

Bentonville City Council
Meeting Minutes
September 24, 2019

The City Council of Bentonville, Arkansas, met in regular session Tuesday, September 24, 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 Burckart to approve the minutes of the September 24, 2019 meeting as presented, second by Council Member Sanchez. 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 Burckart. There was no discussion. Motion carried (8-0).

1. Resolution No. 9-24-19 A: Commendation of Detective Corporal Thomas J. Boyle for his twenty-one years of dedicated law enforcement service and eighteen years of service to the Bentonville Police Department.

Mayor Orman recognized Police Chief Jon Simpson, who recognized Detective Corporal Tom Boyle. Mayor Orman then read the resolution. Chief Simpson presented the resolution to Mr. Boyle and Justin Thompson, CID Captain, presented him with a flag flown over the Police Department on Mr. Boyle's last day of service.

2. Ordinance No. 2019-140: 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: Clearwater Investment, Inc. (Lamp);
Location: Northeast A 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).

- 3a. Ordinance No. 2019-141: Ordinance accepting a lot split of Lot 6 of Hogwild Subdivision Phase I and Lots 1 and 2 of Hogwild Subdivision Phase II to the City of Bentonville, Arkansas. (Project No. PLA19-27)

[Applicant: Rogers Warehouse Development IV, LLC;
Location: 2914 Southeast I 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).

- 3b. Ordinance No. 2019-142: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of RC-2, central residential-moderate density to DN-3, downtown high-density. (Project No. RZ19-28)

[Applicant: Bentonville Redevelopment, LLC;
Location: 402 Southeast G 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).

- 3c. Ordinance No. 2019-143: Ordinance accepting a lot split of Lots 3 and 4 of Riverwalk Farms Commercial Subdivision to the City of Bentonville, Arkansas. (Project NO. LS19-17)

[Applicant: Rory Thompson;
Location: 3600 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).

4. Presentation of the Grow with Trees Award.

Mayor Orman recognized Danielle Semsrott, Senior Planner. Ms. Semsrott explained the background of the award and presented the award to Matt O'Reilly, with Green Circle Projects, who was present accepting the award for Red Barn.

5. Ordinance No. 2019-144: Ordinance vacating an alley right-of-way located at 1110 Northeast Monroe of W.A. Burks Addition to the City of Bentonville, Arkansas. (Project No. VAC19-27)

[Applicant: Pubside Holdings, LLC;
Location: 1110 Northeast Monroe 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 Burckart. There was no discussion. Motion carried (8-0).

6. Ordinance No. 2019-145: Ordinance vacating a street right-of-way located in W.A. Burks Addition to the City of Bentonville, Arkansas.

[Applicant: Pubside Holdings, LLC;
Location: 110 Northeast Monroe 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 Goss. There was no discussion. Motion carried
(8-0).

7. Ordinance No. 2019-146: Ordinance vacating a public access easement located at Greenwich Village Condominiums Plat (2302 Southeast J Street) to the City of Bentonville, Arkansas, Benton County, Arkansas. (VAC19-30)

[Applicant: Morrison Shipley;
Location: 2303 Southeast J 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 Burckart. There was no discussion. Motion
carried (8-0).

8. Ordinance No. 2019-147: Ordinance vacating a utility easement located at Greenwich Village Condominiums Plat (2303 Southeast J Street) to the City of Bentonville, Arkansas, Benton County, Arkansas. (VAC19-31)

[Applicant: Morrison Shipley;
Location: 2303 Southeast J 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).

9. Resolution No. 9-24-19 B: Resolution setting a public hearing for October 8, 2019, on a petition filed by Jake Newell requesting an alley right-of-way vacation at 431 Southwest B 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).

10. Resolution No. 9-24-19 C: Resolution setting a public hearing for October 8, 2019, on a petition filed by Rausch Coleman requesting a utility easement vacation for Lot 147 of Providence Village Phase 1.

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).

11. Resolution No. 9-24-19 D: Resolution setting a public hearing for October 8, 2019, on a petition filed by Rausch Coleman requesting a utility easement vacation for Lot 148 of Providence Village Phase 1.

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).

- 12a. Resolution No. 9-24-19 E: Resolution authorizing the Mayor to enter into an amendment to a contract with Luttrell Enterprises to provide mowing and debris removal services for the City of Bentonville.

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).

- 12b. Approval of a budget adjustment for Building Services, in the amount of \$15,000, to increase funds necessary for mowing of noncompliant properties.

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

13. Resolution No. 9-24-19 F: Resolution declaring certain property belonging to the City of Bentonville Street Department as surplus property.

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).

14. Resolution No. 9-24-19 G: Resolution authorizing a property tax levy for the City of Bentonville, Arkansas for the year 2019 to be collected in the year 2020.

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. Submission of the annual audit to City Council.

Mayor Orman recognized Jake Harper, Finance Director.

Mr. Harper stated that there was no action to be taken on this item, and further explained the requirement to present the report at a Council meeting and that the report reflected nothing requiring Council action.

16. Resolution No. 9-24-19 H: 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 Goss. There was no discussion. Motion carried (8-0).

17. Ordinance No. 2019-148: Ordinance creating the Bentonville Utility Board and matters relating thereto.

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

18. Approval of a change order to the contract with Nabholz Construction for the new Emergency Communications and Criminal Investigations Center in the amount of \$17,758.

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

19. Approval of a budget adjustment to provide insurance for the new Emergency Communication and Criminal Investigations Center in the amount of \$9,846.

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

- 20a. Resolution No. 9-24-19 I: Resolution authorizing the Mayor and Clerk to enter into an agreement with Ecological Design Group for professional services related to Slaughter Pen Trail vehicle access.

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).

- 20b. Approval for a Parks and Recreation Department budget adjustment, in the amount of \$39,500, to redesign the damaged vehicle access to Slaughter Pen Mountain Bike Park.

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

21. Approval for a Parks and Recreation Department budget adjustment of \$210,000 to account for increased participation in recreation programs in 2019.

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

22. Approval of a change order to an agreement with Morrison Shipley, in the amount of \$10,350, for additional design work and construction observation for the Razorback Greenway Improvements Project.

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

- 23a. Ordinance No. 2019-149: Ordinance ratifying the agreement with the City of Fayetteville, recognizing revenue and expenses, and approving a waiver of bid related to the Square to Square Bike Ride.

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).

- 23b. Approval of a Parks and Recreation Department budget adjustment, in the amount of \$48,706, to recognize revenue and allocate expenses for the Square to Square Bike Ride.

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

24a. Approval to award Bid No. 19-57 to Lights by Sparky, in the amount of \$42,728.02, to install new track LED lights on downtown buildings.

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

24b. Approval of a Parks and Recreation Department budget adjustment, in the amount of \$43,729, to recognize funding from the Bentonville Advertising and Promotions Commission for new track LED lights at the Downtown Bentonville Square.

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

25. Approval for the appointment of Dennis Cherry to the Airport Advisory Board, said term to expire on September 27, 2022.

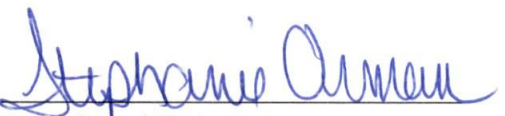
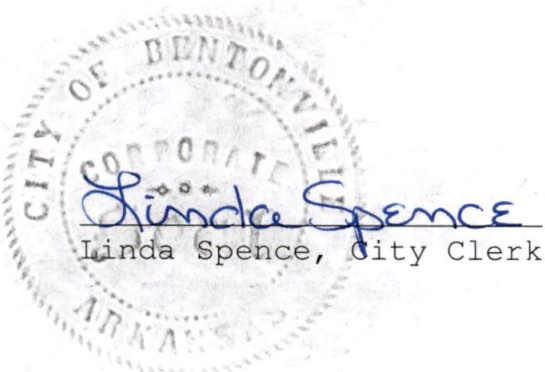
Motion to approve by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

26. Approval for the appointment of Jeff McClelland to the Northwest Arkansas Conservation Authority Board (NACA).

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

Mayor Orman adjourned the meeting.

There were no committee updates and no public comments.



Stephanie Orman, Mayor