

Bentonville City Council
Meeting Minutes
September 10, 2019

The City Council of Bentonville, Arkansas, met in regular session Tuesday, September 10, 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 September 10, 2019 meeting as presented, second by Council Member Acree. 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. New Utility Board presentation.

Mayor Orman recognized Travis Matlock, Electric Utility Director. Mr. Matlock then recognized Jason Carter, Attorney,

who was retained to assist with potential formation of the board.

Mr. Carter presented a power point presentation and explained the ordinance that will, if approved, establish a new Utility Board for the City of Bentonville beginning in 2020. He also answered questions from the Council.

- 2a. Ordinance No. 2019-134: Ordinance accepting an easement plat of Lot 2 of Michael-Dill Plaza to the City of Bentonville, Arkansas. (Project No. PLA19-20)

[Applicant: Modern Storage Bentonville, LLC;
Location: Southwest 14th Street]

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. Ordinance No. 2019-135: Ordinance accepting a lot split of Lots 2-3 Block 2 of Gilmore's Addition to the City of Bentonville, Arkansas. (Project No. PLA19-24)

[Applicant: MSB Holdings, LLC;
Location: 506 and 508 Southwest 5th Street]

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

- 2c. Ordinance No. 2019-136: Ordinance accepting a lot split of Lot 1 of Geneva Rose Addition to the City of Bentonville, Arkansas. (Project No. PLA19-23)

[Applicant: Geneva and Steve Rose;
Location: 701 McCollum Road]

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).

- 2d. Ordinance No. 2019-137: Ordinance accepting a property line adjustment of Lot 43 of Dickson's Addition to the City of Bentonville, Arkansas. (Project No. PLA19-25)

[Applicant: Joyce Trustees;
Location: 711 West Central Avenue]

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 (8-0).

- 2e. Ordinance No. 2019-138: Ordinance accepting a property line adjustment of Lot 25 of Deming's Addition to the City of Bentonville, Arkansas. (Project No. PLA19-26)

[Applicant: Dorothy Upperman;
Location: 412 Northwest 4th 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).

3. Ordinance No. 2019-139: Ordinance vacating a street right-of-way located in W.A. Burk's Addition to the City of Bentonville, Arkansas, Benton County, Arkansas.

[Applicant: CEI Engineering;
Location: Northeast corner of Valley Street and Fillmore Street]

Mayor Orman declared a public hearing open for comments. 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 Robinson. There was no discussion. Motion carried (8-0).

4. Resolution No. 9-10-19 A: Resolution setting a public hearing for September 24, 2019, at 6:00 p.m., regarding a petition filed by Pubside Holdings, LLC requesting an alley right-of-way vacation at 101 Southeast G Court.

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. Resolution No. 9-10-19 B: Resolution setting a public hearing for September 24, 2019, at 6:00 p.m., regarding a petition filed by Pubside Holdings, LLC requesting a street right-of-way vacation at 1110 Northeast Monroe Street.

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

6. Resolution No. 9-10-19 C: Resolution setting a public hearing for September 24, 2019, at 6:00 p.m., regarding a petition filed by Morrison Shipley Engineers requesting a public access easement vacation at 2303 Southeast J Street.

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).

7. Resolution No. 9-10-19 D: Resolution setting a public hearing for September 24, 2019, at 6:00 p.m., regarding a petition filed by Morrison Shipley Engineers requesting a utility easement vacation at 2303 Southeast J Street.

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

Council Member Goss. There was no discussion. Motion carried (8-0).

8. Approval of a conversion/upgrade of one Water Distribution Specialist and one Wastewater Collection Specialist to two Construction Inspectors within the Water Department.

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

9. Approval of a change order for the Wastewater Department, in the amount of \$80,210.78, to reconcile the clarifier upgrade project.

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

- 10a. Resolution No. 9-10-19 E: Resolution authorizing the Mayor and City Clerk to enter into a development agreement with Can-Ark Diamond Realty-Rolling Acres, LLC for drainage improvements in Rolling Acres Subdivision, Phase 1.

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).

- 10b. Approval of a budget adjustment for the Public Works Department, in the amount of \$300,000, to fund drainage improvements in Rolling Acres Subdivision, Phase 1.

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

11. Resolution No. 9-10-19 F: Resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with FTN Associates, LTD. for engineering services associated with drainage improvements in Rolling Acres Subdivision, Phase 1.

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).

12. Resolution No. 9-10-19 G: Resolution declaring excess soil
placed on airport property generated from the Southwest I
Street South Improvement Project as surplus.

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).

13. Resolution No. 9-10-19 H: Resolution authorizing the Mayor and
Clerk to enter into revised covenants for the Bentonville
Industrial Park South in the City of Bentonville, Arkansas.

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).

14. Resolution No. 9-10-19 I: Resolution declaring certain
property belonging to the City of Bentonville, Arkansas as
surplus property.

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).

15. Resolution No. 9-10-19 J: Resolution authorizing the Mayor and
Clerk to execute a general utility easement across a portion of
certain Police Department property.

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

Mayor Orman adjourned the meeting.

Council members reported on committees and boards they participate in related to the City. There were no public comments.

Linda Spence

Linda Spence, City Clerk

Stephanie Orman

Stephanie Orman, Mayor

