded post.

- 2. Engine Instrument Panel:** The Unit's engine instrument panel shall be a wired remote type, which can be placed in the cab of the backhoe, allowing the operator to monitor engine functions without leaving the cab. The engine instrument panel shall include a tachometer, engine emergency stop control, and a digitally controlled multifunction display panel that can selectively indicate, at a minimum: fuel level, engine hours, percent engine load, engine oil pressure, system voltage, and engine temperature.

AS SPECIFIED



(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered (Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

- 3. Control Panel:** The Unit's control panel shall include controls for depth, engine speed, and bucket clamping, as well as indicators for belt tension and skid foot down pressure. The control panel shall also include an emergency stop switch.

AS SPECIFIED



(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered (Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

IFB-19-25 Specifications Cont..

- 4. Access hatch:** The Unit's access hatch shall be equipped with a hatch on the dome to allow inspection and maintenance of the cutter head. The hatch shall have an electrical safety interlock that will prevent the engine from running or starting while the hatch is in the open position.

AS SPECIFIED



(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered

(Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

- 5. Cutter Head Assembly:** The Unit shall be equipped with a standard Cutter Head, and the assembly shall be securely attached to the machine's main-frame, enclosed by a heavy-duty cowl. The maximum cutting depth shall be approximately 10" (ten inches). The cutter head assembly shall have a standard cutting width of 42" (forty two inches), and shall have a minimum of 102 carbide tipped, 19mm shank, snap-in bits with spring-steel full sleeve retainers and washers. The cutter head and housing shall be designed so that only pulverized materials leave the drum assembly.

AS SPECIFIED



(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered

(Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

IFB-19-25 Specifications Cont..

6. **Cutter Head Drive:** Power shall be transmitted from the engine to the cutter head through a power take-off and V-belts to a planetary reduction gearbox at the cutter head. The drive belt tension shall be regulated by the use of an idler wheel and air bag. Proper air bag pressure shall be monitored by a gauge mounted on the machine frame and visible to the operator on the ground.

AS SPECIFIED ☐

(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered

(Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

as specified except "drive belt tension shall be regulated by the use of an idler wheel and hydraulic cylinder. Proper belt pressure (not air bag pressure) shall be monitored..."

7. **Mounting:** The Unit must be designed and recommended by the manufacturer to mount to the front bucket of a back hoe, equipped with a minimum 1.25 cubic yard bucket. The mounting system shall allow the back hoe to load and unload the reclaiming / trenching machine from its transport trailer. Mounting of the machine shall not require the removal of the bucket, nor shall it require the use of a quick connect, quick connect hooks or direct attachment pins. No other mounting systems will be considered.

AS SPECIFIED ☒

(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered

(Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

IFB-19-25 Specifications Cont..

- 8. Active Hydraulic System:** The Unit shall be equipped with a hydraulic system consisting of a hydraulic gear pump that is engine powered by an auxiliary drive adapter, reservoir, pressure side filter, hydraulic manifold with tandem center valves, lines and two cylinders to actuate and control the depth of the cut. All hydraulic fittings shall be leak free and O-ring face seal or O-ring boss design. The hydraulic fluid shall be dyed red to distinguish it from other engine fluids. The reservoir shall hold at least five (5) U.S. gallons of hydraulic fluid.

AS SPECIFIED ☐

(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered

(Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

As specified except "hydraulic manifold with motor center valves" (not tandem center valves).

- 9. Hydraulic Bucket Clamps:** The Unit shall be equipped with a hydraulic bucket clamping system to secure the unit to the bucket of the host vehicle. This bucket clamping system will be actuated by the active hydraulic system. The system shall maintain a pressure of 1500 psi. The system shall have pressure relief valve to safeguard against over pressurizing the system.

AS SPECIFIED ☒

(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered

(Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

IFB-19-25 Specifications Cont..

10. Front Skirt: The Unit shall be equipped with a skirt type device that will serve several functions. This skirt type device shall support the portable asphalt reclaiming/trenching attachment while operating and can be adjusted to control the depth of the cut. This device shall also reduce the amount of debris that could be ejected from the dome, by acting as a shield. The device shall have a single 41-inch replaceable skid foot, which can be replaced with optional, extended height skid feet to allow for a larger opening for greater amounts of material to be introduced to the cutter head and drum. The device shall also allow for new material, such as crushed gravel or emulsions to be mixed with the pulverized asphalt.

AS SPECIFIED

☐

(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered

(Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

As specified except "the device shall have two replaceable 8" fold down front skid feet as well as replaceable side skids"

11. Weight: The Unit shall have a maximum weight of 6,000 pounds, including the standard cutter head, and excluding the trailer.

AS SPECIFIED

☒

(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered

(Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

IFB-19-25 Specifications Cont..

12.Warranty: The Unit shall be warranted against defects in materials and workmanship for a period of two (2) years, with unlimited hours of use, from the date of delivery. Items thought to be defective will be returned to factory, prepaid by the awarded Bidder, to be repaired or replaced.

AS SPECIFIED ☒

(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered (Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

13.Additional Equipment: The Unit shall have additional equipment included at the time of delivery, including but not limited to: tools for changing cutter bits, a supply of extra bits and blocks, and two bucket retention chains for holding the machine in the loader.

AS SPECIFIED ☒

(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered (Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

IFB-19-25 Specifications Cont..

14. Wireless Remote Control: The unit shall have a wireless remote control, consisting of a receiver and hand held transmitter that are able to control engine speed, depth of cut, and will also be able to shut off the engine from a distance of one hundred- feet.

AS SPECIFIED ☒

(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered (Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)	

15. Color: The Unit shall be primed and painted with factory standard colors. The Unit shall have all manufacturer's standard warning, safety, and instructional decals affixed to or otherwise secured on or within the Unit. The Unit shall also have identification and serial number decals.

AS SPECIFIED ☒

(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered	
(Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)	

IFB-19-25 Specifications Cont..

16. Manufacturer Materials: The awarded Bidder shall furnish one (1) copy of the manufacturer's owner's manual and one (1) copy of the manufacturer's operator's manual at time of delivery.

AS SPECIFIED ☒

(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered (Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

17. 150 Gallon Water System: The Unit shall include a 150 -gallon, self-contained water tank attachment that easily mounts to the backhoe bucket of the back hoe host equipment being used to operate the grinding attachment. The water system shall be equipped with a heavy duty water hose with a standard garden hose hook up, an auxiliary wiring cable to plug into the Unit's auxiliary power source for operating the pump, and all attachments necessary for using it with the Unit's attachment.

AS SPECIFIED ☒

(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered (Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)
Can also offer a hitch mount water system for loaders.

IFB-19-25 Specifications Cont..

18.Trailer: The Unit shall include its own custom transport trailer, towable by a 1-ton pickup truck or greater vehicle. The custom trailer shall allow the Unit to transport inset into the trailer with a lower center of gravity. The trailer shall include a secured tool box and serve as a safe working platform for field maintenance. The trailer shall be a heavy-duty (12,000 lb) tandem axle trailer, specifically designed by the manufacturer for transporting the Unit. The furnished frame shall be constructed of steel channel, rectangular steel tubing, or I beam with all welded construction. The trailer shall have steel wheels, and the hubs shall run on tapered roller bearings. The trailer's tires shall be of the size and load bearing capacity to handle the Unit at highway speeds. The trailer shall have steel fenders covering the tires and shall be equipped with electric brakes and an automatic breakaway system, in compliance with current ICC requirements. The trailer coupler shall use a standard 2 5/16" minimum trailer ball. The trailer shall come with four independent attachments that secure the Unit to trailer with grade 70 transport chains and ratchet style load binders. The trailer shall have a lockable toolbox, tongue jack, and all necessary lights and reflectors to meet U.S. Federal DOT and ICC requirements. The trailer shall be complete with trailer wiring connectors.

AS SPECIFIED



(CHECK ONLY IF THE UNIT PROVIDED MEETS ALL SPECIFICATIONS LISTED IN THIS SECTION):

Equivalent or Substitute Items Offered

(Use this space to identify ANY items offered that are not AS SPECIFIED and are being offered as equivalent or substitute items)

Specification Notes:

see next page

Machine is "equivalent of 2019." This means the machine has all the features of our latest 2019 models, combined with a Tier III Flex engine. Due to EPA requirements, machines that used Tier III Flex engines had to be built by December 31, 2018. We will complete all customizable options in 2019 (e.g., cutter head, water system, trailer).

PRICING SHEET

Bid prices shall include all costs, including but not limited to: tax and delivery fees to the City of Bentonville, Arkansas. The City of Bentonville tax rate is 9.5%.

The Bid Award will be made based on the most responsible and lowest Total Bid Price.

Quantity	Item	TOTAL BID PRICE
1	2019 or Newer Portable Asphalt Reclaiming/Trenching Attachment, AS SPECIFIED.	\$ <u>128,300.00</u> xx

See attached page for detail of this total.

xx Does not include tax.

[This space has been intentionally left blank. End of IFB-19-25 document]

The following back-up detail is provided for the Asphalt Zipper New 420X-110B Bid Price:

New 420X Machine with 110 HP Tier III FLEX Cummins Diesel Engine, 42" Cutter Head, Bucket Mount System, Wireless Remote Control.	\$ 114,800.00
Custom Transport / Storage Trailer	\$ 9,970 .00
150 Gallon Water System (backhoe boom mount or hitch mount)	\$ 3,530 .00
Total Bid Package with 150 Gallon Water System (backhoe boom mount or hitch mount) and Custom Transport / Storage Trailer	\$ 128,300.00

This total does not include tax. Asphalt Zipper, Inc. does not have sales tax nexus in the State of Arkansas. Our Arkansas customers self-report to the appropriate tax authorities.



AZ-360B	3 foot	0.9 meter
Fits most loaders		
Cutting Width	36"	915 mm
Maximum Depth	12"	305 mm
Engine Type	John Deere	
Engine Sizes	140 hp 173 hp	
Weight	7100 lbs.	3221 kg
	7400 lbs.	3357 kg
Other cutting widths available		
Tier 4 Final model available (AZ-360E)		

HOT ROD model shown.

AZ-420B	3½ foot	1.1 meter
Fits most backhoes		
Cutting Width	42"	1067 mm
Maximum Depth	10"	254 mm
Engine Type	Cummins	
Engine Size	110 hp	
Weight	5800 lbs.	2631 kg
18" to 42" cutting widths available		
3' model available (AZ-300B)		



Standard warranty for all machines

HOT RODS are the most powerful for each model. Specs shown in **RED**.



CHECK ALL THAT APPLY			
☒	Bid Award	Bid #	IFB-19-19
☐	Budget Adjustment		
☐	Change Order		
☐	Informational		
☐	Ordinance		
☐	Resolution		
☐	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Preston Newbill

Department

Water

Phone

271-3142

ACTION REQUIRED:

Recommend Mayor and City Council to award the bid to Navigation Electronics for one Trimble R10 Receiver in the amount of \$22,595.33 plus tax. This item is included in our 2019 budget.

COST TO CITY:

Cost of this Request: \$22,596

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$	25,000
Funds Expended to Date		-
Remaining Budget		25,000
Budget Adjustment		-
Remaining After Adjustment	\$	25,000

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



M E M O R A N D U M

DATE: March 26, 2019

TO: City Council, Mayor Orman

FROM: Preston Newbill, Water Utilities Manager

RE: Bid award for a Trimble R10 Receiver

The Water Utilities Department is requesting Council to award the bid for a Trimble R10 GNSS Receiver to Navigation Electronics, Inc. This new item replaces our existing R8 Receiver that was originally purchased over 15 years ago. Due to new features and the inability to update the old receiver it was necessary to replace it. The bid price is \$27,595.33 minus the trade-in value of \$5,000 for our old unit making our purchase price \$22,595.33. The 2019 budget includes \$25,000 for this purchase.



BID TABULATION:
TRIMBLE R10 GNSS RECEIVER
IFB-19-19
BID OPENING:
March 25th, 2019
1:00 P.M

BIDDER NAME	BID COMPLETE	DELIVERY TIME	NET PURCHASE PRICE (PURCHASE PRICE LESS TRADE-IN VALUE)
NAVIGATION ELECTRONICS	YES	10 DAYS	\$ 22,595.33



CITY OF BENTONVILLE, ARKANSAS
PURCHASING OFFICE
CITY HALL
117 W. CENTRAL AVE
BENTONVILLE, ARKANSAS 72712

INVITATION FOR BID (IFB)
Trimble R10 GNSS Receiver

Date of Issuance: **March 3, 2019** Bid Number: **IFB-19-19**
Bid Opening Date: **March 25, 2019** Bid Opening Time: **1:00 P.M.**

Questions regarding this bid should be directed to the Purchasing Office at purchasing@bentonvillear.com.
All questions must be submitted prior to 4:00 P.M., March 19, 2019.

Bids must be received by the Purchasing Office prior to 1:00 P.M., March 25, 2019 in a sealed envelope, clearly marked on the outside with bid # IFB-19-19. Bids which must be opened to be identified may be rejected. Late bids will be rejected.

Bids will be publicly opened at City Hall, first floor, Purchasing Office, 117 West Central Ave, Bentonville, AR 72712.

EXECUTION OF BID

Upon signing this Bid, the bidder certifies that he/she has read and agrees to the requirements set forth in this bid proposal including specifications, conditions and pertinent information regarding the articles being bid on, and agrees to furnish these articles at the prices stated. Unsigned bids will be rejected - no exceptions.

NAME OF FIRM:	Navigation Electronics, Inc.	PHONE NUMBER:	337-237-1413	FAX NUMBER:	337-237-1417
BUSINESS ADDRESS, STREETS:	124 Toledo Dr.	CITY:	Lafayette	LA STATE:	70506 ZIP
PRINTED OR TYPED NAME:	Barbara Poche	DATE:	March 26, 2019	TITLE:	President

ARKANSAS SALES OR USE TAX NUMBER: 00232465-SLS

STATE CONTRACTORS LICENSE NUMBER: _____

INTENT

The intent of this Invitation for Bid is for the purchase of a Trimble R10 GNSS Receiver, less the trade-in value of a pre-owned Trimble R8 Model 3 GNSS Receiver for the City of Bentonville, Arkansas Water Utilities Department. Trimble products have been specified due to existing equipment, and compatibility.

RESPONSE DOCUMENTS

The following documents must be complete to provide a complete bid response package:

- IFB document, all response fields complete.

All pricing must be entered on pricing sheet ("no bid" is an acceptable entry).

CONTRACT TERM:

The awarded bidder will receive a single purchase order issued by the City of Bentonville for the one-time purchase and delivery of a Trimble R10 GNSS Receiver less the trade-in value of a pre-owned Trimble R8 Model 3 GNSS Receiver.

SCOPE

The City of Bentonville, Arkansas is soliciting bids for the purchase and delivery of one (1) Trimble R10 GNSS Receiver and the trade-in of one (1) pre-owned Trimble R8 Model 3 GNSS Receiver. Trimble products have been specified due to existing equipment, and compatibility.

DELIVERY

The City Of Bentonville requests delivery within two (2) weeks from receipt of the City's purchase order. If this schedule cannot be met, Bidder must state the number of days or weeks, from receipt of the City's purchase order, to deliver the item to the City. Failure to state a delivery time obligates the bidder to complete delivery within the City's requested timeline. Extended delivery dates may be considered when in the best interest of the City.

Delivery within 10 days from receipt of City's purchase order.

EQUIVALENT

Whenever these specifications mention an item by name and use specific descriptions as reference thereto, it is intended to convey to the bidder an understanding of the standard of excellence required. Items of equal type, quality, and size that will conform substantially to the standard of excellence established to provide equivalent merit, strength, durability, and to perform the required function in accordance with these specifications may be offered. City of Bentonville shall have the final approval of whether a substitute item is equal to the item specified. **The bidder should submit a detailed description for equivalent equipment.**

INVOICING

Bidder shall submit an invoice to the City at the remittance address below:

*City of Bentonville
ATTN: Accounts Payable
117 West Central Ave.
Bentonville, AR 72712*

Invoices sent to the correct remittance address will be paid within 14 days from receipt.

PAYMENT TERMS

☒

Net 30 days

☐

Other: _____

Registered with the Secretary of State's Office to Conduct Business in the State of Arkansas:

☒ Yes ☐ No

Contractor/Vendor Disclosure

Company Name: Navigation Electronics, Inc.

Identify each employee of the City Of Bentonville to whom you, any of your Employees owning more that 5% interest in your Company, or are a Director/Executive/Decision Maker of your Company are immediately related.

Immediate Relation includes:

- Spouse/Domestic Partner
- Parents-Natural or Legal/Step/In Laws
- Children/Step, Siblings-Whole/Half/Step/ In Laws
- Grandchildren/Step, Great Grandchildren.

Failure to disclose shall be considered a material breach and grounds for immediate termination of this contract/agreement. **Note: Any change in circumstances resulting in a conflict or appearance of a conflict shall be reported in 30 days of change of circumstance.** SH Initials

**CITY OF BENTONVILLE, ARKANSAS
PURCHASING OFFICE**

INSTRUCTIONS TO BIDDERS

1. **SCOPE:** These instructions to bidders and general conditions apply to solicitations for material, equipment, supplies or services with an estimated single or combined cost of \$20,000 or more. These conditions shall be in force unless otherwise modified by the City in this bid document. Bidders shall be advised that the City of Bentonville is not responsible for the content of any bid package received through any 3rd party bid service. It is the sole responsibility of the vendor to ensure the completeness of the documents received from any 3rd party source other than hand delivered.
2. **DEFINITIONS (AS USED HEREIN):**
 - a. The term "Invitation For Bid" means a solicitation of formal sealed bids with a combined or single unit value \$20,000 and over. The acronym "IFB" means Invitation for Bid.
 - b. The term "bid" means the offer by the bidder.
 - c. The term "bidder" means the person or organization responding to the solicitation.
 - d. The term "contractor" means a person or organization who is the successful bidder and who enters into a contract with the City.
 - e. The term "change order" means a written order from the Purchasing office directing the contractor to make changes to a contract.
 - f. The term "City" means the City of Bentonville, Arkansas.
 - g. The term "City Council" means the governing body of the City of Bentonville, Arkansas.
3. **PREPARATION OF BIDS:** Bidders shall review the specifications, drawings, and all special and general conditions. Failure to do so will be at the bidder's risk.

Each bidder shall furnish the information required in the solicitation. The bidder shall provide their name, address, e-mail address, and telephone number where indicated in the solicitation documents. The affidavit must be signed by an officer or employee having the authority to bind the company or organization by his/her signature and included with the bid response.

Unit price for each unit offered must be provided. The unit price will be presumed correct.

The bidder must state a definite time for delivery of supplies or performance of services.
4. **SUBMITTING A BID:** Bids must be received by the City of Bentonville Purchasing Office **BEFORE** the time of opening indicated in the solicitation. All references to time shall be Bentonville, Arkansas time (Central time zone). Late bids will be rejected. Any exceptions or additional information required on a solicitation will be noted in the bid documents. Failure to provide any requested information or to follow these procedures may result in the rejection of your bid.
5. **BID DOCUMENT MISTAKES:** The bidder shall not be allowed to modify or correct mistakes in the bid document after the opening of the bid. Failure to complete the entire bid accurately may result in declaring the bid as non-responsive and the bid may be rejected.

Bids may not be withdrawn after the bid opening time and date if a bid mistake is based upon an error in judgment. If a nonjudgmental mistake, such as a math error, is suspected by the City or the bidder, the bidder shall respond within two (2) business days of the bid opening or within two (2) days of receiving notification from the City with a request for the City to consider verification of the mistake. Once a bid has been verified, it shall be considered submitted, as verified. The City shall permit a bidder to withdraw its bid without penalty or forfeiture of bid security if: (a) a nonjudgmental mistake is evident on the face of the bid, or (b) the bidder establishes by clear and convincing evidence that a nonjudgmental mistake was made.

If multiple bids are received from the same vendor, the City will either consider only one of the bids from that vendor, or reject all bids from the vendor, at the sole discretion of the City.
6. **ACCEPTANCE OF OFFER:** The submitted bid is considered an offer on the part of the bidder; such offer is deemed accepted upon issuance by the City of a Purchase Order or other contractual document.
7. **FIRM PRICES:** By submitting the bid, bidder signifies that the prices, terms and conditions quoted in their bid will be firm for acceptance for a period of not less than ninety (90) days from the bid opening date unless otherwise specified in the solicitation. Prices quoted must remain firm for the period of performance of any resulting purchase order or contract to be performed over a specified period of time as indicated in the solicitation.
8. **CONTRACT RENEWAL:** The City reserves the right to renew any contract resulting from this solicitation at the same prices, specifications, terms and conditions, upon mutual agreement between the City and the contractor.
9. **ESTIMATED QUANTITIES:** Whenever a bid requests prices to be firm for a period of performance, the quantities or usages shown are estimated only with no guarantee made by the City. The quantities are for the bidder's information only, and the City will be bound only for actual quantities ordered.

10. **DISCOUNTS:** Cash discounts will be considered in determining the award. Unless otherwise indicated in the IFB, discounts offering 10 days or more will be taken by the City's Accounts Payable Division, with payment made on the nearest pay period after receipt, inspection and acceptance of articles, and receipt of correct invoice(s).
11. **SAMPLES:** Samples of items, when required, must be submitted within the time specified at no expense to the City. If not destroyed by testing, samples may be returned at the bidder's expense unless otherwise indicated in the solicitation.
12. **AWARD:** Award will be made to the lowest most responsive and responsible bidder, which will be judged on the basis of price, conformance to specifications, quality, delivery time, references, payment terms, and in the best interest of the City of Bentonville, all factors being considered.

The City reserves the right to accept or reject any or all bids or part of bids, to waive irregularities and technicalities, and to request rebids on the material described in the solicitation.

The City reserves the right to award the contract on a split-order basis, lump-sum or individual-item basis, or any other combination that is in the best interest of the City unless otherwise specified.

Conditional bids are subject to rejection in whole or in part at the sole discretion of the City.

In the event of two or more identical low bids, Arkansas code Annotated Section 14-22-11 shall apply

No order or contract resulting from this solicitation may be assigned, transferred, or delegated to another party without written approval of the Assistant Finance Director of the City.
13. **BRAND NAMES:** If brand names, make, name of any manufacturer, trade name, or vendor catalog number are specified in these bid documents, it is for the purpose of establishing a grade or quality of material only. When the City does not wish to rule out other brands or makes, the phrase OR EQUAL is added. However, if a product other than that specified is bid, it is the bidder's responsibility to identify such product in their bid and prove to the City that the product is equal to or better than the product specified. Unless otherwise indicated, evidence in the form of samples may be requested if the proposed brand is other than that specified by the City. Such samples are to be furnished as specified in the solicitation or upon request of the City. Any samples requested by the City must be received by the City no later than four (4) days after formal request is made.
14. **VARIATIONS OF SPECIFICATIONS:** For purposes of evaluation, bidder must indicate any variances from any provision, specification, or condition stated in this solicitation, no matter how slight. If bidder does not indicate any variations, it will be assumed that the product or service fully complies with the provisions, specifications, or conditions as stated. If satisfactory bids are not received, the City reserves the right to consider alternate bids containing deviations from stated specifications.
15. **QUALITY:** Unless otherwise identified in the solicitation, all materials used in the manufacture or construction of supplies, materials or equipment covered by this solicitation shall be new. The items bid must be the latest make or model in current production, as offered to commercial trade, and of the highest quality material and workmanship. Used, shopworn, demonstrator, prototype, or discontinued models are not acceptable.
16. **ECO-FRIENDLY (GREEN) PRODUCTS:** The City of Bentonville supports the use of products that are ecologically friendly to the environment. Bidders are urged to include information with their bid submittal that describes the human health and environmental impact of products proposed. This eco-friendly approach takes into account, but is not limited to, waste production, energy and water use, greenhouse gas emissions, indoor air quality, recycled and reused content and packaging, and the presences of hazardous substances. Consideration may be given to these eco-friendly products when compared to mainstream products in cost and packaging.
17. **MATERIAL SAFETY DATA SHEET (MSDS):** It is mandatory for a manufacturer, supplier, or distributor of hazardous material to supply an MSDS as required by 29CFR 1910.1200 with the first shipment. Any time the content of an MSDS is revised, the vendor is required to provide a new MSDS to the City.
18. **ACCEPTANCE OF MATERIAL:** The material delivered under this bid shall remain the property of the seller until a physical inspection and actual usage of this material and/or service is made and is accepted by the City. It must comply with the terms of this IFB, and fully comply with specifications, and be of the highest quality. In the event the material and/or services supplied to the City is found to be defective or does not conform to specifications, the City reserves the right to cancel the order upon written notice to the contractor and return product to contractor at the contractor's expense.
19. **CODES AND REGULATIONS:** All products supplied and work performed within the scope of this request shall be supplied by the successful bidder to all applicable current prevailing City, State and Federal codes and regulations.
20. **DELIVERY:** Bidders must indicate the number of calendar days required to make delivery after receipt of a purchase order. Delivery time may be considered in making an award. The City reserves the right to cancel any order, or any part of that order, without obligation if delivery is not made within the time(s) specified on the bid form.

The City may grant additional time for delivery if the City is satisfied the delay is beyond the control of the vendor. Any request for time extension must be in writing and approved by the City's authorized representative.

All deliveries shall be FOB Destination to the location listed on the purchase order or price agreement unless otherwise specified. Bidders may be requested to provide separate pricing for delivery of all items in this solicitation.

21. **THIRD PARTY FREIGHT SERVICE:** The City of Bentonville may, at its discretion, use a third party freight service to arrange for delivery of the goods ordered as a result of this solicitation. In this case, the freight terms will be FOB Destination/Third Party Prepaid.
22. **PRICE CHANGES ON CONTRACTS:** If this solicitation is for an estimated quantity of supplies, consideration in awarding bid for yearly contracts will be given:
 - First to bidder offering firm prices for full contract period; and
 - Second to bidder offering firm prices subject to market price adjustment.
23. **COPYRIGHT OR PATENT RIGHTS:** By submitting the bid, bidder signifies that there has been no violation of copyrights or patent rights in manufacturing, producing or selling the goods shipped or ordered as a result of the bid, and bidder agrees to hold the City harmless from any and all liability, loss, or expense caused by any such violation.
24. **CONFLICT OF INTEREST:** The contractor, by signing the bid form in the solicitation or by acceptance of any purchase order resulting from this solicitation, certifies that to the best of their knowledge or belief, no elected or appointed official of the City is financially interested, directly or indirectly, in the purchase of the goods or services specified on this order or in the contract.
25. **TAXES:** The City of Bentonville is not tax exempt from any taxes imposed by the State and/or Federal Government. Applicable taxes should be included on all vendor invoices.
26. **MANUFACTURER'S CERTIFICATION:** The City reserves the right to request from bidders a separate manufacturer certification of all statements made in the bid. Failure to provide any requested certification may result in rejection of bid or termination of contract for which the bidder must bear full liability.
27. **TERMINATION:** Subject to the following provisions, any contract resulting from this solicitation may be terminated by either party upon thirty (30) days advance written notice to the other party; but if any work or service is in progress but not completed as of the date of termination, then said contract may be extended upon written approval of the City until said work or services are completed and accepted. Types of termination include:
 1. Termination for Convenience
In the event that the contract is terminated or cancelled upon request and for the convenience of the City, without the required thirty (30) days advance written notice, then the City shall negotiate reasonable termination costs, if applicable.
 2. Termination for Cause
Termination by the City for cause, default or negligence on the part of the contractor shall be excluded from the foregoing provision; termination costs, if any, shall not apply. The thirty (30) days advance notice requirement is waived in the event of termination for cause.
 3. Termination Due to Unavailability of Funds
When funds are not appropriated or otherwise made available to support continuation of performance, the contract shall be cancelled at the discretion of the City.
28. **W-9 REQUIREMENT:** The City of Bentonville requires a Form W-9 (Request for Taxpayer Identification Number and Certification), updated annually, from all contractors that do business with the City of Bentonville. The Form W-9 verifies the Tax Identification Number of the contractor so the City can correctly report to the IRS all funds paid to the contractor.
29. **DEFAULT OF CONTRACT:** In case of default by the contractor, the City may procure the items or services from other sources and hold the contractor responsible for any excess costs caused by such procurement. Failure of a bidder to furnish the equipment, supplies, material, and/or services as specified is cause for elimination of the bidder from the active bidder's list for the products or services concerned.
30. **BID BOND:** If required in this solicitation, bidders shall include a bid guarantee in the form of a bid bond, certified check, cashier's check in the amount of five percent (5%) of the base bid, payable without condition to the City of Bentonville. Personal or company checks are not acceptable. The bid bond shall be accompanied by a power of attorney showing the authority of the person executing the bond on behalf of the surety company. Failure to include a bid bond or bid guarantee request with your bid submittal may be cause for rejection of your bid. Bid guarantees (submitted by certified or cashier's checks) will be returned to unsuccessful bidders when the successful bidder is determined and the contract is executed. **When noted, a certified check or bid bond in the amount of 5% of the total bid shall accompany bid if bid exceeds \$35,000.00 [pursuant to Arkansas Code Annotated Section 22-9-203].**
31. **PERFORMANCE BOND:** At the discretion of the City, a performance bond may be required under the contract resulting from this solicitation. Such bond must be of a type and amount suitable for the nature of the commodity or services purchased and the dollar amount of the contract as indicated in this solicitation. The performance bond shall be for the duration of the contract, guaranteeing the faithful performance of the contract, and otherwise conditioned as required by law. Performance bond shall be accompanied by

a power of attorney showing the authority of the person executing the bond on behalf of the surety company. Bond forms must be executed with a surety company licensed to do business in the State of Arkansas. The cost of the bond shall be included in the bidder's offer.

32. **MODIFICATIONS FOR CHANGES:** No agreement or understanding to modify this solicitation and resultant purchase orders or contract shall be binding upon the City unless made in writing by the Purchasing Office of the City of Bentonville.
33. **ORDER OF PRECEDENCE:** In the event of an inconsistency between provisions of the solicitation, the inconsistency will be resolved in the following order: (a) the schedule; (b) Instructions to Bidders and General Conditions; (c) special provisions; (d) other provisions of the contract, whether incorporated by reference or otherwise; and, (e) the specifications.
34. **WARRANTY:** Supplies or services furnished as a result of this solicitation shall be covered by the most favorable commercial warranties, expressed or implied, that the bidder and/or manufacturer gives to any customer. The rights and remedies provided herein are in addition to and do not limit any rights afforded to the City by any other clause of this bid. The City reserves the right to request from bidders a separate manufacturer certification of all statements made in the bid.
35. **PAYMENT:** Payment for materials or services received under this contract will be made upon completion of delivery for each purchase order and submission of invoice to the Accounts Payable Department, 117 West Central, Bentonville, AR 72712. Normal pay periods for the City are every Friday.
38. **GOVERNING LAW:** Any agreement resulting from this solicitation shall be interpreted under and governed by the laws of the State of Arkansas.
39. **ESCALATION/DE-ESCALATION CLAUSE:** In the event prevailing market conditions warrant an adjustment in contract pricing, the following escalation/de-escalation clause shall be the only clause acceptable to the City:
 1. Contractor shall give written notice to the Purchasing Office of any proposed changes from contract prices not less than fifteen (15) calendar days prior to the effective date of price changes.
 2. Such notice must be accompanied by a copy of the supplier's notification to the contractor of a justifiable price change.
 3. No price escalation will be authorized in excess of the amount of the increase indicated on the supplier's notice.
 4. The approved price change shall be honored for all orders received by the contractor after the effective date of such price change.
 5. Approved price changes are not applicable to orders already issued and in process at time of price change.
 6. The City reserves the right to audit and/or examine any pertinent books, documents, papers, records, or invoice relating directly to the price increase after reasonable notice and during normal business hours.
 7. The Purchasing Office retains the right to determine whether or not such proposed price changes are in the best interests of the City.
 8. If in the opinion of the Procurement Department any proposed increase is found unacceptable, the Purchasing Office reserves the right to cancel the contract upon fifteen (15) calendar days' written notice.
 9. Contractors must tie any price change clause to an industry-wide or otherwise nationally recognized index or some other form of verifiable document. Contractor will put the Procurement Department on the mailing lists for such publications so the Purchasing Office can monitor said changes. Such membership will be at no cost to the City.
 10. If parties to the contract cannot agree on renewal terms, it is understood that the contract will be cancelled and a new contract will be solicited.
40. **ADDITIONAL INFORMATION:** Additional information may be obtained from the Purchasing Office at (479) 271-3115.

SPECIFICATIONS FOR TRIMBLE R10 GNSS RECEIVER

Bidder must indicate, "AS SPECIFIED", by placing an "x" in the designated column. Bidder must also provide additional information where indicated.

Specification	Indicate if "AS SPECIFIED" by placing an "X" in this column.
Receiver weight of no more than 2.49 lbs., including the battery, internal radio and UHF antenna.	x
Receiver shall have a minimum of 672 channels for GNSS Satellite tracking.	x
Receiver compatible with RTX Satellite Positioning technology.	x
Receiver is able to maintain RTK accuracies in the event of a radio or cellular signal lost for up to 5 minutes. It is also be able to automatically switch back to normal RTK corrections if radio or cellular signal is regained within that 5 minute timeframe.	x
Receiver must work seamlessly (uninterrupted Bluetooth connection) with a controller that has the ability to display and electronic level bubble.	x
Electronic Bubble shall have the ability for controller to store pole tilt data for RTK Measurements.	x
Receiver shall use a removable battery with batteries that have built-in power level indicators.	x
Receiver shall have an integrated quick release for ease of attachment to rover pole.	x
Receiver shall have an environmental protection rating of IP67 or higher. (temporary immersion of 3.28ft and survive a 6.6ft pole drop onto concrete)	x
Receiver shall be compatible with existing data collection field software (Trimble Access).	x
GNSS Satellite signals to be tracked simultaneously: - GPS: L1C/A, L1C, L2C, L2E, L5 - GLONASS: L1C/A, L1P, L2C/A, L2P, L3 - SBAS: L1C/A, L5 (For SBAS satellites that support L5) - Galileo: E1, E5a, E5B, E5 AltBOC, E6 - BeiDou: B1, B2, B3 - QZSS: L1C/A, L1-SAIF, L1C, L2C, L5 - NavIC: (IRNSS): L5 - CenterPoint RTX, OmniSTAR HP, XP, G2, VBS Correction Services - WAAS, EGNOS, GAGAN, MSAS	x
GNSS unit shall update at positioning rates: 1 Hz, 2 Hz, 5 Hz, 10 Hz, and 20 Hz	x

Specifications Cont..

GNSS Accuracy should meet or exceed these tolerances: Real Time Kinematic surveying (Single Baseline <30 km) ▪ Horizontal 8 mm+ 1 ppm RMS ▪ Vertical 15 mm +1 ppm RMS ▪ Network RTK Horizontal 8 mm + 0.5 ppm RMS ▪ Network RTK Vertical 15 mm + 0.5 ppm RMS ▪ RTK start-up time for specified precisions 2 to 8 seconds ▪ Static GNSS surveying ▪ Horizontal 3 mm + 0.1 ppm RMS ▪ Vertical 3.5 mm + 0.4 ppm RMS	x
GNSS unit shall meet or exceed the following for Communications and Data Storage: – Serial: 3-wire serial (7-pin Lemo). – USB supports data download and high speed communications. – Radio Modem. fully Integrated, sealed 450 MHz wide band receiver/transmitter with frequency range of 410 MHz to 470 MHz, Transmit power: 2 Watts, Range: 3–5 km typical / 10 km optimal. – Cellular. integrated, 3.5 G modem, HSDPA 7.2 Mbps (download), GPRS multi-slot class 12, EDGE multi-slot class 12, UMTS/HSDPA (WCDMA/FDD) 850/1900/2100MHz, Quad-band EGSM 850/900/1800/1900 MHz, GSM CSD, 3GPP LTE. – Bluetooth. fully integrated, fully sealed 2/4 GHz communications port (Bluetooth®). – WiFi. 802.11 b,g, access point and client mode, WEP64/WEP128 encryption. – External communication devices for corrections supported on Serial, USB, Ethernet, and Bluetooth ports. – Data storage: 6 GB internal memory (over ten years of raw observables, approx. 1.4 MB /day), based on recording every 15 seconds from an average of 14 satellites. – CMR+, CMRx, RTCM 2.1, RTCM 2.3, RTCM 3.0, RTCM 3.1, RTCM 3.2 input and output. – 24 NMEA outputs, GSO, RT17 and RT27 outputs. – WebUI that offers simple configuration, operation, status, and data transfer that is accessible via WiFi, Serial, USB, and Bluetooth.	x
The Trimble R10 GNSS Receiver shall be a brand-new unit with all applicable warranties, including but not limited to a manufacturer's warranty.	x

Detail Notes

(Optional): _____

Equipment Trade-In:

Bidder must indicate their understanding of the condition of the trade-in equipment, a Trimble R8 Model 3 GNSS Receiver, by initially in the spaces provided below:

- 1) Bidder understands that the trade-in equipment is a pre-owned Trimble R8 Model 3 GNSS Receiver and that the trade-in equipment shall be furnished to the awarded Bidder AS-IS. JS (Bidder Initials)
- 2) Bidder understands that by the City stating the trade-in equipment as being pre-owned, it is intended to convey that the item has been used previously, and that it may have some signs of cosmetic wear. JS (Bidder Initials)
- 3) Bidder understands that the City considers the trade-in equipment to be fully operational and functional as intended, but that the City does not guarantee or warrant the functionality and/or performance of the trade-in equipment. JS (Bidder initials)

PRICING SHEET

Bid prices shall include all costs, including but not limited to: all taxes and delivery fees to the City of Bentonville, Arkansas.

The City of Bentonville tax rate is 9.5%.

The bid shall be awarded based on the lowest and most responsible Net Purchase Price dollar amount.

Description	Price
Trade-In Value for one (1) pre-owned Trimble R8 Model 3 GNSS Receiver	\$ <u>5,000.00</u> (B)
Purchase Price: Trimble R10 GNSS Receiver	\$ <u>27,595.33</u> (A)
Net Purchase Price (purchase price less trade-in value)	\$ <u>22,595.33</u> (A-B)

Notice to Bidders
TRIMBLE R10 GNSS RECEIVER
IFB-19-19

The City of Bentonville is accepting sealed bids for the purchase and delivery of one (1) Trimble R10 GNSS Receiver, less the trade-in value of one (1) pre-owned Trimble R8 Model 3 GNSS Receiver. You may ask questions and obtain the required bid packet by emailing purchasing@bentonvillear.com, by calling 479-271-3115 or from the Purchasing Office located at the address below. Sealed bids will be received until 1:00 P.M., Monday, March 25, 2019, at the Purchasing Office on the first floor of City Hall located at 117 West Central Avenue, Bentonville, Arkansas 72712. Late submittals will not be accepted.

Trimble R10

GNSS SYSTEM

A NEW LEVEL OF PRODUCTIVITY

Collect more accurate data faster and easier – no matter what the job or the environment, with the Trimble® R10 GNSS System. Built with powerful technologies integrated into a sleek design, this unique system provides Surveyors with a powerful way to increase productivity in every job, every day.

Trimble HD-GNSS Processing Engine

The advanced Trimble HD-GNSS processing engine provides markedly reduced convergence times as well as high position and precision reliability while reducing measurement occupation time. Transcending traditional fixed/float techniques, it provides a more accurate assessment of error estimates than traditional GNSS technology.

Trimble SurePoint

With Trimble SurePoint™ technology, advanced sensors onboard the Trimble R10 continuously stream pole tilt and heading information that is used to display an electronic level bubble on the Trimble controller screen, allowing surveyors to maintain focus where it matters most. Full tilt compensation allows the survey pole to be tilted up to 15° when measuring, allowing the Trimble R10 to capture points that would be inaccessible to other GNSS surveying systems.

Trimble 360 Receiver

Powerful Trimble 360 receiver technology in the Trimble R10 supports signals from all existing and planned GNSS constellations and augmentation systems. With two integrated Trimble Maxwell™ 6 chips, the Trimble R10 offers 440 GNSS channels.

Trimble CenterPoint RTX

Trimble CenterPoint® RTX delivers RTK level precision anywhere in the world without the use of a local base station or VRS network.

Survey using satellite delivered, CenterPoint RTX corrections in areas where terrestrial based corrections are not available. When surveying over a great distance in a remote area, such as a pipeline or utility right of way, CenterPoint RTX eliminates the need to continuously move base stations or maintain connection to a cellular network.

Trimble xFill

Leveraging a worldwide network of Trimble GNSS reference stations and satellite datalinks, Trimble xFill™ seamlessly fills in for gaps in your RTK or VRS connection stream. Maintain centimeter level accuracy beyond five minutes with a CenterPoint RTX subscription.

Smart, Versatile

A smart lithium-ion battery inside the Trimble R10 system delivers extended battery life and more reliable power. A built-in LED battery status indicator allows the user to quickly check remaining battery life.

The Trimble R10 system provides a number of communications options to support any workflow. Receive VRS corrections and connect to the Internet from the field with the integrated cellular modem. Using Wi-Fi, easily connect to the Trimble R10 system using a laptop or smartphone to configure the receiver without a Trimble controller.

The Complete Solution

Bring the power and speed of the Trimble R10 system together with trusted Trimble software solutions, including Trimble Access™ and Trimble Business Center.

Trimble Access field software provides specialized and customized workflows to make surveying tasks quicker and easier while enabling teams to communicate vital information between field and office in real time. Back in the office, users can seamlessly process data with Trimble Business Center software.

Key Features

- ▶ Cutting-edge Trimble HD-GNSS processing engine
- ▶ Precise position capture and full tilt compensation with Trimble SurePoint technology
- ▶ Trimble CenterPoint RTX provides RTK level precision anywhere without the need for a base station or VRS network
- ▶ Trimble xFill technology provides centimeter-level positioning during connection outages
- ▶ Advanced satellite tracking with Trimble 360 receiver technology
- ▶ Sleek ergonomic design for easier handling



Trimble R10 GNSS SYSTEM

HARDWARE		
PHYSICAL		
Dimensions (W×H)	11.9 cm x 13.6 cm (4.6 in x 5.4 in)	
Weight	1.12 kg (2.49 lb) with internal battery, internal radio with UHF antenna, 3.57 kg (7.86 lb) items above plus range pole, controller & bracket	
Temperature ⁸	Operating	–40° C to +65° C (–40° F to +149° F)
	Storage	–40° C to +75° C (–40° F to +167° F)
Humidity	100%, condensing	
Ingress Protection	IP67 dustproof, protected from temporary immersion to depth of 1 m (3.28 ft)	
Shock and vibration (Tested and meets the following environmental standards)	Shock	Non-operating: Designed to survive a 2 m (6.6 ft) pole drop onto concrete. Operating: to 40 G, 10 msec, sawtooth
	Vibration	MIL-STD-810F, FIG.514.5C-1
ELECTRICAL		
	Power 11 to 24 V DC external power input with over-voltage protection on Port 1 and Port 2 (7-pin Lemo)	
	Rechargeable, removable 7.4 V, 3.7 Ah Lithium-ion smart battery with LED status indicators	
	Power consumption is 5.1 W in RTK rover mode with internal radio ⁹	
Operating times on internal battery ¹⁰	450 MHz receive only option	5.5 hours
	450 MHz receive/transmit option (0.5 W)	4.5 hours
	450 MHz receive/transmit option (2.0 W)	3.7 hours
	Cellular receive option	5.0 hours
COMMUNICATIONS AND DATA STORAGE		
Serial	3-wire serial (7-pin Lemo)	
USB v2.0	Supports data download and high speed communications	
Radio Modem	Fully integrated, sealed 450 MHz wide band receiver/transmitter with frequency range of 403 MHz to 473 MHz, support of Trimble, Pacific Crest, and SATEL radio protocols: Transmit power: 2 W Range: 3–5 km typical / 10 km optimal ¹¹	
Cellular	Integrated, 3.5 G modem, HSDPA 7.2 Mbps (download), GPRS multi-slot class 12, EDGE multi-slot class 12, UMTS/HSDPA (WCDMA/FDD) 850/1900/2100MHz, Quad-band EGSM 850/900/1800/1900 MHz, GSM CSD, 3GPP LTE	
Bluetooth	Fully integrated, fully sealed 2.4 GHz communications port (Bluetooth®) ¹²	
Wi-Fi	802.11 b.g, access point and client mode, WPA/WPA2/WEP64/WEP128 encryption	
USB v2.0	Supports data download and high speed communications	
External communication devices for corrections supported on	Serial, USB, TCP/IP and Bluetooth ports	
Data storage	4 GB internal memory; over seven years of raw observables (approx. 1.4 MB /day), based on recording every 15 seconds from an average of 14 satellites CMR+, CMRx, RTCM 2.1, RTCM 2.3, RTCM 3.0, RTCM 3.1, RTCM 3.2 input and output 24 NMEA outputs, GSO, RT17 and RT27 outputs	
WEBUI	Offers simple configuration, operation, status, and data transfer Accessible via Wi-Fi, Serial, USB, and Bluetooth	
SUPPORTED TRIMBLE CONTROLLERS		
	Trimble TSC7, Trimble T10, Trimble TSC3, Trimble Slate, Trimble CU, Trimble Tablet Rugged PC	
CERTIFICATIONS		
IEC 60950-1 (Electrical Safety); FCC OET Bulletin 65 (RF Exposure Safety); FCC Part 15.105 (Class B), Part 15.247, Part 90; PTCRB (AT&T); Bluetooth SIG; WFA IC ES-003 (Class B); Radio Equipment Directive 2014/53/EU, RoHS, WEEE; Australia & New Zealand RCM; Japan Radio and Telecom MIC		



**Request for Taxpayer
Identification Number and Certification**

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Navigation Electronics, Inc.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC

☐ C Corporation

☒ S Corporation

☐ Partnership

☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ►

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
124 Toledo Dr.

6 City, state, and ZIP code
Lafayette, LA 70506

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

____ - ____ - ____

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and

2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and

3. I am a U.S. citizen or other U.S. person (defined below); and

4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ► _____ Date ► **3-19-19**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.
- If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



CHECK ALL THAT APPLY			
X	Bid Award	Bid #	IFB-19-20
	Budget Adjustment		
	Change Order		
	Informational		
	Ordinance		
	Resolution		
	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Bart Mahony

Department

Pub Works Maint

Phone

271-5945

ACTION REQUIRED:

Staff recommends City Council award IFB-19-20 to Empire Group Property Management for the bi-weekly mowing of city owned detention ponds in an amount not to exceed \$60,000. This is a 2019 budgeted item. This agreement may be extended up to 3 years upon mutual agreement of both parties and Council allocating funds.

COST TO CITY:

Cost of this Request: \$60,000

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$	60,000
Funds Expended to Date		
Remaining Budget		60,000
Budget Adjustment		-
Remaining After Adjustment	\$	60,000

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712
www.bentonvillear.com



PLEASE RECYCLE





MEMO

Public Works – Maintenance Department

TO: CITY COUNCIL, MAYOR ORMAN
FROM: BART MAHONY PUBLIC WORKS MAINTENANCE MANAGER
SUBJECT: BID AWARD TO EMPIRE GROUP PROPERTY MANAGEMENT FOR THE BI-WEEKLY MOWING OF CITY OWNED DETENTION PONDS.
DATE: MARCH 18, 2019
CC: MIKE BENDER

Staff recommends City Council award Bid No IFB-19-20 to Empire Group Property Management for the bi-weekly mowing of city owned detention ponds in an amount not to exceed \$60,000. This is a 2019 budgeted item. The city received three bids, Empire Group (\$2,305.50 bi-weekly) Summit Lawn and Landscape (\$2,475.00 bi-weekly) Precision Lawn Service (\$3,760.00 bi-weekly) Peterson Lawn Service (\$4,170.00 bi-weekly) Empire Group provided the lowest responsible bid. Bids are based on a bi-weekly mowing cycle cost including a complete mowing/trimming, edging and debris collection/removal.

The attached bid specifications include the city owned detention pond locations covered by this bid. In general, these are all 31 detention ponds owned by the city. This contract will relieve city personnel from additional mowing responsibilities and allow for the more efficient use of personnel and equipment.

2019 is the first year for this contract and may be renewed annually up to 3 consecutive years upon mutual agreement of both parties and Council allocating the funds.

Thank you for your consideration of this request.



BID TABULATION:
DETENTION POND MOWING
IFB-19-20
BID OPENING:
March 11th, 2019
10:00 A.M

BIDDER NAME	TOTAL BID PRICE (The sum of the price per mow for all locations)
EMPIRE GROUP PROPERTY MANAGEMENT	\$ 2,305.50
SUMMIT LAWN AND LANDSCAPE	\$ 2,475.00
PETERSON LAWN SERVICE, LLC	\$ 4,170.00
PRECISION LAWN & LANDSCAPING	\$ 3,760.00

Notice to Bidders
DETENTION POND MOWING

IFB-19-20

The City of Bentonville is accepting formal bids from qualified mowing businesses or individuals for detention pond mowing services. There will be a Mandatory Pre-Bid Meeting held at the Bentonville Municipal Complex, located at 3200 SW Municipal Drive, Bentonville, Arkansas 72712, on Thursday, February 28, 2019 at 1:00 P.M. Interested parties can obtain the required bid packet or submit questions by emailing purchasing@bentonvillear.com, calling 479-271-3115 or from the Purchasing Office located at the address below. Sealed bids will be received until 10:00 A.M., Monday, March 11, 2019, at the Purchasing Office on the first floor of City Hall located at 117 West Central Avenue, Bentonville, Arkansas 72712. Late submittals will not be accepted.

DB



CITY OF BENTONVILLE, ARKANSAS
PURCHASING OFFICE
CITY HALL
117 W. CENTRAL AVE
BENTONVILLE, ARKANSAS 72712

INVITATION FOR BID
IFB-19-20

Date of Issuance: **February 24, 2019**

Bid Number: **IFB-19-20**

Mandatory Pre-Bid Meeting: February 28, 2019 at 1:00 P.M (address below).

Bid Opening Date: **March 11, 2019**

Bid Opening Time **10:00 A.M.**

Questions regarding this bid should be directed to the Purchasing Department at purchasing@bentonvillear.com.
All questions must be submitted prior to 4:30 P.M., March 6, 2019.

Mandatory Pre-Bid Meeting Address: 3200 SW Municipal Drive (2nd floor conference room)

During the Pre-Bid meeting Bidders will have an opportunity to schedule ride-along appointments with the City's Public Works Department. Ride along appointments will consist of driving by locations where services are to be performed with a City staff member, to allow the Bidders to become familiar with areas to be maintained.

Mandatory Pre-Bid Meeting Date and Time: February 28, 2019 at 1:00 P.M.

All bids received from entities which did not attend the Mandatory Pre-Bid Meeting will be rejected.

All bids must be received by the Purchasing Department prior to 10:00 A.M., March 11, 2019 in a sealed envelope, clearly marked on the outside with BID # IFB-19-20. Bids which must be opened to be identified may be rejected. Late bids will be rejected.

Bids will be publicly opened at City Hall, first floor, Purchasing Office, 117 West Central Ave Bentonville, AR 72712.

Mandatory Pre-Bid for this invitation will not be held at the Purchasing Office, please review pre-bid information above

EXECUTION OF BID

Upon signing this Bid, the bidder certifies that he/she has read and agrees to the requirements set forth in this bid proposal including specifications, conditions and pertinent information regarding the articles being bid on, and agrees to furnish these articles at the prices stated. Unsigned bids will be rejected - no exceptions.

NAME OF FIRM:	Empire Group Property Management		PHONE NUMBER:	479-601-7436	FAX NUMBER:	866-677-9923
BUSINESS ADDRESS, STREETS:	7515 W. Wedington Drive		CITY:	Fayetteville	STATE:	AR
SIGNATURE	[Redacted Signature]		DATE:	3/8/19		
PRINTED	Dan Bush		TITLE:	President		

ARKANSAS SALES OR USE TAX NUMBER: 71-0843355

STATE CONTRACTORS LICENSE NUMBER: _____

INTENT

The intent of this Invitation for Bid is for bi-weekly cycles of detention pond mowing services to be performed at the various City locations defined herein for the City of Bentonville, Arkansas. The awarded Bidder will be required to sign a binding contract.

REQUIRED RESPONSE DOCUMENTS & PRE-BID REQUIREMENTS

The following documents must be complete to provide a complete bid response package:

- IFB document, all response fields complete.
- \$500.00 Bid Guarantee: As defined in the 'BID GUARANTEE' section of this Invitation for Bid.
- Letter of Intent to provide insurance: All bids must contain a Letter of Intent from an insurance company authorized to do business in the State of Arkansas stating its willingness to insure the company submitting a bid pursuant to the terms herein and of any contract resulting from this Invitation for Bid.

All pricing must be entered on pricing sheet ("no bid" is an acceptable entry).

BID GUARANTEE

All bids must be accompanied by a bid guarantee in the form of a bid bond, certified check, or cashier's check in the amount of **five hundred dollars (\$500.00)**, payable without condition to the City of Bentonville. Personal checks and company checks are NOT acceptable as a bid guarantee.

Bids received that do not include a bid guarantee, as specified in this Invitation for Bid, will be rejected.

CONTRACT TERM:

The term for the awarded contract will be one (1) year, renewable annually upon mutual written agreement for a total maximum term of three (3) years.

SCOPE

Bidder agrees to furnish all labor and equipment necessary to perform biweekly cycles of detention pond mowing services.

Each cycle will include all services that are industry standard when performing detention pond mowing services, including but not limited to the occasional edging of grass, litter removal, weed-eating, and blowing off debris or clippings from sidewalks to present a neat and orderly appearance.

The City reserves the right to inspect any and all equipment to be used by the awarded Bidder prior to beginning services to ensure that the equipment is suitable to perform the services as described herein.

Bidder and the City agree that certain weather and growth related circumstances may require the mowing cycles to be delayed. Examples of such circumstances would be inclement weather and below average growth periods or seasons. Any delays or scheduling changes shall be communicated in writing between the City and the awarded Bidder. The City shall have the final determination of when grounds are able to be mowed or when the cycle requires rescheduling.

DELIVERY

The City of Bentonville requests that the detention pond mowing services begin within two (2) weeks from the date the Notice of Award is issued. If this schedule cannot be met, Bidder must specify the date that Bidder is available to begin services. Failure to state a date of availability obligates the Bidder to begin services within the City's requested timeline. Extended service start dates may be considered when in the best interest of the City.

Estimated date for presentation to City Council: March 12, 2019

Estimated Notice of Award Date: March 13, 2019

(These dates are tentative and may change)

Date available to begin services: _____

EQUIVALENT

Whenever these specifications mention an item by name and use specific descriptions as reference thereto, it is intended to convey to the bidder an understanding of the standard of excellence required. Items of equal type, quality, and size that will conform substantially to the standard of excellence established to provide equivalent merit, strength, durability, and to perform the required function in accordance with these specifications may be offered. City of Bentonville shall have the final approval of whether a substitute item is equal to the item specified.

INSURANCE

All bids must contain a Letter of Intent (LOI) from an insurance company authorized to do business in the State of Arkansas stating its willingness to insure the company submitting a bid.

The awarded Bidder will be required to provide the following Certificates of Insurance prior to beginning services for the City:

- Workers Compensation: As required by the State of Arkansas
- Comprehensive General Liability (Broad Form) in amounts to be specified by the City prior to signing the contract.

INVOICING

Bidder shall provide an invoice to the City's Accounts Payable office at the remittance address below weekly, upon the conclusion of each week's mowing cycles.

**City of Bentonville
ATTN: Accounts Payable
117 West Central Ave.
Bentonville, AR 72712**

Invoices submitted on time and to the correct address will be paid within 14 days of receipt.

PAYMENT TERMS

Net 30 days



Other: _____

Registered with the Secretary of State's Office to Conduct Business in the State of Arkansas:

X Yes ___ No

DB

Contractor/Vendor Disclosure

Company Name: Empire Group Property Management

Identify each employee of the City Of Bentonville to whom you, any of your Employees owning more that 5% interest in your Company, or are a Director/Executive/Decision Maker of your Company are immediately related.

Immediate Relation includes:

- Spouse/Domestic Partner
- Parents-Natural or Legal/Step/In Laws
- Children/Step, Siblings-Whole/Half/Step/ In Laws
- Grandchildren/Step, Great Grandchildren.

None

Failure to disclose shall be considered a material breach and grounds for immediate termination of this contract/agreement. **Note: Any change in circumstances resulting in a conflict or appearance of a conflict shall be reported in 30 days of change of circumstance.** _____ Initials

DB

**CITY OF BENTONVILLE, ARKANSAS
PURCHASING DEPARTMENT**

INSTRUCTIONS TO BIDDERS

1. **SCOPE:** These instructions to bidders and general conditions apply to solicitations for material, equipment, supplies or services with an estimated single or combined cost of \$20,000 or more. These conditions shall be in force unless otherwise modified by the City in this bid document. Bidders shall be advised that the City of Bentonville is not responsible for the content of any bid package received through any 3rd party bid service. It is the sole responsibility of the vendor to ensure the completeness of the documents received from any 3rd party source other than hand delivered.
2. **DEFINITIONS (AS USED HEREIN):**
 - a. The term "Invitation For Bid" means a solicitation of formal sealed bids with a combined or single unit value \$20,000 and over. The acronym "IFB" means Invitation for Bid.
 - b. The term "bid" means the offer by the bidder.
 - c. The term "bidder" means the person or organization responding to the solicitation.
 - d. The term "contractor" means a person or organization who is the successful bidder and who enters into a contract with the City.
 - e. The term "change order" means a written order from the Purchasing department directing the contractor to make changes to a contract.
 - f. The term "City" means the City of Bentonville, Arkansas.
 - g. The term "City Council" means the governing body of the City of Bentonville, Arkansas.
3. **PREPARATION OF BIDS:** Bidders shall review the specifications, drawings, and all special and general conditions. Failure to do so will be at the bidder's risk.

Each bidder shall furnish the information required in the solicitation. The bidder shall provide their name, address, e-mail address, and telephone number where indicated in the solicitation documents. The affidavit must be signed by an officer or employee having the authority to bind the company or organization by his/her signature and included with the bid response.

Unit price for each unit offered must be provided. The unit price will be presumed correct.

The bidder must state a definite time for delivery of supplies or performance of services.
4. **SUBMITTING A BID:** Bids must be received by the City of Bentonville Purchasing Office **BEFORE** the time of opening indicated in the solicitation. All references to time shall be Bentonville, Arkansas time (Central time zone). Late bids will be rejected. Any exceptions or additional information required on a solicitation will be noted in the bid documents. Failure to provide any requested information or to follow these procedures may result in the rejection of your bid.
5. **BID DOCUMENT MISTAKES:** The bidder shall not be allowed to modify or correct mistakes in the bid document after the opening of the bid. Failure to complete the entire bid accurately may result in declaring the bid as non-responsive and the bid may be rejected.

Bids may not be withdrawn after the bid opening time and date if a bid mistake is based upon an error in judgment. If a nonjudgmental mistake, such as a math error, is suspected by the City or the bidder, the bidder shall respond within two (2) business days of the bid opening or within two (2) business days of notification from the City with a request for the City to consider verification of the mistake. Once a bid has been verified, it shall be considered submitted, as verified. The City shall permit a bidder to withdraw its bid without penalty or forfeiture of bid security if: (a) a nonjudgmental mistake is evident on the face of the bid, or (b) the bidder establishes by clear and convincing evidence that a nonjudgmental mistake was made.

If multiple bids are received from the same vendor, the City will either consider only one of the bids from that vendor, or reject all bids from the vendor, at the sole discretion of the City.
6. **ACCEPTANCE OF OFFER:** The submitted bid is considered an offer on the part of the bidder; such offer is deemed accepted upon issuance by the City of a Purchase Order or other contractual document.
7. **FIRM PRICES:** By submitting the bid, bidder signifies that the prices, terms and conditions quoted in their bid will be firm for acceptance for a period of not less than ninety (90) days from the bid opening date unless otherwise specified in the solicitation. Prices quoted must remain firm for the period of performance of any resulting purchase order or contract to be performed over a specified period of time as indicated in the solicitation.
8. **CONTRACT RENEWAL:** The City reserves the right to renew any contract resulting from this solicitation at the same prices, specifications, terms and conditions, upon mutual agreement between the City and the contractor.
9. **ESTIMATED QUANTITIES:** Whenever a bid requests prices to be firm for a period of performance, the quantities or usages shown are estimated only with no guarantee made by the City. The quantities are for the bidder's information only, and the City will be bound only for actual quantities ordered.

10. **DISCOUNTS:** Cash discounts will be considered in determining the award. Unless otherwise indicated in the IFB, discounts offering 10 days or more will be taken by the City's Accounts Payable office, with payment made on the nearest pay period after receipt, inspection and acceptance of articles, and receipt of correct invoice(s).
11. **SAMPLES:** Samples of items, when required, must be submitted within the time specified at no expense to the City. If not destroyed by testing, samples may be returned at the bidder's expense unless otherwise indicated in the solicitation.
12. **AWARD:** Award will be made to the lowest most responsive and responsible bidder, which will be judged on the basis of price, conformance to specifications, quality, delivery time, references, payment terms, and in the best interest of the City of Bentonville, all factors being considered.
- The City reserves the right to accept or reject any or all bids or part of bids, to waive irregularities and technicalities, and to request rebids on the material described in the solicitation.
- The City reserves the right to award the contract on a split-order basis, lump-sum or individual-item basis, or any other combination that is in the best interest of the City unless otherwise specified.
- Conditional bids are subject to rejection in whole or in part at the sole discretion of the City.
- In the event of two or more identical low bids, Arkansas code Annotated Section 14-22-11 shall apply.
- No order or contract resulting from this solicitation may be assigned, transferred, or delegated to another party without written approval of the Assistant Finance Director of the City.
13. **BRAND NAMES:** If brand names, make, name of any manufacturer, trade name, or vendor catalog number are specified in these bid documents, it is for the purpose of establishing a grade or quality of material only. When the City does not wish to rule out other brands or makes, the phrase OR EQUAL is added. However, if a product other than that specified is bid, it is the bidder's responsibility to identify such product in their bid and prove to the City that the product is equal to or better than the product specified. Unless otherwise indicated, evidence in the form of samples may be requested if the proposed brand is other than that specified by the City. Such samples are to be furnished as specified in the solicitation or upon request of the City. Any samples requested by the City must be received by the City no later than four (4) days after formal request is made.
14. **VARIATIONS OF SPECIFICATIONS:** For purposes of evaluation, bidder must indicate any variances from any provision, specification, or condition stated in this solicitation, no matter how slight. If bidder does not indicate any variations, it will be assumed that the product or service fully complies with the provisions, specifications, or conditions as stated. If satisfactory bids are not received, the City reserves the right to consider alternate bids containing deviations from stated specifications.
15. **QUALITY:** Unless otherwise identified in the solicitation, all materials used in the manufacture or construction of supplies, materials or equipment covered by this solicitation shall be new. The items bid must be the latest make or model in current production, as offered to commercial trade, and of the highest quality material and workmanship. Used, shopworn, demonstrator, prototype, or discontinued models are not acceptable.
16. **ECO-FRIENDLY (GREEN) PRODUCTS:** The City of Bentonville supports the use of products that are ecologically friendly to the environment. Bidders are urged to include information with their bid submittal that describes the human health and environmental impact of products proposed. This eco-friendly approach takes into account, but is not limited to, waste production, energy and water use, greenhouse gas emissions, indoor air quality, recycled and reused content and packaging, and the presences of hazardous substances. Consideration may be given to these eco-friendly products when compared to mainstream products in cost and packaging.
17. **MATERIAL SAFETY DATA SHEET (MSDS):** It is mandatory for a manufacturer, supplier, or distributor of hazardous material to supply an MSDS as required by 29CFR 1910.1200 with the first shipment. Any time the content of an MSDS is revised, the vendor is required to provide a new MSDS to the City.
18. **ACCEPTANCE OF MATERIAL:** The material delivered under this bid shall remain the property of the seller until a physical inspection and actual usage of this material and/or service is made and is accepted by the City. It must comply with the terms of this IFB, and fully comply with specifications, and be of the highest quality. In the event the material and/or services supplied to the City is found to be defective or does not conform to specifications, the City reserves the right to cancel the order upon written notice to the contractor and return product to contractor at the contractor's expense.
19. **CODES AND REGULATIONS:** All products supplied and work performed within the scope of this request shall be supplied by the successful bidder to all applicable current prevailing City, State and Federal codes and regulations.
20. **DELIVERY:** Bidders must indicate the number of calendar days required to make delivery after receipt of a purchase order. Delivery time may be considered in making an award. The City reserves the right to cancel any order, or any part of that order, without obligation if delivery is not made within the time(s) specified on the bid form.

The City may grant additional time for delivery if the City is satisfied the delay is beyond the control of the vendor. Any request for time extension must be in writing and approved by the City's authorized representative.

All deliveries shall be FOB Destination to the location listed on the purchase order or price agreement unless otherwise specified. Bidders may be requested to provide separate pricing for delivery of all items in this solicitation.

21. **THIRD PARTY FREIGHT SERVICE:** The City of Bentonville may, at its discretion, use a third party freight service to arrange for delivery of the goods ordered as a result of this solicitation. In this case, the freight terms will be FOB Destination/Third Party Prepaid.
22. **PRICE CHANGES ON CONTRACTS:** If this solicitation is for an estimated quantity of supplies, consideration in awarding bid for yearly contracts will be given:
 - First to bidder offering firm prices for full contract period; and
 - Second to bidder offering firm prices subject to market price adjustment.
23. **COPYRIGHT OR PATENT RIGHTS:** By submitting the bid, bidder signifies that there has been no violation of copyrights or patent rights in manufacturing, producing or selling the goods shipped or ordered as a result of the bid, and bidder agrees to hold the City harmless from any and all liability, loss, or expense caused by any such violation.
24. **CONFLICT OF INTEREST:** The contractor, by signing the bid form in the solicitation or by acceptance of any purchase order resulting from this solicitation, certifies that to the best of their knowledge or belief, no elected or appointed official of the City is financially interested, directly or indirectly, in the purchase of the goods or services specified on this order or in the contract.
25. **TAXES:** The City of Bentonville is not tax exempt from any taxes imposed by the State and/or Federal Government. Applicable taxes should be included on all vendor invoices.
26. **MANUFACTURER'S CERTIFICATION:** The City reserves the right to request from bidders a separate manufacturer certification of all statements made in the bid. Failure to provide any requested certification may result in rejection of bid or termination of contract for which the bidder must bear full liability.
27. **TERMINATION:** Subject to the following provisions, any contract resulting from this solicitation may be terminated by either party upon thirty (30) days advance written notice to the other party; but if any work or service is in progress but not completed as of the date of termination, then said contract may be extended upon written approval of the City until said work or services are completed and accepted. Types of termination include:
 1. Termination for Convenience
In the event that the contract is terminated or cancelled upon request and for the convenience of the City, without the required thirty (30) days advance written notice, then the City shall negotiate reasonable termination costs, if applicable.
 2. Termination for Cause
Termination by the City for cause, default or negligence on the part of the contractor shall be excluded from the foregoing provision; termination costs, if any, shall not apply. The thirty (30) days advance notice requirement is waived in the event of termination for cause.
 3. Termination Due to Unavailability of Funds
When funds are not appropriated or otherwise made available to support continuation of performance, the contract shall be cancelled at the discretion of the City.
28. **W-9 REQUIREMENT:** The City of Bentonville requires a Form W-9 (Request for Taxpayer Identification Number and Certification), updated annually, from all contractors that do business with the City of Bentonville. The Form W-9 verifies the Tax Identification Number of the contractor so the City can correctly report to the IRS all funds paid to the contractor.
29. **DEFAULT OF CONTRACT:** In case of default by the contractor, the City may procure the items or services from other sources and hold the contractor responsible for any excess costs caused by such procurement. Failure of a bidder to furnish the equipment, supplies, material, and/or services as specified is cause for elimination of the bidder from the active bidder's list for the products or services concerned.
30. **BID BOND:** If required in this solicitation, bidders shall include a bid guarantee in the form of a bid bond, certified check, cashier's check in the amount of five percent (5%) of the base bid, payable without condition to the City of Bentonville. Personal or company checks are not acceptable. The bid bond shall be accompanied by a power of attorney showing the authority of the person executing the bond on behalf of the surety company. Failure to include a bid bond or bid guarantee request with your bid submittal may be cause for rejection of your bid. Bid guarantees (submitted by certified or cashier's checks) will be returned to unsuccessful bidders when the successful bidder is determined and the contract is executed. **When noted, a certified check or bid bond in the amount of 5% of the total bid shall accompany bid if bid exceeds \$35,000.00 [pursuant to Arkansas Code Annotated Section 22-9-203].**



31. **PERFORMANCE BOND:** At the discretion of the City, a performance bond may be required under the contract resulting from this solicitation. Such bond must be of a type and amount suitable for the nature of the commodity or services purchased and the dollar amount of the contract as indicated in this solicitation. The performance bond shall be for the duration of the contract, guaranteeing the faithful performance of the contract, and otherwise conditioned as required by law. Performance bond shall be accompanied by a power of attorney showing the authority of the person executing the bond on behalf of the surety company. Bond forms must be executed with a surety company licensed to do business in the State of Arkansas. The cost of the bond shall be included in the bidder's offer.
32. **MODIFICATIONS FOR CHANGES:** No agreement or understanding to modify this solicitation and resultant purchase orders or contract shall be binding upon the City unless made in writing by the Purchasing Department of the City of Bentonville.
33. **ORDER OF PRECEDENCE:** In the event of an inconsistency between provisions of the solicitation, the inconsistency will be resolved in the following order: (a) the schedule; (b) Instructions to Bidders and General Conditions; (c) special provisions; (d) other provisions of the contract, whether incorporated by reference or otherwise; and, (e) the specifications.
34. **WARRANTY:** Supplies or services furnished as a result of this solicitation shall be covered by the most favorable commercial warranties, expressed or implied, that the bidder and/or manufacturer gives to any customer. The rights and remedies provided herein are in addition to and do not limit any rights afforded to the City by any other clause of this bid. The City reserves the right to request from bidders a separate manufacturer certification of all statements made in the bid.
35. **PAYMENT:** Payment for materials or services received under this contract will be made upon completion of delivery for each purchase order and submission of invoice to the Accounts Payable Department, 117 West Central, Bentonville, AR 72712. Normal pay periods for the City are every Friday.
38. **GOVERNING LAW:** Any agreement resulting from this solicitation shall be interpreted under and governed by the laws of the State of Arkansas.
39. **ESCALATION/DE-ESCALATION CLAUSE:** In the event prevailing market conditions warrant an adjustment in contract pricing, the following escalation/de-escalation clause shall be the only clause acceptable to the City:
1. Contractor shall give written notice to the Purchasing Department of any proposed changes from contract prices not less than fifteen (15) calendar days prior to the effective date of price changes.
 2. Such notice must be accompanied by a copy of the supplier's notification to the contractor of a justifiable price change.
 3. No price escalation will be authorized in excess of the amount of the increase indicated on the supplier's notice.
 4. The approved price change shall be honored for all orders received by the contractor after the effective date of such price change.
 5. Approved price changes are not applicable to orders already issued and in process at time of price change.
 6. The City reserves the right to audit and/or examine any pertinent books, documents, papers, records, or invoice relating directly to the price increase after reasonable notice and during normal business hours.
 7. The Purchasing Department retains the right to determine whether or not such proposed price changes are in the best interests of the City.
 8. If in the opinion of the Procurement Department any proposed increase is found unacceptable, the Purchasing Department reserves the right to cancel the contract upon fifteen (15) calendar days' written notice.
 9. Contractors must tie any price change clause to an industry-wide or otherwise nationally recognized index or some other form of verifiable document. Contractor will put the Procurement Department on the mailing lists for such publications so the Purchasing Department can monitor said changes. Such membership will be at no cost to the City.
 10. If parties to the contract cannot agree on renewal terms, it is understood that the contract will be cancelled and a new contract will be solicited.
40. **ADDITIONAL INFORMATION:** Additional information may be obtained from the Purchasing Office at (479) 271-3115.

SPECIFICATIONS

Bidder must indicate, "AS SPECIFIED", by placing an "X" in the designated space following specifications. Bidder must also provide additional information where indicated.

SPECIFICATION	BIDDER MUST INDICATE "AS SPECIFIED" BY PLACING AN "X" IN THIS COLUMN.
Bidder shall coordinate all schedules and delays with the City's designated contact for detention pond mowing.	X
Bidder will use only equipment standard to a professional landscaping business and suitable for performing detention pond mowing services.	X
Bidder will have equipment available for inspection by the City prior to beginning services.	X
Detention pond mowing services will only be permitted to be performed between the hours of 7:00 A.M. and 7:00 P.M. Monday through Friday, and in accordance with the City of Bentonville Noise Ordinance.	X
Bidder acknowledges that certain detention ponds are located within residential areas and that due professional care will need to be practiced to ensure the safety of the residents and their property, and to avoid causing disruption.	X
Bidder agrees that they will be required to notify the City's designated contact for detention pond mowing no less than five (5) days prior to performing a mowing cycle and within 24 hours of completing each mowing cycle.	X
Bidder understands that some litter removal may be required prior to mowing each detention pond to ensure that litter does not become spread, cause property damage, or clog detention ponds.	X
Bidder understands that the expected uniform grass height will be between 2.5 to 3 inches in height and that some hand trimming of vegetation may be required around fixed objects.	X

Detail Notes

(Optional): _____

DB

PRICING SHEET

Bid prices shall include all costs, including but not limited to: tax and delivery fees to the City of Bentonville, Arkansas. The City of Bentonville tax rate is 9.5%. All locations are located within the City of Bentonville, Arkansas.

The Bid Award will be made based on the most responsible and lowest Total Bid Price. The Total Bid Price will be the sum of the weekly cost for all locations, and is intended only for the City's use in the comparison of bids.

The awarded Bidder will only be compensated for completed mowing cycles at each location.

ADDRESS	APPROXIMATE ACREAGE	PRICE PER MOW
SOUTH WEST		
BEEN RD SOUTH	1.19	\$ 89.25
BEEN RD NORTH	1.23	\$ 92.25
SW STAVERTON DR	0.94	\$ 70.50
SW CHERRY RD	1.41	\$ 105.75
WILDWOOD SUBDIVISION	1.31	\$ 98.25
SW SUMMERBROOK ST	1.3	\$ 97.50
SW ELM TREE RD	0.56	\$ 42.00
SW CARRIAGEWAY AVE	2.32	\$ 174.00
TOWN VU RD EAST	1.13	\$ 84.75
TOWN VU RD WEST	1.72	\$ 129.00
SOUTH EAST		
SE "O" ST	0.2	\$ 15.00
SE 18 TH ST	0.53	\$ 39.75
RACHEL AVE	0.45	\$ 33.75
JONATHAN DR	1.06	\$ 79.50
SE 7 TH ST	1.02	\$ 76.50
SE 22 ND ST	1.99	\$ 149.25
SE CAMBRIDGE PL	0.28	\$ 21.00
SE 5 TH ST	0.29	\$ 21.75
SE 10 TH ST	1.99	\$ 149.25
COLLEG PL	0.37	\$ 27.75
E. BATTLEFIELD BLVD & LYNDAL LN.	0.42	\$ 31.50
E. BATTLEFIELD BLVD & PARADISE WAY	1.54	\$ 115.50
E. BATTLEFIELD BLVD & WOODS CREEK	1.38	\$ 103.50

Pricing Sheet Cont..

ADDRESS	APPROXIMATE ACREAGE	PRICE PER MOW
NORTH WEST		
CROSS CREEK DR	0.15	\$ 11.25
NW APPLE BLOSSOM	1.42	\$ 106.50
RED HAVEN ST	0.68	\$ 51.00
WINDEMERE WOODS	1.66	\$ 124.50
NORTH EAST		
NE SHASTA CT	1.03	\$ 77.25
BLUEBERRY LN	0.39	\$ 29.25
KENSINGTON	0.32	\$ 24.00
IVY PL	0.46	\$ 34.50
APPROXIMATE TOTAL ACREAGE:	30.74	

TOTAL BID PRICE: \$ 2305.50

The sum of all locations "PRICE PER MOW" prices.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <u>Danny Bush</u>		
	2 Business name/disregarded entity name, if different from above <u>Empire Group Property Management</u>		
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ▶ _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			-		-			
--	--	--	---	--	---	--	--	--

ON

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of a second home, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you must check item 2, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ►
------------------	-----------------------------------

Date _____

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/4/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
OGDEN INSURANCE AGENCY
2367 Green Acres Rd #2
Fayetteville, AR 72203

CONTACT NAME: John Ogden
PHONE (A/C No, Ext): (479) 521-8684 FAX (A/C No): (479) 521-4063
E-MAIL: jogden.ins@gmail.com
ADDRESS: jogden.ins@gmail.com

INSURER(S) AFFORDING COVERAGE NAICS#

INSURER A: SCOTTSDALE INSURANCE COMPANY

INSURER B: MID-CENTURY INS 21687

INSURER C:

INSURER D:

INSURER E:

INSURER F:

INSURED DAN BUSH, INC
7515 W WEDINGTON DRIVE
FAYETTEVILLE, AR 72704
479-601-7436

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	INSR LTR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X	CPS3030983	01/29/2019	01/29/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/PROP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY ☐ ANY/AUTO ☐ OWNED AUTOS ONLY ☒ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY	X	605050599	10/25/18	10/25/19	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
GROUNDS MAINTENANCE/7515 WEDINGTON DRIVE, FAYETTEVILLE, AR 72704/199 FORD
F3501FTWW32F6XEA30550

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED

rights reserved.

ACORD25(2016/03)

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CHECK ALL THAT APPLY		
	Bid Award	Bid #
	Budget Adjustment	
	Change Order	
	Informational	
	Ordinance	
	Resolution	
x	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

David Wright

Department

Parks and Rec

Phone

271-6813

ACTION REQUIRED:

City Council approval of motion authorizing the City Attorney to pursue a Quiet Title and Declaratory Judgment Action for the Bella Vista Lake property.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



Memo



To: Mayor Orman, City Council
From: David Wright, Parks and Recreation Director
Travis Matlock, Engineering Director
CC:
Date: March 25, 2019
Re: Motion authorizing City Attorney to pursue Quiet Title and Declaratory Judgment Action for the Bella Vista Lake Property.

Staff seeks City Council approval of a motion authorizing the City Attorney to pursue a Quiet Title and Declaratory Judgment Action for the Bella Vista Lake Property. The purpose of the action is to better understand what legal rights the City of Bentonville has in managing the Bella Vista Lake Property.

In October 2017, City Council passed a resolution authoring City Staff to accept a grant to create the Master Plan for Bella Vista Lake. This resolution was on the heels of the City hosting a number of public discussions regarding communications, downtown development, and city infrastructure. From those public discussions, the City formed the Bella Vista Lake Task Force. This group focused on having open dialogue and public discussions about the project. The committee agreed to explore all options regarding the stream, the dam and the recreational needs of the park.

The grant acceptance was to hire consultants to create a master plan for the 135-acre park. During the process, we promised to have a conversation with the public about recreational needs and how they wish to see how the park should be used in the future. The park use and public's desire could help the Council to make the best decision regarding the future of the failed dam.

The City hired two professional consulting firms. Ecological Design Group (EDG) was hired to create the public master plan of the park. Their focus, after the public input phase, was to create three (3) conceptual planning options. The three plans would take the information from the public and integrate recreation options into a master plan design. The plans included one that reconstructed a dam and retained Bella Vista Lake.

Another plan was designed around a stream through the park. The final design included a stream with an adjacent side channel lake. The second consultant, Watershed Conservation Resource Center (WCRC), was hired to study and provide details about dam removal and streambank restoration.

The City hosted a series of meetings with the Bella Vista Lake Task Force and the general public to brainstorm different ideas for future uses of the park. After multiple public meetings, the public stated they wanted to see the park become a true outdoor recreation destination that offered a number of outdoor recreation opportunities including:

- Water Recreation
 - Swim Beach / Wading
 - Kayak / Canoeing
 - Fishing
 - Picnic Areas along creek
- Active Recreation
 - Walking / Biking Trails
 - Disc Golf
 - Playground / Play areas
- Passive Recreation and Education
 - Education – Historical and Environmental
 - Camping
 - Dog Park
- Infrastructure
 - Snack Bar / Food Trucks
 - Restroom / Shower
 - Amphitheater
 - Outdoor Event Space
- Restoration Ecology
 - Natural Areas / Restoration
 - Wildlife habitat

The three plans and project budgets were presented to the BVL Task Force on May 30, 2018. The BVL Task Force voted 5-2 to remove the dam and build stream with an adjacent side channel lake. Following that meeting, the three plans and the Task Force recommendation was taken to the Parks and Recreation Advisory Board at the June 18, 2018 regular meeting. That 3+ hour meeting included dialogue from the Task Force, 45 minutes of public feedback and an extensive Q & A between PRAB with consultants and staff. After an extensive discussion between PRAB members, they voted unanimously for the stream only option. See attached meeting minutes from the June 18 PRAB meeting. The plan was to forward the two recommendations and public response to the City Council for a final decision.

Immediately following the PRAB meeting, Travis Matlock and David Wright met with Cooper Communities to update them process of the study and where the public and committees prefer the project to go. Cooper Communities informed us they are not in favor of anything other than a lake only option and believed the City is obligated to

reconstruct the dam. A letter dated August 7, 2018 was sent from Cooper Communities to the City of Bentonville stating "CCI does not support a free-flowing stream".

On January 25, 2019, Mayor Orman met with Travis Matlock, David Wright and Staff Attorney Camille Thompson. Camille Thompson suggested the City seek an exploratory judgment to determine what the legal rights of the City are. Staff continues to hope to provide three options to the City Council from which you to choose from. Staff further believes the public stated in two different forums the dam should be removed. The Parks and Recreation Board voted unanimously and believes the stream only option is the best recreational use of the 135-acre park. That information, plus the findings of the Title Search and Declaratory Judgment will be presented to City Council allowing you to make a the most informed decision possible regarding the future of the park.

At the conclusion of the January 25 meeting, we met with Erin Rushing. Rushing is the Executive Director of the Trailblazers, the organization who donated the land to the City of Bentonville for the purposes of a park. Rushing, who served on the BVL Task Force Committee and has worked closely with Wright and Matlock during the planning process, supported the movement for an exploratory ruling from the court system. It is imperative to understand this legal action between the Trailblazers and the City is not one with a massive disagreement at the root. Instead, it is a respectful venture seeking what the City's legal rights are. The goal remains to allow the City Council the opportunity to make the best possible decision for the citizens.

If you have any questions, please call me at 479.464.7275 or email dwright@bentonvillear.com.

Attachments:

PRAB Meeting Minutes – June 18, 2018
August 7 Letter from Cooper Communities



RECEIVED AUG 09 2018

August 7, 2018

Mayor Bob McCaslin and
Bentonville City Council Members

Dear Mayor McCaslin and Bentonville City Council Members,

On July 1, 2005, City of Bentonville ("City") signed a Conveyance Agreement ("Agreement") with the Bentonville/Bella Vista Trailblazer's Association, Inc. ("Trailblazers") which included, among other things, an affirmative covenant by City that City "shall maintain the (Lake Bella Vista) Dam and in the event of damage or destruction replace or repair same."

In light of current events I'd like to share information concerning the origin of this provision. Cooper Realty Investments, Inc., a wholly-owned subsidiary of Cooper Communities, Inc. (collectively, "CCI") conveyed the Lake Bella Vista property ("Property") to Trailblazers in February, 2000 at zero cost for Trailblazers to develop a trail around Lake Bella Vista and maintain such property as a park for public enjoyment and use. Later in 2005, out of necessity Trailblazers entered into the Agreement with City because Trailblazers lacked sufficient resources to carry out routine maintenance and upkeep. At such time, because Trailblazers intended to honor CCI's request (made in CCI's capacity as contributor of the Property) that Lake Bella Vista would be preserved, Trailblazers insisted that the above language be included in the Agreement.

On September 13, 2017, CCI met with City's David Wright and Travis Matlock to discuss the present state of the Property and City's desire to study options for the Property – one to preserve the lake, one to remove the dam and create a free-flowing stream, and a hybrid plan with a side-channel pool. At such time, CCI conveyed to David and Travis that CCI would keep an open mind concerning Property redevelopment options but that it would be highly unlikely CCI would support any option involving removal of the dam.

On July 31, 2018, David and Travis met with CCI to present the designs developed by City concerning the Property. CCI understands as a result of such meeting that the Parks and Recreation Advisory Board is recommending removal of the Lake Bella Vista dam and creation of a free-flowing stream.

CCI does not support creation of a free-flowing stream. The principal reason is that since 1965 CCI has sold over 36,000 Bella Vista homesites to CCI's customers, particularly to residents of Old Bella Vista in the immediate area of the Property, many of whom still live in the community and expect Lake Bella Vista to be preserved. Moreover, CCI judges the free-flowing stream design, depicting a beautiful blue waterway filling the streambed as it flows through the Property, as misleading. Realistically, a stream through the Property will include a series of small pools encased by gravel and sediment bars, having insufficient flow for navigation by canoes and kayaks except in short episodes of high water. On

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the other hand, preserving Lake Bella Vista will provide numerous water activities to the public, practically year-round.

Preservation of Lake Bella Vista was, in absolute fact, a material consideration and inducement to CCI's conveyance of the Property to Trailblazers. CCI expects both that this provision will be honored by City and that Trailblazers will enforce the Agreement, as City would not own this amenity if such dam maintenance provisions were not included in the Agreement. The Agreement was fully negotiated by the parties and binding upon all.

We appreciate the City's commitment to provide the citizens of Bentonville (and those of surrounding areas of Benton County) with use and enjoyment of the Property and fully understand the challenges associated with maintaining the dam. City's design Option One – to preserve the lake by repairing and rebuilding the dam, including all the other proposed park improvements – is an attractive and desirable outcome for the Property, and is the only option, of those presented, that CCI will endorse. Regardless of whether or not City is able to put together funds required to accomplish all proposed improvements to the Property, CCI expects City to comply fully with its contractual obligations concerning the Property; by doing so, you honor the intent of the donor.

Sincerely yours,
Cooper Communities, Inc.



By

John A. Cooper, III
President

JAC/tv
cc: NWA Trailblazers

74634.v2-8/6/18



Parks and Recreation Advisory Board Meeting Minutes

Meeting Date: Monday, June 18, 2018
Meeting Called to Order: 5:03 p.m.
Meeting Adjourned: 8:17 p.m.
Meeting Location: Bentonville Community Center
Attendees:

Committee Members

Chris Sooter
Courtney Schaefer
Cortney Carlson
Craig Gilbert
Michelle Malashock
Mike Power
Shara McMurtrey
Stephen George
Tom Butrynski
Whitney Sutherland

Staff Members

David Wright
Kyle Payne
Lee Farmer
Tracy Acosta
Travis Matlock

Other

Allison Jumper
Matt Van Eps
Sandi Formica
Members of the public
City Council Members

Old Business

Approval of May 21, 2018 Minutes

Motion to Approve by: Tom Butrynski
Seconded the Motion: Mike Power

Approval of May 31, 2018 Special Meeting Minutes

Motion to Approve by: Chris Sooter
Seconded the Motion: Courtney Schaefer

New Business

Approval of Trail Naming – Applegate Trail

David shared with committee that a new trail would be opening in October and requested the approval to name the trail Applegate. The committee tabled this for 30 days

Motion to Table: Mike Power
Seconded the Motion: Craig Gilbert

Bella Vista Lake Presentation

David Wright began the meeting reviewing the beginning process to current. In April 2017, he formed a Bella Vista Lake Task Force consisting of Bill Burchart, Tim Robinson, Jodie Burns, Erin Rushing, Joe Haynie, Adam Schaefer, Ken Leonard, Greg Van Horn, Ron Miller, Travis Matlock and David Wright. During this meeting, the committee all agreed that there was more discussion that needed to be done on this project. Attached you will find the detailed presentation of the process. The Task Force continued to meet and came to a conclusion between the group members to have a free flowing stream with side channel lake. The next step was to meet with the Walmart Family Foundation to assist in creating three masterplans. The Walmart Family Foundation agreed to fund creating the three masterplans at an expense of \$98,960.00. David also shared that for the past ten years we have been told by the Federal Emergency Management Agency (FEMA) we were only allowed to rebuild the dam with no changes. During a meeting with the agency earlier this year, David Wright and Travis Matlock were advised by the FEMA representative we can use the funds available as a project improvement not just to remove the dam. During a task force meeting on May 30, 2018, the Task Force Committee members voted (7 yea – 2 nay) for a side channel lake.

David Wright introduced the consultants from EDG Watershed Conservation Resource Center and Watershed Conservation Resource Center. Allison Jumper with EDG, presented information gathered from our public meetings in relation to water recreation, active recreation, passive recreation and education, restoration ecology, infrastructure. The findings of this is listed in the presentation attached. Allison also showed diagrams of the three options that will be voted on as part of the reconstruction of Bella Vista Lake.

Option One – Lake only would be approximately, \$9.7M
Option Two – Stream Only would be approximately \$9.6M
Option Three – Steam and Lake would be approximately \$9.2M

Sandi Formica and Matt Van Eps with Watershed Conservation Resource Center were also introduced and shared information about their business and scope of restoration. This presentation is also attached.

As part of this meeting the Bella Vista Lake Task Force members attended as part of the public attending this meeting. David asked members of the task force to speak for approximately three minutes to the PRAB members and share their thoughts as members of the task force. Highlights by each member are listed below.

Bill Burkhart	Kudos to David Wright for taking this task on. Personal opinion – the lake is very important Would like lake and stream
Adam Schaefer	Friends of Little Sugar Creek member, Side channel lake not useful, flooding real issue, against lake only
Ron Miller	Former member of Friends of Little Sugar Creek, thanks to David Wright, wants Razorback blueway to compliment greenway, destination in nature, voted for stream and lake
Tim Robinson	Elected official - does not want to rebuild dam – asked PRAB members to have the courage to make a decision tonight
Greg Van Horn	Displayed a foam board with diagram – voted for option three – side channel lake – dam at northern end with controlled spillway – keep natural flow – build bridge take dam out
Jody Burns	For side channel lake – similar dams being removed throughout country – wants natural process

After the task force spoke, David Wright gave the public that attended this meeting, the opportunity to speak at the microphone. The guidelines included – public was allowed 45 minutes total to speak each having three minutes to speak. The public signed up to speak before entering the room and this list would be used. Kyle Payne with Bentonville Parks and Recreation timed each speaker. There were 23 citizens that spoke to the PRAB members and voiced their opinions and shared much passion with pros and cons to all options.

The board members discussed, as a board, the opinions that were shared tonight. The conclusion of this discussion is as follows. Mike Power made a motion to recommend an option. Craig Gilbert moved to select and accept - Free Flowing Stream with Side Channel Lake - (4 yea – 6 nay) Cortney Carlson seconded the motion.

Steven George made a motion to recommend the steam only option - (7 yea – 0 nay)
Michelle Malashock seconded the motion.



CHECK ALL THAT APPLY		
	Bid Award	Bid #
x	Budget Adjustment	
	Change Order	
	Informational	
	Ordinance	
	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

David Wright

Department

Parks and Rec

Phone

271-6813

ACTION REQUIRED:

City Council approval of budget adjustment to recognize a donation in the amount of \$39,768,08, for the purchase of a Utility Vehicle to assist with tree maintenance on city property.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

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PLEASE RECYCLE





Budget Adjustment #
(Assigned by Admin)

Department: Parks

Date of Request: March 28, 2019

Acct Number	Account Name	Revenue + (-)	Expense + (-)	Fund Balance + (-)
010-5030-452.74-10	Machinery and Equipment	\$39,768.00		\$ 39,768.00
010-5030-452.25-10	Minor Equipment		\$39,768.00	\$ (39,768.00)
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
	Totals	\$ 39,768.00	\$ 39,768.00	\$ -

Justification:

Budget adjustment recognizes the donation to pay for equipment

FOR ACTING USE ONLY

Council Action: Approved Disapproved Other _____

Date: _____ Date entered: _____ By: _____

Revised 5/1/07

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PLEASE RECYCLE



Memo



To: Mayor Orman, City Council
From: David Wright, Parks and Recreation Director
Date: March 25, 2019
Re: Council Approval of a Budget Adjustment for the purchase of a Utility Vehicle to assist with tree and landscape maintenance on city property.

In the last 5 years, Bentonville Parks and Recreation has planted more than 5,000 trees in our parks and trails. Bentonville Parks and Recreation works very close with the Bentonville Parks Conservancy (BPC). The BPC is a non-profit organization comprised of volunteers who have provided \$636,000 dollars of tree and landscaping materials and more than 500 volunteer hours to Bentonville Parks and Recreation.

While we are able to complete major tasks such as trimming and mulching with volunteer work, the most critical of tasks for new trees is watering. However, it is a lengthy, and sometimes difficult, process to reach many of the new trees we plant. This new vehicle will allow us to access many trees that are on trails or in areas not accessible by truck. It will also save us considerable dollars since we will be able to allow seasonal staff members to operate the equipment. Currently, we must use full time personnel to drive trucks to trees we are able to water. This equipment will allow our full time staff to remain focused on areas they are needed and allow seasonal to water trees.

The 39,768 is the price to purchase a new UTV with the watering equipment. This dollar figure includes tax and shipping. The City will be responsible for insurance and long-term maintenance.

If you have any questions, please call me at 479.464.7275 or email dwright@bentonvillear.com.

Attachments:

Donation Letter from Bentonville Parks Conservancy



Bentonville Parks Conservancy
215 SW A Street, Bentonville, AR

March 20, 2019

David Wright
Bentonville Parks and Recreation
215 SW A Street
Bentonville, AR 72712

David,

The Bentonville Parks Conservancy (BPC) offers a donation to City of Bentonville / Parks and Recreation (City) in the amount of \$39,768.08, for the purchase of a Utility Vehicle to assist with tree maintenance. The purpose of our donation is to allow the City's maintenance staff additional access to water newly planted trees in public property.

BPC acknowledges there are instances where the City must use equipment for multiple purposes. Our donation is not intended for this particular piece of equipment to only be used for a single purpose. While we do ask the equipment be used primarily for tree and landscaping maintenance, the donation is given without conditions of use. Our understanding is the equipment will allow more access of watering trees in areas not accessible by vehicle. This equipment is a donation to remove those barriers and allow access.

The donation is for the price of the equipment, including any taxes and delivery costs for the City to take possession. The donation does not include insurance and continual maintenance for the equipment. Payment will be made to the City upon City Council's approval and a copy of the resolution is provided to BPC.

Sincerely,

Jon Terlouw
Bentonville Parks Conservancy



CHECK ALL THAT APPLY		
	Bid Award	Bid #
	Budget Adjustment	
x	Change Order	
	Informational	
	Ordinance	
	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Crant Osborne

Department

Parks and Rec

Phone

271-3190

ACTION REQUIRED:

Parks and Recreation staff seeks approval of Changer Order #3, in the amount of \$3,433.00 for the Citizens Park Complex. Additional funding includes striping for pickle ball play.

COST TO CITY:

Cost of this Request: \$3,433

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$	1,300,000
Funds Expended to Date		1,223,749
Remaining Budget		76,251
Budget Adjustment		
Remaining After Adjustment	\$	76,251

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

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PLEASE RECYCLE



Memo



To: City Council, Mayor Orman
CC: David Wright, Parks and Recreation Director
From: Crant Osborne, Parks Operations Manager
Date: March 28, 2019
Re: Council approval of change order #3, in the amount of \$3,433 for the Citizens Park Tennis Courts project.

Parks and Recreation Staff is seeking City Council's approval of a change order in the amount of \$3,433 for the Citizens Park Tennis Complex. This request is to add eight-pickle ball court striping to four courts.

Pickle ball is one of the fastest growing sports for adults, especially adults 50+. Parks and Recreation is witnessing this growth firsthand with the use of our pickle ball scheduling at the Bentonville Community Center. We have extended hours and added Saturday programming because of the growing popularity of the sport. The Citizens Park Tennis project allows us an opportunity to add additional courts space, and a very inexpensive cost to the taxpayers. Our proposal is to take four (4) of the tennis courts and utilize them for pickle ball space. Each of the four (4) courts will include additional lines for two (2) pickle ball courts, resulting in eight (8) courts for pickle ball. The pickle ball courts will not interfere with tennis at all, making the courts usable for different activities.

This change order brings the total construction contract to \$1,227,182. The project budget in the 2018 Operational Budget was \$1,300,000.

If you have any questions regarding this item, please call me at 271-3190, or email cosborne@bentonvillear.com.

Attachments:

Change Order #3 Request

Change Order

No. 3

Date of Issuance: 3/25/2019

Effective Date: 3/25/2019

Project: Citizens Park Tennis Courts	Owner: City of Bentonville	Owner's Contract No.: NA
Contract: Citizens Park Tennis Courts, B.N. IFB-18-005	Date of Contract: 4/10/18	
Contractor: Benchmark Construction	Engineer's Project No.: 30274.0	

The Contract Documents are modified as follows upon execution of this Change Order:

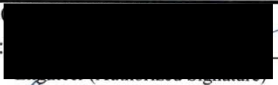
Description:

This change order will include adding eight pickleball striping to four tennis courts.

Attachments (list documents supporting change):

Cost break outs from Benchmark Construction.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ 1,168,870.29	Original Contract Times: ☐ Working ☒ Calendar days Substantial completion (days or date): 115 Ready for final payment (days or date): 145
[Increase] [Decrease] from previously approved Change Orders No. 0 to No. 2: \$ 54,878.42	[Increase] [Decrease] from previously approved Change Orders No. 0 to No. 2: Substantial completion (days): 185 Ready for final payment (days): 220
Contract Price prior to this Change Order: \$ 1,223,748.71	Contract Times prior to this Change Order: Substantial completion (days or date): 300 Ready for final payment (days or date): 342
[Increase] [Decrease] of this Change Order: \$ 3,433.00	[Increase] [Decrease] of this Change Order: Substantial completion (days or date): 0 Ready for final payment (days or date): 0
Contract Price incorporating this Change \$ 1,227,181.71	Contract Times with all approved Change Orders: Substantial completion (days or date): 300 Ready for final payment (days or date): 342

RECEIVED:	ACCEPTED:	ACCEPTED:
By: 	By: _____ Owner (Authorized Signature)	By: 
Date: 03/26/19	Date: _____	Date: March 26, 2019

PROPOSAL FROM:.....BENCHMARK CONSTRUCTION COMPANY
333 WEST POPLAR STREET
FAYETTEVILLE, AR 72703

PROPOSAL TO:.....MR. TOM BURRY, CEI ENGINEERING

PROJECT:CITIZENS PARK TENNIS COURTS

FILE REFERENCE NO. 1A

DATE:.....MARCH 25, 2019

DEAR MR.

WE REQUEST AN INCREASE IN THE AMOUNT OF----->>> \$3,433
ALONG WITH AN EXTENSION IN TIME OF --- DAYS. TO BE DETERMINED

ADD QUICK START LINING
ADD PICKLE BALL LINING

ALL PER ATTACHED QUOTE FROM GERALD PERRY TENNIS COURT CO.

TOTAL COST.....	\$3,073
5 % OVERHEAD & PROFIT	154
SUB TOTAL.....	\$3,227
0.02800 BOND	
0.00000 BUILDING PERMIT	
0.02100 OCP INS	
0.01500 BLDRS RISK	
0.06400	207
TOTAL CHANGE ORDER AMOUNT.....	\$3,433
	=====

SINCERELY,

COST DETAIL:

PROJECT:CITIZENS PARK TENNIS COURTS

FILE REFERENCE NO. 1A

:<< UNIT PRICES >>							LABOR + 48% BURDEN, MATERIALS + 9.75% ST + SUBS + 1% LIA INS + TOOLS & EQUIP
DESCRIPTION	Q	UNIT	LABOR	MAT	SUB CONT	TOOLS AND EQUIP	
							0
							0
							0
GERALD PERRY TENNIS CO	1.00	LS		2800.00			3073
							0
							0
							0
							0
							0
							0
							0
							0
							0
							0



CONTRACT PROPOSAL
GERALD PERRY TENNIS COMPANY

3381 Sommerset Rd
Springfield, MO 65804

Phone (417) 865-5965 /Fax(417) 865-9801

PROPOSAL SUBMITTED TO	PHONE	DATE
City of Bentonville	479-251-1316	3/24/2019
STREET ADDRESS	FAX	
Benchmark Construction		
CITY & STATE	ATTENTION	
Bentonville, AR	Roger	

We hereby submit specifications & estimates for:

Change order for additional lining:

Color to be #4 blue - Nova Acrylics

~~Lining of four quick-start courts - 350.00 per court - 1400.00~~ In original contract

Lining of eight pickleball courts - 350.00 per court - 2800.00

TOTAL CHANGE ORDER - ~~4200.00~~ 2,800.00

1. Surfacing Requirements by Owner:

- Maintain access to the site.
- Provide an area adjacent to the site for the purpose of storing and preparing materials.
- Make available a water and electrical source within 100' of the site.
- Spray areas on court edge where vegetation is growing and trim vegetation away from court.



CONTRACT PROPOSAL
GERALD PERRY TENNIS COMPANY

3381 Sommerset Rd
Springfield, MO 65804
Phone (417) 865-5965 /Fax(417) 865-9801

2. Preparation of Surface by Contractor:

- a. Scrape and remove all loose and flaking color coating.
- b. Wash stained areas of the courts.
- c. Fill all structural cracks prior to surfacing with a fiberglass filler.
- d. We recommend using a crack repair system for all crack wider than 3/8 ".
- e. All patched areas will be sanded and smoothed before application of acrylic coatings.
- f. Patch areas holding water (low spots) in an attempt to minimize depressions to less than 1/8".
Contractor cannot guarantee that water will be entirely eliminated from the court as the overall planarity of the court will not be changed by surfacing.
- g. Crack repair is not a permanent fix to a slab and is not covered under the warranty.

Warranty: All surfacing is guaranteed for one year with the exception of crack repair, as cracks eventually will return.

We propose hereby to furnish material and labor-complete in accordance with above specifications, for the sum of: \$ _____
Payment to be made as follows: _____ Upon Completion
NOTICE TO OWNER-- Failure of this contract to pay those persons supplying material or services to complete this contract can result in the filing of a Mechanic's Lien on the property which is the subject of this contract pursuant to Chapter 429, RSMo. To avoid this result you may ask this contractor for "Lien Waivers" from all persons supplying material or services for the work described in this contract. Failure to secure lien waivers may result in your paying for labor and material twice.
All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alternation or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. Note: This proposal may be withdrawn by us if not accepted within 30 days.
Authorized Signature _____ 
Acceptance of Proposal-- The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Signature: _____
2 of 2 Pages



CHECK ALL THAT APPLY			
☒	Bid Award	Bid #	IFB-19-24
☐	Budget Adjustment		
☐	Change Order		
☐	Informational		
☐	Ordinance		
☐	Resolution		
☐	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

April 9, 2019

Submitted by:

Crant Osborne

Department

Parks and Rec

Phone

271-3190

ACTION REQUIRED:

City Council approval of Bid IFB-19-24 in the amount of \$101,700.00 for the purchase of a 16' Jacobsen Rotary Mower from Kansas Golf and Turf.

COST TO CITY:

Cost of this Request: \$101,700

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

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www.bentonvillear.com



PLEASE RECYCLE



Memo



To: City Council, Mayor McCaslin
From: Crant Osborne, Parks Operations Manager
Thru: David Wright, Parks and Recreation Director
Date: March 28, 2019
Re: City Council approval of Bid IFB-19-24 in the amount of \$101,700 for the purchase of a 16' Jacobsen Rotary Mower from Kansas Golf and Turf.

Parks and Recreation Staff is requesting City Council to approve the purchase of a 16' Jacobsen Rotary Finish Mower to replace an existing 2012 12' Jacobsen Rotary Mower.

This piece of equipment will replace a failing existing mower and add 4' cutting width. This is almost equivalent to putting an extra mower on the ground as a number of our mowers provide a 5' cutting width. An example, if we were mowing a football field that is 153' wide it would take 13 passes to mow it with our current mower. If you were to mow that same area with a 16' deck, it would only take 10 passes. With an average of 5 minutes a pass, that saves 15 minutes in mowing just a football field. While that may not seem like that is a huge savings, when you take into account Memorial Park (90 acres), Phillips Park (40 acres) and Bentonville Community Center of 35 acres, the savings in time and man hours would be considerable.

If you have any questions regarding this item, please let me know. Please call me at 271-3190, or email cosborne@bentonvillear.com.



BID TABULATION:

2019 OR NEWER 16-FOOT-WIDE JACOBSSEN HR800 ROTARY MOWER OR EQUIVALENT

IFB-19-24

BID OPENING:

March 29th, 2019

10:00 A.M

BIDDER NAME	BID COMPLETE	DELIVERY	TOTAL BID PRICE
KANSAS GULF AND TURF	YES	45 DAYS	\$ 101,700.00

IFB-19-24 TOTAL BID PRICE SUBMITTED BY KANSAS GOLF AND TURF ON MARCH 29, 2019

Bid prices shall include all costs, including but not limited to: tax and delivery fees to the City of Bentonville, Arkansas. The City of Bentonville tax rate is 9.5%.

The Bid Award will be made based on the most responsible and lowest Total Bid Price.

Quantity	Item	TOTAL BID PRICE
1	2019 or Newer 16-Foot-Wide Jacobsen HR800 Rotary Mower (or Equivalent), AS SPECIFIED.	\$111,361.50

April 1, 2019 REVISED PRICING SHEET:

- 1.0 Kansas Golf and Turf, the single submitter to IFB-19-24 submitted a Total Bid Price of \$111,361.50, which included a sales tax amount of \$ 9,661.50 (Bidder fill in).
- 2.0 The State of Arkansas informed the City of Bentonville, Arkansas on March 29, 2019 that the purchase of the Jacobsen HR800 Rotary Mower is sales tax exempt.
- 3.0 The City issued communication to Kansas Golf and Turf on April 1, 2019, requesting a tax adjustment to the Total Bid Price, removing the 9.5% City of Bentonville sales tax rate from the original Total Bid Price.
- 4.0 This revised pricing sheet was provided to Kansas Golf and Turf for use in submitting the Total Bid Price, less the Bentonville tax rate.
- 5.0 There shall be no additional adjustments to the Bidder's originally submitted Total Bid Price.
- 6.0 Bidder shall use the below table to represent the final Total Bid Price:

Quantity	Item	Price per Unit
1	2019 or Newer 16-Foot-Wide Jacobsen HR800 Rotary Mower (or Equivalent), AS SPECIFIED.	\$ 101,700.00
SUBTOTAL:		\$ 101,700.00
CITY OF BENTONVILLE 9.5% SALES TAX :		\$0.00
TOTAL BID PRICE:		\$101,700.00