

Bentonville City Council

Meeting Minutes

October 26, 2021

The City Council of Bentonville, Arkansas, met in regular session Tuesday, October 26, 2021, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

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

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.

Mayor Orman called the meeting to order. Gabe Puente, a Cub Scout from Troop 450, 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 October 12, 2021, meeting as presented, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

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 (7-0).

1. Planning:

1a(1).Resolution No. 10-26-21 A: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Agriculture to Residential Estate (Project No. RZ21-0065).

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 (7-0).

1a(2).Ordinance No. 2021-222: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-E, Residential Estate (Project No. RZ21-0065).

[Applicant: Hubbard;

Location: 7431 SW Lee Harris 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 (7-0).

1b(1).Resolution No. 10-26-21 B: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Agriculture to Residential Estate (Project No. RZ21-0070).

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 (7-0).

1b(2).Ordinance No. 2021-223: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-E, Residential Estate (Project No. RZ21-0070).

[Applicant: Hubbard;

Location: 7431 SW Lee Harris 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 (7-0).

1c(1).Resolution No. 10-26-21 C: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Low-Density Residential to Medium-Density Residential (Project No. RZ21-0066).

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 (7-0).

1c(2).Ordinance No. 2021-224: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential (Project No. RZ21-0066).

[Applicant: Heartland Advisers, LLC;

Location: 813 Bella Vista 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 (7-0).

1d. Ordinance No. 2021-225: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning

classification of R-1, Low Density Single Family Residential to DN-1, Downtown Low-Density Residential (Project No. RZ21-0067).

[Applicant: Nick Ogle;

Location: 201 SW F 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).

- 1e. Ordinance No. 2021-226: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential (Project No. RZ21-0069).

[Applicant: Barrett Family Trust, East Downtown Investments, LLC, and BFV Bentonville, LLC;

Location: 310 NW 10th Street, 905 & 907 NW B Street & 960 NW C 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 (7-0).

- 1f. Ordinance No. 2021-227: Ordinance accepting a lot split of Lot 1 of Reynosa Addition to the City of Bentonville, Arkansas (Project No. LS21-0037).

[Applicant: HVM Construction Inc & Ray Residential Homes, LLC;

Location: 602 Bella Vista 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 (7-0).

- 1g. Ordinance No. 2021-228: Ordinance accepting a lot split of Lots 13 & 14, Block 5 Of Bank's Addition to the City of Bentonville, Arkansas (Project No. LS21-0051).

[Applicant: Emergent Property Management, LLC;

Location: 110 SE 13th Street]

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).

- 1h. Ordinance No. 2021-229: Ordinance accepting a property line adjustment of Lot 17, Block 1 of Lincoln and Rice Addition to the City of Bentonville, Arkansas (Project No. PLA21-0037).

[Applicant: John Barnidge;

Location: 608 NE 2nd Street]

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).

- 1i. Ordinance No. 2021-230: Ordinance accepting a lot split of Lots 4, 5, & 6 of Highland East Addition to the City of Bentonville, Arkansas (Project No. LS21-0041).

[Applicant: Route 71 Construction Company, LLC;

Location: 7431 SW Lee Harris 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 (7-0).

2. Ordinance No. 2021-231: Ordinance vacating a utility easement located at 3405 SE Macy of 71 Business Center Subdivision to the City of Bentonville, Arkansas, Benton County Arkansas (VAC21-0027).

Mayor Orman declared a public hearing open for comments. Jennifer Watkins mentioned that she was available for any questions. There was no further 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 (7-0).

3. Resolution No. 10-26-21 D: A resolution setting a public hearing for November 9, 2021, for a Utility Easement Vacation requested for Lot 3 of Cross Creek Subdivision (VAC21-0028).

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 (7-0).

4. Bid Award for IFB-21-64 - Main Street Improvements: SW 8th to SW 2nd Street PIIP20-0002 to ARCO Excavation and Paving in the amount of \$3,824,009.62. This project is being funded by the 2017 Street Bond Funds.

Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

5. Budget Adjustment to allow for payment to acquire a portion of tract #20 on the 090421 project. This project will allow for improvements to the intersection of Walton/Tiger/NW 12th.

Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

- 6a. Change Order #2 for VBT Southeast Taxiway B Project authorizing the approval of additional drainage work to the detention pond.

Council Member Burckart asked if the topsoil on the south side will be for sale by the contractor. Dennis Birge, Transportation Director, said that they are stockpiling it from the current project to use for the extension project. Council Member Sanchez asked if they sold the topsoil a few years ago, and Dennis Birge said he didn't recall them doing so. Mayor Orman noted that they are still trying to get the topsoil removed from that specific area.

Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

- 6b. Budget Adjustment in the amount of \$10,000.00 for additional drainage work to the detention pond at VBT Southeast Taxiway B Project.

Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (7-0).

7. Resolution No. 10-26-21 E: A resolution approving an Interim Leasing Policy for the City of Bentonville Municipal Airport.

Council Member Burckart expressed concerns about timeframe limitations and protection for applicants. Debbie Griffin explained the specifics of each step of the application process, and Mayor Orman explained that they have worked with the FAA and had 14 meetings regarding this resolution. Council Member Acree expressed concerns for pending lease applications, and Debbie Griffin, Director of Administration, said there are no pending lease applications. Council engaged in further lengthy discussion on the details of the interim leasing policy.

Council Member Acree asked about the development of new hanger space. Debbie Griffin said the only area that can be developed at this time is the area along I Street and will keep the council posted on when that will come to the council. Council Member Sooter thanked Debbie Griffin for her work on getting a process in place.

Mayor Orman recognized Dr. Richard Ham with the Airport Advisory Board, who explained in further detail questions, feedback, and

discussions within the Airport Advisory Board. Dr. Richard Ham also described details of the application process Council member Acree expressed concern about approving the process that she feels has open-ended questions. Council Member Burckart also expressed similar concerns.

Council engaged in further discussion about previous application process examples, the proposed policy and process, and the Airport Advisory Board's role in it.

City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no further discussion. Motion carried (5-2), with Council Member Hook and Council Member Acree voting no.

- 8a. Bid Award for IFB-21-49 - 2019 Sidewalk Improvements: Cub Circle PIIP21-0006 to ARCO Excavation and Paving in the amount of \$220,571.85. This project is being funded by both the Street and Engineering Sidewalk Accounts.

Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (7-0).

- 8b. Budget Adjustment in the amount of \$48,958.60 for IFB-21-49 - 2019 Sidewalk Improvements: Cub Circle PIIP21-0006.

Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (7-0).

9. Ordinance No. 2021-232: Ordinance authorizing the reimbursement to Benton County for a portion of the costs associated with the overlay of Phillips Cemetery Road 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 discussion. Motion carried (7-0).

10. Bid Award to Scott Equipment Company through participation in the Sourcewell Cooperative contract, 03119-VCE, to purchase a Volvo EWR170E Wheeled Excavator in the amount of \$224,494.00 plus applicable taxes. Use of a Co-Op is allowed pursuant to Arkansas State Statute 19-11-249. Purchasing performed an evaluation of Contract 032119-VCE determining that the solicitation was in line with both Arkansas State Statute and the City's Purchasing Policy. This is a budgeted item in the 2021 budget, so no adjustment is needed.

Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (7-0).

11. Resolution No. 10-26-21 F: A resolution authorizing the Mayor and Clerk to enter into a Real Estate Contract with Michael and Kensley Walden.

City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Hook. There was no discussion. Motion carried (7-0).

- 12a. Resolution No. 10-26-21 G: A resolution adopting Premium Pay for certain municipal employees from the American Rescue Plan.

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 (7-0).

- 12b. Use of American Rescue Plan Act (ARPA) funds for Premium pay for City employees based on qualifying hours worked over the previous 12 months.

Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (7-0).

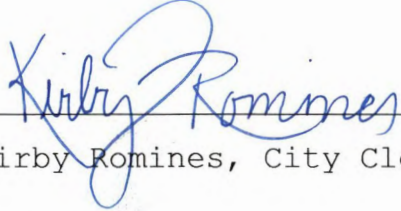
Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Burckart, second by Council Member Acree. Motion passed unanimously.

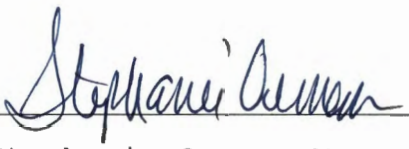
Council members reported on committees and boards they participate in related to the city.

Council Member Sanchez asked David Wright, Parks and Recreation Director, if there was an update on the Quilt of Parks. David Wright explained that they will need about six or so weeks to bring a different design back to the council. Council Member Burckart mentioned that he submitted a resolution for affordable housing for review and that it may be on the agenda for the next council meeting.

Mayor Orman reminded the council of the Arkansas Municipal League Conference in January 2022, and the ARPA Funds Public Input Meeting on November 2 at 6:30 pm.

The next Bentonville City Council meeting will be on November 9, 2021.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

