

Bentonville City Council

Meeting Minutes

November 9, 2021

The City Council of Bentonville, Arkansas, met in regular session Tuesday, November 9, 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, Chris Sooter, and Gayatri Agnew. 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 starting at item four 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.

Mayor Orman called the meeting to order. Ila and Elliot Jacobson, Girl Scouts from Troop 5081, 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 26, 2021, meeting as presented, second by Council Member Burckart. There was no discussion. Motion carried (7-0), with Council Member Robinson absent during voting.

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), with Council Member Robinson absent during voting.

[Agenda items 1 through 3 were addressed at the November 8, 2021, Committee of the Whole meeting.]

Council Member Robinson joined the meeting via zoom before item 4.

4. Recognition by City Council of Sandy and Chris Baumhover, who resides at 2412 NW Rita Way. The property's landscaping was nominated by a Bentonville resident and is the October Residential Landscaping of the Month award winner.

5. Update on NACA line replacement and plant expansion projects and associated items.

Mayor Orman recognized Mike Bender, Water Utilities Director, who gave the update and recognized Jeff McClellan, Mike Neal, Kent Hirsch, and George Spence.

Council Member Patterson asked for further details on the plant versus the line in question. Council Member Sooter asked if the department had submitted any request for ARPA fundings. Mike Bender said they had submitted requests, but there is no guarantee of receiving the funds. Mayor Orman explained that several officials had sent letters expressing their support for receiving the funding to assist with these projects.

The council, Mayor Orman, George Spence, and Mike Bender engaged in a lengthy discussion regarding the details of the plant expansions, current plant capacities, the cost of the projects, and the City of Bentonville's involvement with NACA.

Mike Hirsch explained the legalities of the contract work and the current lawsuit. Council Member Burckart asked about details regarding the finances of the lawsuit, and Council Member Sooter asked what a timeline looks like for this. Mike Hirsch explained the probability of different outcomes of the lawsuit.

The council and Mayor Orman thanked both Mike Hirsch and Mike Bender for their time and presentation.

6. Planning:

- 6a. Ordinance No. 2021-233: Ordinance amending Bentonville Municipal Code Appendix A Zoning Code and Appendix B Land Development Code.

Council Member Acree made a motion to amend the ordinance to remove dwelling condominium and dwelling multifamily from the C-2 zoning, second by Council Member Sanchez.

Along with Ellen Norvell, Community Development Director, and Mayor Orman, the council had a lengthy discussion on the appropriate zoning for these types of dwellings and what C-2 zoning entails. Motion did not carry (3-5) with Council Members Patterson, Robinson, Sooter, Agnew, and Burckart voting no.

City Attorney Spence read the original ordinance by title only. Motion to pass by Council Member Burckart, second by Council Member Sooter. There was no discussion. Motion carried (6-2) with Council Members Acree and Hook voting no.

- 6b. Ordinance No. 2021-234: Ordinance amending Bentonville Municipal Code Appendix A Zoning Code to regulate donation boxes.

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

- 6c. Ordinance No. 2021-235: 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. RZ21-0071).

[Applicant: 1003 N Main, LLC;

Location: 1003 North Main 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).

- 6d. Ordinance No. 2021-236: Ordinance accepting a lot split of Lots 1 and 2 of Gerber Subdivision to the City of Bentonville, Arkansas (Project No. LS21-0053).

[Applicant: Vashino Groups, LLC;

Location: SW 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).

- 6e. Ordinance No. 2021-237: Ordinance accepting a lot split of Lot 39, Block J of Orchard Addition, to the City of Bentonville, Arkansas (Project No. LS21-0054).

[Applicant: KY Enterprises, LLC;

Location: 527 SE 6th 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).

- 6f. Ordinance No. 2021-238: Ordinance accepting a property line adjustment of Lots 56 and 57 of Whiteoak Trails Subdivision to the City of Bentonville, Arkansas (Project No. PLA21-0041).

[Applicant: Lisa J. Jones and Jess W. Jones and CHP, LLC;

Location: 208 and 210 SW Highlands 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).

- 6g. Ordinance No. 2021-239: Ordinance accepting a final plat of Glen Arbor Subdivision to the City of Bentonville, Arkansas (Project No. FP21-0006).

[Applicant: GlenArborPRD, LLC;

Location: Featherston Road and Glen Road]

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), with Council Member Burckart abstaining.

Consent Agenda: Items: Items 7, 8, 9, 10, 11, 12, 13, 14, 17a, 17b, and 18b.

7. Adjustment of terms for the Public Art Advisory Committee.

Mayor Orman noted that the memo on item seven was corrected to read four instead of five.

8. Appointment of Chad Nicholson to fill the vacancy in Position 3 on the Public Art Advisory Committee (PAAC). The position was vacated by Jerris Palmer, who resigned. Mr. Nicholson is the Associate Director for Corporate Brand and Design for Tyson Food, Inc. His first term will begin January 1, 2022, and expire December 31, 2022. Mr. Nicholson may request reappointment at the end of his first term.

9. Appointment of Kate Schaffer to fill the vacancy in Position 4 on the Public Art Advisory Committee (PAAC). The position was vacated by Aaron Kohn, who resigned. Mrs. Schaffer served as the board chair of the Hot Springs Area Cultural Alliance and launched a 10-day art festival. Her first term will begin January 1, 2022, and expire December 31, 2022. Mrs. Schaffer may request reappointment at the end of her first term.
10. Re-appointment of Grant Cottrell to Position 2 on the Public Art Advisory Committee. Mr. Cottrell has been an active member of the committee and redesigned the committee logo. This will be Mr. Cottrell's second term that begins January 1, 2022, and will expire on December 31, 2024.
11. Re-appointment of Steven Baker to Position 1 on the Public Art Advisory Committee. Mr. Baker has been an active member of the committee since being appointed in 2018. This will be Mr. Baker's second term that begins January 1, 2022, and will expire on December 31, 2024.
12. Re-appointment of Aniruddha Marathe to a second, 3-year term on the Bentonville Utility Board. The second term will be effective January 1, 2022, to December 31, 2024.
13. Re-appointment of David Gray to a second, 3-year term on the Bentonville Utility Board. The second term will be effective January 1, 2022, to December 31, 2024.

14. Bid award for pole mount transformers to the lowest bidder in the amount of \$233,968.00.
- 17a. Bid Award of bid #IFB-21-61 to Riggs Cat for purchase of a 2022 Caterpillar CB 2.7 Roller. The purchase was budgeted for \$45,000.00, but the lowest bid received was for \$53,741.51. The remaining \$8,741.51 is requested to be paid from Street Fund Reserves.
- 17b. Budget Adjustment for the purchase of a 2022 Caterpillar CB 2.7 roller in the amount of \$8,741.51. The purchase was budgeted for \$45,000.00, but the lowest bid received was for \$53,741.51. The remaining \$8,741.51 is requested to be paid from Street Fund Reserves.
- 18b. Budget Adjustment of \$1000.00 for the City of Bentonville traffic signal timing/ coordination study. Contract amount is for \$39,000.00 and the 2021 budgeted amount is \$38,000.00. An additional \$1,000.00 is requested from the Street reserve fund.

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

15. Ordinance No. 2021-240: Ordinance vacating a utility easement located at Lot 3 of Cross Creek Subdivision to the City of Bentonville, Arkansas (Project No. VAC21-0028).

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

16. Resolution No. 11-9-21 A: A resolution authorizing the Mayor and City Clerk to enter into an Airspace Agreement with Walton's 5 & 10, LLC for the private pedestrian bridge to be located at the 200 Block of NW A Street Right of Way.

Council Member Hook asked for details regarding road closures during construction. Dennis Birge, Transportation Director, said that he does not know but that he will look into 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 discussion. Motion carried (8-0).

- 18a. Resolution No. 11-9-21 B: A resolution authorizing the Mayor and Clerk to enter into an agreement with Traffic Engineering Consultants, Inc. for a traffic signal timing study and coordination plan.

Council Member Hook asked if the study will be consistent with the weekday and weekend patterns as usual to help with traffic flow during the study. Dennis Birge said that yes, they will be consistent and explained further details of the study.

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).

19. Resolution No. 11-9-21 C: A resolution declaring certain property belonging to the City of Bentonville Police Department as surplus property.

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).

20. Resolution No. 11-9-21 D: A resolution adopting the 2022 Budget for the City of Bentonville, Arkansas.

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 (8-0).

21. Resolution No. 11-9-21 E: A resolution establishing a Housing Affordability Work Group to study work force and affordable housing in Bentonville; prepare recommendations for the City to improve accessibility to such housing; and for other purposes.

Council Member Robinson asked about the timing of this group would be. Mayor Orman said that it will be formed in December and will start in January. Council Member Burckart said they will have a reporting date of June and will serve through the end of 2022 unless the council feels there is relevant information for them to proceed further on.

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

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

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

The next Bentonville City Council meeting will be on November 23, 2021.

Kirby Romines

Kirby Romines, City Clerk

Stephanie Orman

Stephanie Orman, Mayor

