

Bentonville City Council

Meeting Minutes

April 12, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, April 12, 2022, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Aubrey Patterson, Tim Robinson, Gayatri Agnew, Bill Burckart, Holly Hook, and Chris Sooter. Also present were Mayor Stephanie Orman, City Attorney George Spence, City Clerk Kirby Romines, the press, city staff, and the audience. 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. Angela Hodges, 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 March 29, 2022, meeting as presented, second by Council Member Robinson. 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 Sanchez. There was no discussion. Motion carried (8-0).

[Agenda items 1 and 2 were addressed at the April 11, 2022, Committee of the Whole meeting.]

3. Planning:

- 3a. Ordinance No. 2022-75: Ordinance accepting a lot split of Lot 25 of Happy Home Subdivision; creating new Lots 26, 27, and 28 of Happy Home Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0008).

[Applicant: Heartland Advisers, LLC;

Location: 813 Bella Vista Road]

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

- 3b. Ordinance No. 2022-76: Ordinance accepting a lot split of Lot 3 of Bud's Addition and Lot 11A of Railroad Addition; creating new Lots 1 and 2 of Bentonville Southeast Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0011).

[Applicant: City of Bentonville and BusBam LLC;

Location: 311 SE Henry 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. 2022-77: Ordinance accepting a final plat of Bentonville Plaza Addition, Phase 2, Lots 1-4 to the City of

Bentonville, Arkansas; and for other purposes (Project No. FP22-0002).

[Applicant: Redbud Holdings, LLC;

Location: 1005 South Walton 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).

- 3d. Resolution No. 4-12-22 A: A resolution amending the City of Bentonville Future Land Use Map for specific areas for consistency with zoning.

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

- 3e. Ordinance amending the Land Development Code establishing additional findings of fact for flood hazard information and amending the Zoning Code to allow for alternative parking lot materials for Low-Impact Developments.

Council Member Burckart asked to send the item back to the Planning Commission so planning can research how this would affect flood insurance, have additional discussion with property owners, and look at amending the base flood elevation benchmark. Dan Weese, City Engineer, explained how they could post on social media and send out a notice in the newspaper to help notify more landowners.

Motion to send back to the Planning Commission by Council Member Burckart, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

- 3f(1).Resolution No. 4-12-22 B: A resolution amending the City of Bentonville Future Land Use Map for a specific area from

Residential Estate to Low-Density Residential; and for other purposes.

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).

- 3f(2).Ordinance No. 2022-78: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-1, Low Density Single Family Residential; and for other purposes (Project No. RZ22-0013).

[Applicant: Srinivasa Rao Bandaru & Parvathi Veermachaneni;

Location: SW Morning Star & SW Rainbow Farm 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).

- 3g. Ordinance No. 2022-79: 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; and for other purposes (Project No. RZ22-0014).

[Applicant: Andy Johnson;

Location: 402 SW D 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).

- 3h. Ordinance No. 2022-80: 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-4, Downtown Mixed-Use Residential; and for other purposes (Project No. RZ22-0015).

[Applicant: Jake Newell;

Location: 301 SE F Street]

Council Member Hook mentioned that there were preferences from constituents for DN-3. Council Member Patterson asked what their concerns were, and Council Member Hook explained that there are already traffic issues and no sidewalks, so they are hoping not to get DN-4 zoning in this specific area.

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 (5-3), with Council Member Hook, Council Member Acree, and Council Member Patterson voting no.

- 3i. Ordinance No. 2022-81: 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; and for other purposes (Project No. RZ22-0017).

[Applicant: Rebecca Bergen;

Location: 809 NE 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).

- 3j. An ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-2, Medium Density Two Family and Townhome to R-3, Medium-High Density Multifamily Residential (Project number: RZ22-0019).

Council Member Burckart expressed concern about the zoning of this property and asked Tyler Overstreet, Planning Services Manager, for the zoning details. Council Member Hook mentioned

the drainage issues in the area. Council and Tyler Overstreet engaged in further discussion regarding the zoning details.

City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sanchez, there was no second, so the motion died.

4. Removed: A resolution endorsing the temporary installation of artwork titled "Canoe Canoe" by artist Jeff Zischke on public property at Lake Bentonville Park. The installation consists of three painted aluminum canoes used as benches to be on display for approximately three years. Oz Art, LLC presented the art proposal to the Public Art Advisory Committee (PAAC) on March 8, 2022. Both the PAAC and the Parks and Recreation Advisory Board have approved the installation. The artwork, installation, maintenance, and deinstallation will be funded by Oz Art, LLC, and there is no cost to the city. Proposal attached.

5. Utility Board:

- 5a. Resolution No. 4-12-22 C: A resolution awarding bid IFB-22-29 and IFB 22-30 for the purchase of steel and relay panels related to the "I" Sub Expansion; authorizing a budget adjustment; and for other purposes.

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

- 5b. Resolution No. 4-12-22 D: A resolution authorizing the Mayor and Clerk to enter into an agreement with Ampirical for the purchase of previously approved Hubbell switches for the expansion of Substation "I" and for other purposes.

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

- 5c. Ordinance No. 2022-82: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Superior Auto Group for the purchase of two (2) 3500 cab and chassis in the amount of one hundred three thousand four hundred and ninety-six dollars (\$103,496.00); waiving the requirement of competitive bidding; and for other purposes.

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).

- 5d. Ordinance No. 2022-83: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with JCI Industries, Inc. for the repair of a pump for the McKissick Lift Station in the amount of thirty-five thousand nine hundred seventy-eight dollars and forty-one cents (\$35,978.41); waiving the requirement of competitive bidding and for other purposes.

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).

- 5e. Resolution No. 4-12-22 E: A resolution awarding Bid IFB-22-24; authorizing the Mayor and City Clerk to enter into a contract with Lakeside Equipment for the purchase of a grit classifier and cyclone; authorizing a budget adjustment for this purchase; and for other purposes.

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

- 5f. Resolution No. 4-12-22 F: A resolution declaring certain property belonging to the City of Bentonville Water Resource Recovery Facility as surplus property and authorizing its disposal and for other purposes.

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

- 5g. Resolution No. 4-12-22 G: A resolution authorizing the Mayor to enter into a professional services agreement with E Source Companies, LLC for water loss analysis; adjusting the 2022 budget to provide funding for this analysis; and for other purposes.

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).

- 5h. Ordinance No. 2022-84: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Superior Auto Group for the purchase of one (1) Ram 5500 cab and chassis in the amount of sixty-one thousand seven hundred and seventy-five dollars (\$61,775.00); waiving the requirement of competitive bidding; and for other purposes.

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. Resolution No. 4-12-22 H: A resolution awarding a bid to Polaris Sales Inc. through participation in the Sourcewell Cooperative contract for the purchase of two Ranger XP 1000 Northstar UTVS in the amount of seventy-nine thousand, one hundred and sixty-two dollars and ten cents (\$79,162.10); and for other purposes.

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

7. Resolution No. 4-12-22 I: A resolution authorizing a budget adjustment in the amount of eighty-five thousand five hundred dollars (\$85,500.00) from general fund reserves to account no. 102010-43410 to cover additional 911 yearly AT&T expenses; and for other purposes.

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).

8. Ordinance No. 2022-85: Ordinance vacating a utility easement located at Lot 4 of Russell Daniel Subdivision to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0007).

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).

9. Ordinance No. 2022-86: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Scott Equipment, LLC for the purchase of a 2021 Blaw Knox PF-4410B asphalt paver in the amount of four hundred sixteen thousand one hundred dollars (\$416,100.00), waiving the requirement of competitive bidding and for other purposes.

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).

10. Resolution No. 4-12-22 J: A resolution awarding bid IFB-22-14; authorizing the Mayor and City Clerk to enter into a contract with Luttrell Enterprises, for mowing at the City of Bentonville Municipal Airport; and for other purposes.

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).

11. Resolution No. 4-12-22 K: A resolution accepting a grant from the Walton Family Foundation in the amount of six million six hundred thousand dollars (\$6,600,000.00) for the final construction phase of the 8th Street Project; and for other purposes.

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).

12. Resolution No. 4-12-22 L: A resolution authorizing the Mayor and Clerk to enter into the Second Supplemental Agreement with Walmart Inc. related to the 8th Street Project.

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

13. Resolution No. 4-12-22 M: A resolution awarding the bid for ARDOT Job 090377, for 8th Street Improvements from SW I Street to SE J Street; authorizing the Mayor and City Clerk to enter into a contract with Crossland Heavy Contractors, Inc.; adjusting the 2022 budget to appropriate grant and other funds into certain accounts for this project, and for other purposes.

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).

14. Resolution No. 4-12-22 N: A resolution approving a change order for ARDOT Job 090377 for 8th Street Improvements from SW I Street to SE J Street; and for other purposes.

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).

15. Resolution No. 4-12-22 O: A resolution authorizing the Mayor and Clerk to enter into a professional services agreement with O.R. Colan Associates, LLC for property acquisition services related to the SW 7th and SW C Street drainage project in an amount not to exceed seventy-five thousand one hundred dollars (\$75,100.00) and for other purposes.

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

16. Resolution No. 4-12-22 P: A resolution authorizing the Mayor and City Clerk to enter into a change order to the contract with epoxy coating specialists; adjusting the 2022 budget to appropriate twelve thousand one hundred twenty-five dollars (\$12,125.00) into account #105030-47390, Other Capital, to fund said change order; and for other purposes.

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).

17. Resolution No. 4-12-22 Q: A resolution authorizing the Mayor and City Clerk to enter into a change order with CR Crawford, in the total amount of one hundred ninety-seven thousand one hundred ninety-one dollars (\$197,191.00) for the Bentonville Animal

Services and Adoption Center; adjusting the 2022 budget to appropriate said amount into account #105030-47210, Plants and Buildings; and for other purposes.

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

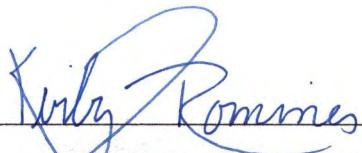
Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Burckart, second by Council Member Hook.

Mayor Orman recognized Veronica Webb for public comment. Veronica Webb gave a public comment regarding public safety concerns. Mayor Orman and Chief Ray Shastid said they are looking into solutions and making improvements for security cameras in public parks. Council Member Patterson asked how often this type of crime happens. Chief Ray Shastid said that it is within the area's top five types of crime.

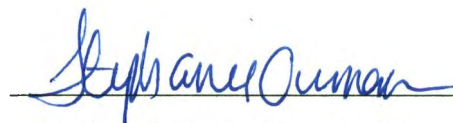
Council members reported on committees and boards they participate in related to the city.

Mayor Orman reminded the council of the Arkansas Municipal League conference dates.

The next Bentonville City Council meeting will be on April 26, 2022.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

