

Bentonville City Council
Meeting Minutes
April 23, 2019

The City Council of Bentonville, Arkansas, met in regular session Tuesday, April 23, 2019, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Tim Robinson, Chad Goss, Cindy Acree, Chris Sooter, Aubrey Patterson, Bill Burckart, Octavio Sanchez and Jonathan Terlouw. 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 Sanchez to approve the minutes of the April 9, 2019 meeting as presented, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

Motion was made by Council Member Sooter to suspend the rules regarding the reading of all ordinances on three separate days and further that all ordinances and resolutions be read by title only, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

1. Ordinance No. 2019-58: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville and assigning same to wards.

[Applicant: Tonia C. Birchfield;
Location: 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 (8-0).

- 2a. Ordinance No. 2019-59: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, single family residential to C-2, general commercial. (Project No. RZ19-09)

[Applicant: Rose Properties, LLC;
Location: 1253 Southwest Regional Airport Boulevard]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Robinson. There was no discussion. Motion carried (8-0).

- 2b. Resolution No. 4-23-19 A: Resolution adopting revisions to the Future Land Use Map of the City of Bentonville to change real estate from its present land use classification of mixed use to light industrial. (Project No. GPA19-09)

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 (8-0).

- 3a. Ordinance No. 2019-60: Ordinance amending the City of Bentonville pay plan to create, upgrade and eliminate certain titles within the City of Bentonville, Arkansas.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 3b. Approval to add one additional building inspector position to the Planning Department.

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

4. Resolution No. 4-23-19 B: Resolution endorsing the installation of decade-themed artwork, designed and installed by students in the Bentonville Public School Ignite Program and funded by Runway NWA and the Walton Family Foundation, on public property located on the basketball courts at Memorial Park.

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 (8-0).

5. Approval for the appointment of Lisa Kelley to the Airport Advisory Board, said term to expire September 30, 2021.

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

6. Ordinance No. 2019-61: Ordinance vacating a utility easement located at 6403 Southwest Warrington of Providence Village Phase I to the City of Bentonville, Arkansas, Benton County, Arkansas.

A motion was made by Council Member Sooter to conduct the public hearings on Items 6 through 13 at the same time, second by Council Member Acree. There was no discussion. Motion carried (8-0).

Mayor Orman declared a public hearing open for comments on Items 6 through 13. There was no response so Mayor Orman declared the hearing closed.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

7. Ordinance No. 2019-62: Ordinance vacating a utility easement located at 6405 Southwest Warrington of Providence Village Phase I to the City of Bentonville, Arkansas, Benton County, Arkansas.

City Attorney Spence read the ordinance by title only.
Motion to pass by Council Member Sanchez, second by
Council Member Robinson. There was no discussion. Motion
carried (8-0).

8. Ordinance No. 2019-63: Ordinance vacating a utility easement located at 6503 Southwest Warrington of Providence Village Phase I to the City of Bentonville, Arkansas, Benton County, Arkansas

City Attorney Spence read the ordinance by title only.
Motion to pass by Council Member Sanchez, second by
Council Member Robinson. There was no discussion. Motion
carried (8-0).

9. Ordinance No. 2019-64: Ordinance vacating a utility easement located at 6505 Southwest Warrington of Providence Village Phase I to the City of Bentonville, Arkansas, Benton County, Arkansas.

City Attorney Spence read the ordinance by title only.
Motion to pass by Council Member Sanchez, second by
Council Member Robinson. There was no discussion. Motion
carried (8-0).

10. Ordinance No. 2019-65: Ordinance vacating a utility easement located at 4401 Southwest Gallatine of Providence Village Phase I to the City of Bentonville, Arkansas, Benton County, Arkansas.

City Attorney Spence read the ordinance by title only.
Motion to pass by Council Member Sanchez, second by
Council Member Goss. There was no discussion. Motion carried
(8-0).

11. Ordinance No. 2019-66: Ordinance vacating a utility easement located at 4311 Southwest Gallatine of Providence Village Phase I to the City of Bentonville, Arkansas, Benton County, Arkansas.

City Attorney Spence read the ordinance by title only.
Motion to pass by Council Member Sanchez, second by
Council Member Robinson. There was no discussion. Motion
carried (8-0).

12. Ordinance No. 2019-67: Ordinance vacating a utility easement located at 4312 Gallatine of Providence Village Phase 1 to the City of Bentonville, Arkansas, Benton County, Arkansas.

City Attorney Spence read the ordinance by title only.
Motion to pass by Council Member Sanchez, second by
Council Member Goss. There was no discussion. Motion carried
(8-0).

13. Ordinance No. 2019-68: Ordinance vacating a utility easement located at 4400 Southwest Gallatine of Providence Village Phase I to the City of Bentonville, Arkansas, Benton County, Arkansas.

City Attorney Spence read the ordinance by title only.
Motion to pass by Council Member Sanchez, second by
Council Member Burckart. There was no discussion. Motion
carried (8-0).

14. Resolution No. 4-23-19 C: Resolution setting a public hearing for May 14, 2019, on a petition filed by CEI Engineering requesting vacation of a utility easement on Lot 2 in Straube Business Park.

City Attorney Spence read the resolution by title only.
Motion to pass by Council Member Burckart, second by
Council Member Sooter. There was no discussion. Motion
carried (8-0).

15. Resolution No. 4-23-19 D: Resolution setting a public hearing for May 14, 2019, on a petition filed by CEI Engineering

requesting a utility easement vacation on Lot 7 of Straube Business Park.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

16. Resolution No. 4-23-19 E: Resolution setting a public hearing for May 14, 2019, on a petition filed by Craig Ihle requesting an alley right-of-way vacation between 307 and 401 West Central Avenue.

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 (8-0).

17. Resolution No. 4-23-19 F: Resolution authorizing the Mayor and Clerk to grant a general drainage easement along Lot 4 of Eversole Addition.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Burckart, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

18. Approval for a Street Department budget adjustment to accept and recognize a donation, in the amount of \$15,000, from Drive with Care, Inc. for the purchase of rectangular rapid flashing beacons to be installed near the crosswalk located at Tiger Boulevard and Northeast Cub Circle.

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

19. Ordinance No. 2019-69: Ordinance authorizing the Mayor and Clerk to enter into an agreement with Instrument and Supply, Inc. for the purchase of ISCO portable sampling and flow measuring equipment for the Wastewater Department and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only.

Council Member Acree initiated a discussion about utilizing out-of-state bid waivers when there is only one in-state supplier. Nancy Busen, Wastewater Manager, and several Council Members identified reasons for staying with in-state suppliers for equipment of this nature, including being able to provide expedient service.

Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no further discussion. Motion carried (8-0).

20. Ordinance No. 2019-70: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Haynes Pump and Process for the purchase of a Trojan UV disinfection control panel for the Wastewater Department and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only.

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

21. Resolution No. 4-23-19 G: Resolution authorizing the Mayor and Clerk to enter into a professional services agreement with Denali Water Solutions for biosolid disposal.

City Attorney Spence read the resolution by title only.

Council Member Burckart asked what percentage of the total biosolids the proposed contract would cover. Ms. Busen stated that the agreement would provide for about 20 percent of the total, and that last year it covered the excess for about two months.

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

22. Approval to award Bid No. 19-21 to Henard Utility Products, Inc., in the amount of \$106,215, to upgrade an existing camera truck in the Water Utilities Department.

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

23. Approval to award Bid No. 19-22 to Upkeep Tree Service, in the amount of \$8.75 per one linear foot of overhead line and one inch of stump ground, to assist the Bentonville Electric Utility crew on an as-needed basis, with an option to renew for up to three years.

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

24. Approval of a budget adjustment for the Police Department to recognize and accept a vehicle insurance settlement from the Arkansas Municipal League, in the amount of \$7,263.32, to cover the cost of repairs to a Tahoe police car from an April 2, 2019 on-duty accident.

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

- 25a. Resolution No. 4-23-19 H: Resolution authorizing the Mayor and Clerk to enter into an amendment to the agreement with Hight Jackson for additional architectural services.

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 (8-0).

- 25b. Approval for a budget adjustment for the contract amendment with Hight Jackson for architectural services to include moving the staff of the current Community Development building and renovating it as a new City Hall.

Motion to approve by Council Member Sanchez, second by Council Member Goss.

Council Member Burckart asked what the total contract amount would be with the added amendment. Mr. Harper stated that it would be approximately \$500,000.

There was no further discussion. Motion carried (8-0).

26. Resolution No. 4-23-19 I: Resolution expressing the City of Bentonville's support for a private ownership model for the Bentonville animal shelter.

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

Council Member Sanchez expressed several concerns regarding this item. He stated that the resolution establishes a precise location, which leads to only one possible arrangement for a provider of services. He further stated, the cost that the City will have to absorb is many times more than what it is today, that the population of dogs and the space allocated is much more than what is needed to provide basic animal protection services, and that the estimated lease terms are expected to be paid in advance and do not allow for a way to get out of the arrangement.

Council Member Acree expressed her concern about looking at services to be provided by the private sector without the service being sent out for competitive bids.

Council Member Robinson stated the Bentonville Pet Resource Steering Committee has recommended a privately owned parcel and a private ownership model and that this resolution is needed to proceed forward. He stated that it is expected to come back reflecting a 25 percent of overall cost to be paid by the City. He stated that the financials would be presented and considered later.

Mayor Orman stated that the staff supports the private ownership model and for the plan to move forward.

Council Member Burckart stated the private model was conceptual and that a proposed number will be brought back to the City to approve or not approve the cost to participate in this building. He further stated that what is being asked for the City to pay per month on an annual basis for this new facility is the same amount of money the City is now paying Centerton.

Mayor Orman reminded everyone that we're not discussing financials tonight. She added that the staff was comfortable going forward with this option.

Council Member Robinson stated that approving this item will allow the process to begin moving forward tomorrow.

Motion carried (6-2), with Council Member Sanchez and Council Member Acree voting no.

Mayor Orman adjourned the meeting.

Council members reported on committees and boards they participate in related to the City. During the public comment period, Andrew Heath was recognized.

Linda Spence

Linda Spence, City Clerk

Stephanie Orman

Stephanie Orman, Mayor

