

Bentonville City Council

Meeting Minutes

February 8, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, February 8, 2022, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Aubrey Patterson, Bill Burckart, Holly Hook, Gayatri Agnew, and Chris Sooter. Also present were Mayor Stephanie Orman, Associate Staff Attorney/Special Deputy Prosecuting Attorney Bonnie Bridges, who filled in for City Attorney George Spence, City Clerk Kirby Romines, the press, city staff, and the audience. Council Member Tim Robinson and Council Member Cindy Acree 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.

Mayor Orman called the meeting to order. Mikki Williams, 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 January 25, 2022, 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).

[Agenda items 1 through 5 were addressed at the February 7, 2022, Committee of the Whole meeting.]

6. Ordinance No. 2022-24: An 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.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

7. Planning:

- 7a. Ordinance No. 2022-25: Ordinance accepting a property line adjustment of part of Lot 1 and Lot 4, Block E of Orchard Addition creating Lot 13, Block E of Orchard Addition to the City of Bentonville, Arkansas (Project No. PLA21-0064).

[Applicant: Bowser Shattuck Group, LLC;

Location: 702 SE D Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 7b. Ordinance No. 2022-26: 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. RZ21-0080).

[Applicant: Hunter Wright Development Group LLC;

Location: 430 SE D Street]

Council Member Acree asked if a developer needs a setback, do they have to rezone, or can they apply for a modification or a waiver? Ellen Norvell, Community Development Director, explained that they don't encourage variances. They like developers to comply with the regulation.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 7c. Ordinance No. 2022-27: 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. RZ21-0081).

[Applicant: Britain & Kimberly White;

Location: 301 SW E Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 7d. Ordinance No. 2022-28: 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. RZ21-0085).

[Applicant: V3 Construction, LLC;

Location: Fillmore Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 7e(1).Resolution No. 2-8-22 A: A resolution adopting revisions to the Future Land Use Map of the City of Bentonville to change real estate from its present land use classification of General Commercial to Medium Density Residential.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 7e(2).Ordinance No. 2022-29: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of C-2, General Commercial to R-3 Medium-High Density Multifamily Residential (Project No. RZ21-0087).

[Applicant: Plateau Properties, LLC;

Location: SW Winstead Lane]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 7f. Ordinance No. 2022-30: Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of R-1, Low Density Single Family Residential to DE, Downtown Edge (Project No. RZ21-0088).

[Applicant: Bowser Shattuck Group, LLC;

Location: 702 SE D Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 7g(1).Resolution No. 2-8-22 B: A resolution adopting revisions to the Future Land Use Map of the City of Bentonville to change real estate from its present land use classification of Residential Estate to Medium Density Residential.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 7g(2).Ordinance No. 2022-31: Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of A-1 Agricultural to R-3 Medium-High Density Multifamily Residential (Project No. RZ21-0089).

[Applicant: Hatfield & Cook, LLC;

Location: SE Tara Ridge]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 7h. Ordinance No. 2022-32: Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of L-1, Light Industrial to C-2, General Commercial (Project No. RZ21-0090).

[Applicant: 2303 Southeast J Street LLC;

Location: 2403 SE J Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 7i(1). Resolution No. 2-8-22 C: A resolution adopting revisions to the Future Land Use Map of the City of Bentonville to change real estate from its present land use classification of High Density Residential to Downtown Commercial.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 7i(2). Ordinance No. 2022-33: Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of High Density Residential to Downtown Commercial (Project No. RZ21-0092).

[Applicant: Matthew H. Kendall and Rebecca S. Kendall and Pensago LLC;

Location: 250 and 238 SE B Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 7j. Ordinance No. 2022-34: Ordinance accepting a property line adjustment of existing Lot 4 and all of existing Lot 5 of Dunn & Davis Addition creating new Lot 17 of Dunn & Davis Addition to the City of Bentonville, Arkansas (Project No. PLA21-0056).

[Applicant: Bville A Street, LLC;

Location: SW A Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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. Utility Board:

- 8a. Staff is recommending the Bentonville Utility Board approve the purchase of a 2022 330G John Deere Skid Steer Loader w/Bucket attachment from Stribling Equipment, LLC. This purchase will be through Sourcewell Contract ID # 032119- JDC. The purchase amount of said equipment is \$75,432.68 with taxes, deduct \$11,500.00 for trade-in of 2012 318D John Deere Skid Steer Loader w/Bucket and Broom attachment VIN/ID NO. 1T0318DKVCG226073. For a total price of \$63,932.68. Utility Board passed 5-0.

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

- 8b. Resolution No. 2-8-22 D: A resolution declaring certain property belonging to the City of Bentonville Water Resources Recovery Facility as surplus property and authorizing its disposal and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 8c. Bid Award to Chemtade Bid Submission for IFB-21-91 Liquid Aluminum Sulfate for a delivered price of \$0.1056 per liquid pound. Aluminum Sulfate is used to assist in the phosphorous removal process in wastewater treatment. There were two (2) bids

submitted. The second bid arrived at \$0.159 per liquid pound. Utility Board passed Bid Award 5-0.

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

9. Bid award for electric material in 2022 to the lowest bidders as shown on the bid tabulation in the amount of \$2,512,772.39, plus applicable taxes. To replenish stock levels and to prepare for upcoming projects.

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

10. Bid award for street material in 2022 to Emery Sapp & Sons, Inc. DBA Hutchens Construction Company as shown on the attached bid tabulation in the amount of \$51,000.00, plus applicable taxes. Items will be ordered on 'as needed' basis.

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

11. Bid award for water/sewer material for February - August 2022 to the lowest bidder as shown on the bid tabulation in the amount of \$555,685.55, plus applicable taxes. Items will be ordered on an 'as needed' basis.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

12. Ordinance No. 2022-35: Ordinance waiving competitive bidding for the purchase of ornamental lighting for the Bentonville Inventory Department; authorizing the Mayor and City Clerk to

enter into an agreement, not to exceed two million six hundred thirty-nine thousand one hundred and sixty dollars (\$2,639,160.00) plus applicable taxes, with Holophane lighting, for this purchase, and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

13. Ordinance No. 2022-36: Ordinance waiving competitive bidding for the purchase of electric meters for the Bentonville Inventory Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed six hundred fifty thousand one hundred fifty-three dollars and fifty-two cents (\$650,153.52) plus applicable taxes, with Mueller Systems, for this purchase, and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

14. Ordinance No. 2022-37: Ordinance waiving competitive bidding for the purchase of certain water meters for the Bentonville Inventory Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed three hundred nine thousand four hundred forty-four dollars (\$309,444.00) plus applicable taxes, with Mueller Systems, for this purchase, and for other purposes.

Council Member Patterson asked why there are two different items for the purchase of water meters. Council Member Burckart and Council Member Sanchez explained that there are two sizes of the meters.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

15. Ordinance No. 2022-38: Ordinance waiving competitive bidding for the purchase of certain water meters for the Bentonville Inventory Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed one hundred eighty-six thousand three hundred fifty dollars (\$186,350.00) plus applicable taxes, with core and main, for this purchase, and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

16. Ordinance No. 2022-39: Ordinance vacating street right of way located at NE F Street at Enfield Road to the City of Bentonville, Arkansas, Benton County Arkansas (VAC21-0032).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

17. Ordinance No. 2022-40: Ordinance vacating street right of way located at 609 Enfield Road to the City of Bentonville, Arkansas, Benton County Arkansas (VAC21-0033).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

18. Resolution No. 2-8-22 E: A resolution setting a public hearing for February 22, 2022, to vacate an Alley Right of Way at Block 5, Lot 1 of Gilmore's Addition (VAC21-0013).

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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. Ordinance No. 2022-41: Ordinance waiving competitive bidding for the purchase of transit service within the City of Bentonville; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed one hundred fifty-five thousand one hundred sixty-nine dollars (\$155,169.00), with Ozark Regional Transit for this purchase; providing for the emergency clause; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

20. Resolution No. 2-8-22 F: A resolution authorizing a budget adjustment in the amount of seventy-one thousand nine hundred and twenty dollars (\$71,920) to certain Street and Transportation Department accounts; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

21. Ordinance No. 2022-42: Ordinance waiving competitive bidding for the purchase of uniforms for the Bentonville Fire Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed one hundred ten thousand five hundred dollars

(\$110,500.00), with Galls LLC, for this purchase; providing for the emergency clause, and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Hook. There was no discussion. Motion carried (8-0).

22. Resolution No. 2-8-22 G: A resolution declaring certain property belonging to the City of Bentonville Fire Department as surplus property and authorizing its disposal and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

23. Ordinance No. 2022-43: Ordinance amending the pay plan for the City of Bentonville Fire Department to replace the position of Administrative Assistant II with Administrative Technician; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

24. Ordinance No. 2022-44: Ordinance waiving competitive bidding for the purchase of uniforms for the Bentonville Police Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed one hundred ten thousand dollars (\$110,000.00), with Galls LLC, for this purchase; providing for the emergency clause; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

25. Resolution No. 2-8-22 H: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Kristen Bernards, for services provided teaching instructional swim lessons; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

26. Resolution No. 2-8-22 I: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Sarah Gwin, for services provided teaching instructional swim lessons; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

27. Ordinance No. 2022-45: Ordinance waiving competitive bidding for the procurement of sports officials for City programs; authorizing the Mayor and City Clerk to enter into an agreement with Arkansas United States Specialty Sports Association (USSSA) for this service; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

28. Ordinance No. 2022-46: Ordinance waiving competitive bidding for the service of providing technology and engineering youth camp programs; authorizing the Mayor and City Clerk to enter into an

agreement with Wize Academy for said service; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

29. Resolution No. 2-8-22 J: A resolution recognizing a donation from Bentonville Youth Baseball (BYB) to the City of Bentonville Parks and Recreation Department, in the amount of twenty thousand dollars (\$20,000.00); using said donation for public art at the Phillips Park Baseball Complex; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

30. Resolution No. 2-8-22 K: A resolution authorizing the Mayor and City Clerk to enter into a contract amendment with Ecological Design Group (EDG); adjusting the 2022 Budget to appropriate fifty-nine thousand dollars (\$59,000.00) from account #105030-39192, Park Impact Fees, into account #105030-47390, other capital, to fund said amendment; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

31. Resolution No. 2-8-22 L: A resolution authorizing the Mayor and City Clerk to enter into change orders with CR Crawford, in the total amount of fifteen thousand six hundred sixty-eight dollars (\$15,668.00) for the Bentonville Animal Services and Adoption Center; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

32. City Council affirming the Mayor's recommendation for the Housing Affordability Work Group. The Mayor recommends Awais Amin, Debbie Martin, Jeff Webster, John "Ben" Van Kleef, Paige Sauerwein, and Patti Constantakis to serve on "The Work Group" for a term of one (1) year.

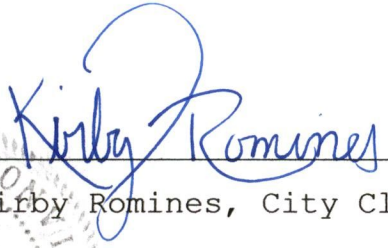
Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

33. State of the City Report - Mayor Stephanie Orman

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

Council members reported on committees and boards they participate in related to the city. Council Member Burckart thanked the Street Department and the city for their work during the winter storm the previous week.

The next Bentonville City Council meeting will be on February 22, 2022.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

