

Bentonville City Council
Meeting Minutes
April 9, 2019

[A Committee of the Whole meeting was held Monday, April 8, 2019. In addition to reviewing agenda items and other discussions, a consent agenda was approved.]

The City Council of Bentonville, Arkansas, met in regular session Tuesday, April 9, 2019, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Tim Robinson, Cindy Acree, Chris Sooter, Aubrey Patterson, Bill Burckart, Octavio Sanchez and Jonathan Terlouw, with Chad Goss absent. Also present were Mayor Stephanie Orman, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

At 6:00 p.m., prior to calling the meeting to order, Mayor Orman invited public comments. There was no response so the Mayor declared the comment period closed. The Mayor then invited questions or comments from the Council about items on the agenda and there were none.

Mayor Orman called the meeting to order. The Mayor led everyone present in the Pledge of Allegiance followed by a moment of silence in support of our armed forces.

Motion was made by Council Member Acree to approve the minutes of the March 26, 2019 meeting as presented, second by Council Member Sanchez. There was no discussion. Motion carried (7-0), with Council Member Goss absent.

Motion was made by Council Member Sooter to suspend the rules regarding the reading of all ordinances on three separate days and further that all ordinances and resolutions be read by title only, second by Council Member Sanchez. There was no discussion. Motion carried (7-0), with Council Member Goss absent.

1. Bentonville Public Library 2018 Annual Report.

Mayor Orman recognized Hadi Dudley, Library Director. Ms. Dudley passed out copies of the annual report and spoke briefly of the quality and success of the library this past year.

- 2a. Ordinance No. 2019-50: 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 No. PLA19-04)

[Applicant: Main Co-op Property, LLC;
Location: 501 Southwest A Street]

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

- 2b. Ordinance No. 2019-51: Ordinance accepting a property line adjustment of Lot 11 Block 1 of Pritchard Addition to the City of Bentonville, Arkansas. (Project No. PLA19-05)

[Applicant: Poppyseed Properties, LLC;
Location: 706 Northwest 6th Street]

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

- 2c. Ordinance No. 2019-52: Ordinance accepting a final plat of Amber Ridge South at Woods Creek to the City of Bentonville, Arkansas. (Project No. FP19-01)

[Applicant: Amber Ridge South at Woods Creek;
Location: Northeast Marina Drive]

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

Council Member Patterson. There was no discussion. Motion carried (7-0), with Council Member Goss absent.

- 2d. Ordinance No. 2019-53: 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 No. RZ19-05)

[Applicant: Ozark Bible Fellowship Church;
Location: 244 Northwest 3rd Street]

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

- 2e. Ordinance No. 2019-54: 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 No. RZ19-06)

[Applicant: Caroline Eastman;
Location: 403 Northwest 6th Street]

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

- 2f. Ordinance No. 2019-55: 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 No. RZ19-07)

[Applicant: SS Properties, LLC;
Location: 1505 Southwest 14th Street]

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

- 2g. Ordinance No. 2019-56: 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 No. RZ19-08)

[Applicant: Sewell Family Development, LLC;
Location: Highway 112]

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

- 2h. Ordinance No. 2019-57: Ordinance amending Chapter 15 Subdivision Code of the Bentonville Municipal Code.

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

3. Resolution No. 4-9-19 A: Resolution setting a public hearing for April 23, 2019, at 6:00 p.m., regarding a petition filed by Rausch Coleman requesting a utility easement vacation on Lot 137 in Providence Village Subdivision.

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

4. Resolution No. 4-9-19 B: Resolution setting a public hearing for April 23, 2019, at 6:00 p.m., regarding a petition filed by Rausch Coleman requesting a utility easement vacation on Lot 138 in Providence Village Subdivision.

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

5. Resolution No. 4-9-19 C: Resolution setting a public hearing for April 23, 2019, at 6:00 p.m., regarding a petition filed by Rausch Coleman requesting a utility easement vacation on Lot 142 in Providence Village Subdivision.

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

6. Resolution No. 4-19-19 D: Resolution setting a public hearing for April 23, 2019, at 6:00 p.m., regarding a petition filed by Rausch Coleman requesting a utility easement vacation on Lot 143 in Providence Village Subdivision.

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

7. Resolution No. 4-9-19 E: Resolution setting a public hearing for April 23, 2019, at 6:00 p.m., regarding a petition filed by Rausch Coleman requesting a utility easement vacation on Lot 161 in Providence Village Subdivision.

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

8. Resolution No. 4-9-19 F: Resolution setting a public hearing for April 23, 2019, at 6:00 p.m., regarding a petition filed by Rausch Coleman requesting a utility easement vacation on Lot 162 in Providence Village Subdivision.

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

9. Resolution No. 4-9-19 G: Resolution setting a public hearing for April 23, 2019, at 6:00 p.m., regarding a petition filed by Rausch Coleman requesting a utility easement vacation on Lot 169 in Providence Village Subdivision.

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

10. Resolution No. 4-9-19 H: Resolution setting a public hearing for April 23, 2019, at 6:00 p.m., regarding a petition filed by Rausch Coleman requesting a utility easement vacation on Lot 170 in Providence Village Subdivision.

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

11. Resolution No. 4-9-19 I: 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.

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

Consent Agenda: Items 14, 15, 17, 18, 19, 20, 21, 23, 24 and 25.

14. Approval to award Bid No. 18-60 to purchase 750 underground wire to Techline in the amount of \$86,224.50, Arkansas Electric in the amount of \$86,589 and Stuart Irby in the amount of \$92,610.
15. Approval for the reclassification of one heavy equipment operator I, II, III position (Grade 16, 17, 18) in the Electric Department budget to one electric technician I, II, III position (Grade 92, 93, 94) in the Electric Department budget.

17. Approval to purchase one vehicle that was not included in the 2019 budget for the Police Department.
18. Approval to recognize a vehicle insurance settlement from the Arkansas Municipal League and apply the settlement amount to the Police Department vehicle maintenance account.
19. Approval to award Bid No. 19-25 to Asphalt Zipper, Inc., in the amount of \$140,488.50, for the purchase of a portable asphalt reclaiming/trenching attachment for the Street Department.
20. Approval to award Bid No. 19-19 to Navigation Electronics, in the amount of \$22,596, for the purchase of a Trimble R10 GNSS receiver for the Water Utilities Department.
21. Approval to award Bid No. 19-20 to Empire Group Property Management, for an amount not to exceed \$60,000, for mowing city-owned detention ponds, with an option to extend up to three years.
23. Approval of a budget adjustment recognizing a donation from the Bentonville Parks Conservancy, in the amount of \$39,768.08, for the purchase of a utility vehicle to assist with tree maintenance.
24. Approval of a change order for the Parks and Recreation Department, in the amount of \$3,433, to add eight pickle ball court stripings to four tennis courts.
25. Approval to award Bid No. 19-24 to Kansas Golf and Turf, in the amount of \$101,700, for the purchase of a 16-foot wide Jacobsen rotary finish mower for the Parks and Recreation Department.

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

Resuming agenda:

16. Resolution No. 4-9-19 J: Resolution recognizing the retirement of Police K-9 Tyson and authorizing the K-9 to be transferred to his handler.

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

Police Chief Jon Simpson recognized and introduced Detective Corporal Andy Ball and Police K-9 Tyson to Council.

22. Approval authorizing the City Attorney to pursue a quiet title and declaratory judgment action for the Bella Vista Lake property.

Council Member Burckart provided documents to City Attorney Spence, stating that they were statutes and case law relevant to the issues to be pursued in the declaratory judgment portion of the case. Mr. Spence thanked Mr. Burckart and said he would consider what he provided and give it appropriate attention.

Mr. Spence addressed the Council concerning his actions to date regarding the proposed lawsuit and indicated he was in part following up on the discussion from the previous night's Committee of the Whole meeting.

Mr. Spence showed the Council a map illustrating differences in the legal descriptions between the deeds for the property. He noted that a member of the audience had questioned whether the map was accurate, and that while he was confident in the work done by the City's GIS Department creating the map, he would follow up on the comment and have the map confirmed again.

Motion to approve by Council Member Sooter, second by Council Member Sanchez. Motion carried (6-1), with Council Member Burckart voting no and Council Member Goss absent.

Mayor Orman adjourned the meeting.

Council members reported on committees and boards they participate in related to the City. During the public comment period the following people were recognized: Dawn Oblinsky, Greg Van Horn, Beth Keck, Adam Schaffer, Derek Linn and Angela Head.

Linda Spence

Linda Spence, City Clerk

Stephanie Orman

Stephanie Orman, Mayor

