

Bentonville City Council

Meeting Minutes

May 10, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, May 10, 2022, 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, Tim Robinson, 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.

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. Christy Anderson and several other Girl Scouts 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 April 26, 2022, 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. Proclamation presented to recognize "Police Week" in Bentonville, Arkansas.
2. Proclamation presented to recognize "Emergency Medical Services Week" in Bentonville, Arkansas.
3. Presentation for 2022 Overlay and Mastic Seal by Tony Davis, Street Manager.

Council Member Hook asked for the chart that Tony Davis presented be made public. Mayor Orman mentioned that they are looking into how to get it publicized, but they have to work through when that would be possible since bids on projects can change. Council Member Robinson mentioned that it would be helpful to have a similar chart that shows the last time the roads received maintenance.

4. Presentation for updating project information for Rainbow Curve improvements by Dennis Birge, Transportation Director.

Council Member Patterson asked about the cost of the project. Council Member Sooter asked who would be responsible for taking care of the property that was given to the city by the Arkansas Department of Transportation. Dennis Birge said that it would be transferred to the City of Bentonville.

Mayor Orman recognized Britain White for public comment. Britain White asked about the timing and layout of the project and if the current zoning in that specific area would change.

Council engaged in a lengthy discussion regarding the two project design options, pedestrian access, and the cost savings on the "T" design option. The majority of the council expressed their desire for Dennis Birge to move forward with the "T" option for the project. Council Member Burckart expressed his desire for the flyer over option.

5. Planning:

- 5a. Ordinance No. 2022-97: Ordinance accepting a lot split of Lot 2 Block 5 of Railroad Addition; creating new Lot 10 Block 5 of Railroad Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0015).

[Applicant: Ronnie Robinson and Candy Robinson;

Location: 206 SE 3rd 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).

- 5b. Ordinance No. 2022-98: Ordinance accepting a lot split of unplatted section land creating; new Lots 1 and 2 of Price Coffee Addition Phase 2 to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0017).

[Applicant: Bentonville/Bella Vista Trailblazer's Association, Inc.;

Location: 3301 Price Coffee 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).

- 5c. Ordinance No. 2022-99: Ordinance amending the Land Development Code establishing additional findings of fact with Base Level Engineering (BLE) data for flood hazard information.

Mayor Orman recognized Nate Bachelor and Tim Sorey for public comment. Both Nate Bachelor and Tim Sorey expressed their desire for the three-foot requirement rule for the elevation of structures to be decreased since FEMA's recommendation is one

foot. Council engaged in a lengthy discussion regarding whether or not to pass this specific ordinance without adjusting the three-foot requirement. Council concluded that Dan Weese, City Engineer, would gather data and research the three-foot versus one-foot requirement for development and will bring that information back to the council in a month for review, but they would still vote on the ordinance.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Patterson. There was no discussion. Motion carried (5-2), with Council Member Burckart and Council Member Acree voting no.

- 5d. Ordinance No. 2022-100: Ordinance amending the Zoning Code to allow for alternative parking lot materials for low-impact developments.

Council Member Patterson asked for a definition and examples of low-impact parking and developments. Dan Weese gave examples and explained the benefits.

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).

- 5e. Ordinance No. 2022-101: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-3, Medium-High Density Multifamily Residential to DN-4, Downtown Mixed-Use Residential; and for other purposes (Project No. RZ22-0023).

[Applicant: RyRon, LLC;

Location: 403 SE F 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 (7-0).

6. Utility Board:

- 6a. Ordinance No. 2022-102: 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 seventy-eight thousand five hundred twenty-one dollars (\$78,521.00) plus applicable taxes, with Henard Utility, for this purchase, and for other purposes.

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).

- 6b. Resolution No. 5-10-22 A: A resolution approving and authorizing the Mayor to execute an agreement related to water service boundaries with the City of Cave Springs and for other purposes.

Council Member Burckart asked about the timeframe of running water service to this 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 (7-0).

7. Resolution No. 5-10-22 B: A resolution authorizing the Mayor and City Clerk to enter into an agreement with TOP Engineers Plus, LLC. (TOP); adjusting the 2022 Budget to appropriate five hundred three thousand dollars (\$503,000.00) into account #101010-47390, Improvements Other, to fund said agreement; and for other purposes.

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).

8. Resolution No. 5-10-22 C: A resolution awarding bid #ifb-22-48; authorizing the Mayor and City Clerk to enter into an agreement with CDI Contractors, Inc.; adjusting the 2022 Budget to appropriate one hundred two thousand seven hundred fifty-two dollars (\$102,752.00) into account #105050-47210, Capital Plant & Building, to fund said agreement; 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 (7-0).

- 9a. Resolution No. 5-10-22 D: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Hight Jackson Associates, PA; adjusting the 2022 Budget to appropriate eight thousand dollars (\$8,000.00) into account #105050-47210, Capital Plant & Building, to fund said agreement; and for other purposes.

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).

- 9b. Resolution No. 5-10-22 E: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Arkansas Appraisal; adjusting the 2022 Budget to appropriate four thousand dollars (\$4,000.00) into account #105050- 43210, Professional Services, to fund said agreement; and for other purposes.

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).

10. Resolution No. 5-10-22 F: A resolution declaring certain property belonging to the City of Bentonville Police Department 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 Burckart. There was no discussion. Motion carried (7-0).

11. Ordinance No. 2022-103: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Superior Auto Group for the purchase of one (1) 2022 Chevrolet Tahoe (9C1) PPV replacement vehicle in the amount of fifty-six thousand seven hundred fourteen dollars and ninety-seven cents (\$56,714.97); waiving the requirement of competitive bidding; authorizing a budget adjustment for this purchase; and for other purposes.

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).

12. Resolution No. 5-10-22 G: A resolution declaring certain property belonging to the City of Bentonville Police Department 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 Burckart. There was no discussion. Motion carried (7-0).

13. Resolution No. 5-10-22 H: A resolution authorizing the Mayor and City Clerk to enter into a mutual aid police protection agreement with Northwest Arkansas National 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 Acree. There was no discussion. Motion carried (7-0).

14. Ordinance No. 2022-104: Ordinance vacating street right of way located at SE 5th Street between SE J Street and SE Martin Luther King Jr. Parkway to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0009).

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 Sooter. There was no discussion. Motion carried (7-0).

15. Ordinance No. 2022-105: Ordinance vacating a utility easement located at Lot 6 of Thaden Addition to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0011).

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 (7-0).

16. Resolution No. 5-10-22 I: A resolution setting a public hearing for May 24, 2022, for Alley Right of Way Vacation requested for Lot 5, Block 1 of Dunn & Davis Addition (VAC22-0012).

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).

17. Resolution No. 5-10-22 J: A resolution setting a public hearing for May 24, 2022, for Alley Right of Way Vacation requested between Lot 6 and Lot 7, Block 5 of Dunn & Davis Addition (VAC22-0013).

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).

18. Resolution No. 5-10-22 K: A resolution authorizing the Mayor to execute Change Order No. 1 to the agreement with Arco Excavation & Paving, Inc., for construction services for South Main Street

Improvements (MUNIS 20ST00007; PIIP20-0002), and for other purposes.

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).

19. Ordinance No. 2022-106: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Bentonville Housing, LLC. for the construction of upsized city drainage structures in association with the City U development project in the amount of one million four hundred twelve thousand seven hundred fifty-one dollars (\$1,412,751.00); waiving the requirement of competitive bidding; and for other purposes.

Council Member Acree asked if this is a sole source and why they are voting to waive competitive bidding. Dennis Birge explained that they could work with the developers on-site and save money from their original estimate.

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).

20. Resolution No. 5-10-22 L: A resolution awarding bid IFB 22-45 to MHC Kenworth Volvo for the purchase of a 2023 Kenworth T880-triaxle tractor in the amount of two hundred seven thousand two hundred thirty-three dollars and sixty-four cents (\$207,233.64); and for other purposes.

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).

21. Resolution No. 5-10-22 M: A resolution awarding bid IFB 22- 46 to Stribling Equipment for the purchase of a 2022 or newer Eager Beaver Model 50GSL-PT trailer in the amount of ninety-two thousand five hundred dollars (\$92,500.00); and for other purposes.

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

22. Ordinance No. 2022-107: Ordinance waiving competitive bidding for the purchase of fitness equipment for the Bentonville Community Center; authorizing the Mayor and City Clerk to enter into an agreement in the amount of one hundred twenty-nine thousand three hundred thirty-five dollars and twenty cents (\$129,335.20), with Technogym USA for this purchase; and for other purposes.

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).

23. Resolution No. 5-10-22 N: A resolution authorizing the Mayor and City Clerk to enter into a change order with Titan Lawn and Landscape; adding an additional weekly mow rate of one thousand forty-seven dollars (\$1,047.00) to include eight park sites; 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 (7-0).

24. Resolution No. 5-10-22 O: A resolution authorizing the Mayor and City Clerk to grant an easement to Carroll Electric Cooperative Corporation, an Arkansas corporation, pursuant to and authorized by A.C.A. §14-54-302; 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 (7-0).

25. Resolution No. 5-10-22 P: A resolution authorizing the Mayor and City Clerk to enter into a change order with CR Crawford, in the total amount of eight thousand one hundred sixty-one dollars (\$8,161.00) for the Bentonville Animal Services and Adoption Center; and for other purposes.

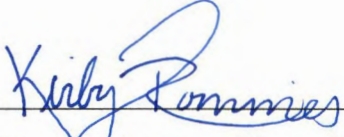
City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Robinson. There was no discussion. Motion carried (7-0).

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

Mayor Orman recognized Robert Carter and James Robinson for public comment. They both gave a public comment regarding developer and contractor issues near their properties. Mayor Orman mentioned to the council that there would be a meeting with both citizens and Tyler Overstreet to discuss this issue.

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

The next Bentonville City Council meeting will be on May 24, 2022.



Kirby Romines, City Clerk

Stephanie Orman, Mayor