

Bentonville City Council

Meeting Minutes

July 27, 2021

The City Council of Bentonville, Arkansas, met in regular session Tuesday, July 27, 2021, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Cindy Acree, Octavio Sanchez, Holly Hook, Tim Robinson, Aubrey Patterson, Gayatri Agnew, Bill Burckart, and Chris Sooter. Also present were Mayor Stephanie Orman, City Attorney George Spence, City Clerk Kirby Romines, the press, city staff, and the audience.

Due to the situation related to COVID-19, several members of the city staff and the public attended remotely by Zoom.

Several individuals signed in to speak at the meeting in person, and several individuals joined via Zoom to speak to agenda items or answer questions if needed.

Mayor Orman called the meeting to order. Megan Montgomery, a Girl Scout from Troop 5273, led everyone present in the Pledge of Allegiance, which was 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 July 13, 2021, 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 Burckart. There was no discussion. Motion carried (8-0).

1. Ordinance No. 2021-155: Ordinance proposing the detachment of certain territory from the City of Cave Springs, Arkansas and the annexation thereof into the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, assigning same to a ward, and assigning same to a zoning district.

City Attorney George Spence explained the legal verbiage update that was made and clarified specifics regarding property across 112. Please see attached legal description.

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).

2. Planning:

- 2a. Ordinance No. 2021-156: Ordinance accepting a lot split of Lot 2 & 3, Block K of Orchard Addition to the City of Bentonville, Arkansas (Project No. LS21-0028).

[Applicant: Art Condos, LLC;

Location: SE D Street, SE 7th Street, and SE E Street]

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).

- 2b. Ordinance No. 2021-157: Ordinance accepting a lot split of Lots 1 & 2, Big Blue Marble Subdivision to the City of Bentonville, Arkansas (Project No. LS21-0035).

[Applicant: Highland, LLC;

Location: 7048 Vaughn 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).

- 2c. Ordinance No. 2021-158: Ordinance accepting a property line adjustment of Lots 1 & 2, Momentary Addition Phase 2 to the City of Bentonville, Arkansas (Project No. PLA21-0023).

[Applicant: Crystal Bridges Museum of American Art, Inc.;

Location: 507 SE E Street]

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).

- 2d. Ordinance No. 2021-159: Ordinance accepting a final plat of Osage Hills Subdivision Phase 1 to the City of Bentonville, Arkansas (Project No. FP20-0007).

[Applicant: Osage RE Holdings, LLC;

Location: SW Anglin Road & SW Adams Road]

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).

- 2e. Ordinance No. 2021-160: Ordinance accepting a final plat of Woodlands Crossing Phase 1 to the City of Bentonville, Arkansas (Project No. FP21-0002).

[Applicant: Dream Structures Residential, LLC;

Location: S Morning Star Road]

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. Appeal to City Council of a Planning Commission decision regarding a rezoning request by Real Assets Inc. of land located at 2301 SW Regional Airport Blvd. (Parcels 01-17145-000). A rezoning request from C-1, Neighborhood Commercial to C-2, General Commercial. The Planning Commission voted 6-0 to recommend to the City Council that the petition be denied and that said property not be rezoned from its present classification of C-1, Neighborhood Commercial to C-2, General Commercial.

Council Member Burckart asked if most of the land in the area is zoned commercial, why should it stay residential? Ellen Norvell, the Community Development Director, explained that it wouldn't be residential. It would still be zoned as commercial but a lower density commercial.

On behalf of the applicant, Mark Brewer explained why the applicant is asking for C-2 Commercial instead of C-1.

Council Member Patterson asked if the difference between C-1 and C-2 Commercial impact the use of the property. Ellen Norvell explained that it does, and that is what is dictating the rezone.

Council engaged in further discussion regarding the surrounding zoning and if there would be any impact on the local residents.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no further discussion. Motion failed (2-6) with Council Member Sanchez, Patterson, Robinson, Hook, Acree, and Sooter voting no.

4. Recognition by City Council of Kathy and Terry Muldoon of 231 S. Main Street. The property's landscaping was nominated by a Bentonville resident and is the July Residential Landscaping of the Month award winner.

Mayor Orman and Ellen Norvell recognized Kathy and Terry Muldoon.

5a. Informational Item - Presentation by Blair Johanson with Johanson & Associates on salary survey results.

5b. Ordinance No. 2021-161: Ordinance adopting certain amendments to the City of Bentonville Pay Plan and declaring an emergency.

Council Member Burckart asked Blair Johanson about the proposed pay adjustments and numbers used during the salary survey. The council engaged in a lengthy discussion with Johanson & Associates on the details of the different pay brackets.

Police Chief, Jon Simpson, spoke in favor of the proposed pay plan and explained that it would greatly benefit their team and dispatch.

Several council members expressed concerns about the bracket for employees who either already do cap out or will cap out of the pay bracket soon and how the pay plan would adjust to their pay. Ed Wheeler, Human Resources Manager, said that the HR department is looking for different solutions for these employees.

The council engaged in further lengthy discussion regarding how the proposed pay plan would impact the employees that are in the cap out bracket.

Jake Harper, Director of Finance & Administration, mentioned that the council has the option to pass the pay plan without the cap option, which would give time for the City of Bentonville to bring specific solutions for those in the excluded sections of the pay plan. Council asked for solutions to be brought back to them in two weeks at the next meeting.

Council member Acree asked if there is an urgency to pass the plan tonight, and Jon Simpson explained that it would be reflected on the next paycheck for those the pay plan effects. Tony Davis, Street Manager, explained the impact their department and other departments would experience if certain sections were excluded from the pay plan for the time being.

Mayor Orman mentioned that if anyone has comments, questions, or concerns about the pay plan, her office has an open-door policy and welcomes feedback.

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

Motion to amend and remove items 18-25 from the ordinance by Council Member Sooter, second by Council Member Robinson. There was no discussion. Motion carried (6-2), with Council Member Sanchez and Council Member Patterson voting no.

Motion to adopt the ordinance as amended removing items 18-25 by Council Member Sooter, second by Council Member Robinson. Motion carried (8-0).

City Attorney Spence read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

6. Resolution No. 7-27-21 A: A resolution authorizing the Mayor and Clerk to enter into an agreement with BETA Technologies, Inc. for installation of commercial charging stations at the Bentonville Municipal Airport.

Council Member Hook asked why charging stations are only being installed at the airport. Debbie Griffin, Community Relations and Economic Development Director, explained that the charging stations are related to aircraft charging and that there will also be two chargers for electric vehicles. The company that stepped forward to do this and pay 100% of the project did not look at other places since it is specifically for the airport. The City of Bentonville could look at placing charging stations in other locations, but it would not be at the cost of this specific company.

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

7. Resolution No. 7-27-21 B: A resolution authorizing the Mayor and Clerk to enter into an agreement with Garver, LLC, for engineering and project services for SE Walton and J Street Intersection.

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

8. Resolution No. 7-27-21 C: A resolution authorizing the Mayor and Clerk to enter into an agreement with Garver, LLC, for engineering and project services for Walton and Medical Center Intersection.

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

9. Resolution No. 7-27-21 D: A resolution authorizing the Mayor and Clerk to enter into an agreement with Garver, LLC, for engineering and project services for J Street Interchange.

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

10. Resolution No. 7-27-21 E: A resolution authorizing the Mayor and Clerk to amend the professional services agreement with Crafton, Tull & Associates, Inc., for engineering and project services for Little Osage Tributary 2, Phase 2.

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

- 11a. Resolution No. 7-27-21 F: A resolution authorizing the Mayor and Clerk to amend the professional services agreement with McClelland Consulting Engineers, Inc., for engineering and project services for Hwy 71B / 12th Street / Tiger Blvd Intersection improvements.

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

- 11b. Budget Adjustment to pay for Amendment 2 with McClelland Consulting Engineers, Inc. for engineering and project services for Hwy 71B/12th St./Tiger Blvd Intersection Improvements.

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

12. Budget adjustment for the addition of a new Staff Engineer in the Engineering Department (Grade 34) paid from the Street Fund.

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

13. Informational item showing the proposed pavement markings and road striping list for 2021.

14. Bid award of bid IFB-21-51 in the amount of \$215,282.80 to Innovative Roadway Solutions for the City's 2021 Street Preservation Maintenance Program.

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

15. Bid award of bid IFB-21-50 in the amount of \$442,472.10 to Decco Excavation for the City's 2021 overlay program.

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

16. Ordinance No. 2021-162: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of a virtual simulator training system from Virtra, Inc. for the Bentonville Police 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 Acree. There was no further discussion. Motion carried (8-0).

17. Mayor Orman recommends appointment of Aubrey Patterson to the Dispute Resolution Committee, replacing Chris Sooter.

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

18. Mayor Orman recommends Chris Sooter for appointment to the Airport Advisory Board filling Aubrey Patterson's unexpired term. Mr. Sooter will be serving as the ex-officio member, with his term expiring December 31, 2024.

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

Based on the latest recommended guidelines from the CDC made earlier in the day, Mayor Orman brought forth the below resolution (item 19) to the council. If passed, the resolution would allow council members to attend city council meetings and vote virtually when applicable.

19. Resolution No. 7-27-21 G: A resolution making a temporary amendment to meeting procedures.

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

Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Acree, second by Council Member Sanchez. Motion passed unanimously.

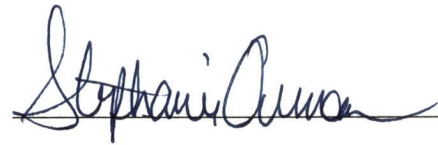
Council members reported on committees and boards they participate in related to the city.

Mayor Orman reminded council of the public input survey for the Bright Road 28th Street Park project.

The next Bentonville City Council meeting will be on August 10, 2021.



Kirby Romines, City Clerk



Stephanie Orman, Mayor



Item 1 Legal Description Attachment

With regard to item 1 - after the annexation process was completed by Cave Springs, an error was discovered with regard to the legal description that was made part of both Bentonville and Cave Springs ordinances. After consultation with the City Attorney, George Spence, Bentonville is correcting the ordinance as a typo by notifying the Council, substituting the corrected legal description, and indicating the correction for the minutes by this note. This procedure was thought to be adequate as the error was in fact a typo - one line left out of a two-page legal description; because the map presented with the item was correct; and because the matter was non-controversial in that it was adopted without discussion or dissent.