

Bentonville City Council

Meeting Minutes

June 14, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, June 14, 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, 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.

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. Rosslyn McIntosh, 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 May 24, 2022, meeting as presented, second by Council Member Acree. 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 through 3 were addressed at the June 13, 2022, Committee of the Whole meeting.]

4. Recognition by City Council of Jim and Dixie Spears, who reside at 4609 SW Swinton Drive. The property's landscaping was nominated by a Bentonville resident and is the May Residential Landscaping of the Month award winner.
5. Planning:
 - 5a. Ordinance No. 2022-121: Ordinance accepting a property line adjustment of Lots 1 and 3, Block 1 of Happy Homes Subdivision; creating new Lot 29, Block 1 of Happy Homes Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0019).

[Applicant: Heartland Advisers, LLC;
Location: 1103 B 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 (8-0).
 - 5b. Ordinance No. 2022-122: Ordinance accepting a property line adjustment of Lots 1 and 2, Block 11 of W A Burks Addition; creating new Lots 27 and 28, Block 11 of W A Burks Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0022).

[Applicant: 1003 North Main Street LLC;
Location: 1202 NE Monroe 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).

- 5c. Ordinance No. 2022-123: Ordinance accepting a lot split of unplatted section land creating new Lot 1 LSP Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA22-0007).

[Applicant: L Street Partners, LLC;

Location: 3302 SE L 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).

- 5d. Ordinance No. 2022-124: Ordinance accepting a property line adjustment of Lots 1, 2, and 3, Block 18 of Deming's 2nd Addition; creating new Lots 22, 23, and 24, Block 18 of Deming's 2nd Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA22-0009).

[Applicant: The Schuber Family Trust;

Location: 603 & 609 NW C 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).

- 5e. Ordinance No. 2022-125: Ordinance accepting a final plat of Preston Park, Phase 2 to the City of Bentonville, Arkansas; and for other purposes (Project No. FP22-0003).

[Applicant: Bright Gator, LLC;

Location: 5288 SW Bright Road]

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).

- 5f. A resolution amending the City of Bentonville Future Land Use Map for a specific area from Low-Density Residential to Medium-Density Residential; and for other purposes.

City Attorney Spence recommended that they send the item back to the Planning Commission due to a division between the change in the land use and the rezoning. Tyler Overstreet, Director of Planning and Community Development, explained that they would ensure this item is on the next agenda.

City Attorney Spence read the resolution by title only. Motion to send back item 5f to the Planning Commission by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

- 5g(1).Resolution No. 6-14-22 A: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Low-Density Residential to High-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 Robinson. There was no discussion. Motion carried (8-0).

- 5g(2).Ordinance No. 2022-126: 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. RZ22-0030).

[Applicant: Square District Properties, LLC;

Location: 902 SE 3rd 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).

5h(1).Resolution No. 6-14-22 B: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Residential Estate to Light Industrial; and for other purposes.

Council Member Hook asked if they could discuss this item since the staff did not recommend this. Tyler Overstreet recommended the land use plan and rezoning be approved based on further review of the proposal, the runway that XNA is looking to put in, and how it aligns with the overlay districts of the current runway. Council Member Patterson, Council Member Burckart, and Tyler Overstreet discussed zoning details of the Industrial and C-3 zoning and future growth in the area in question.

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).

5h(2).Ordinance No. 2022-127: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural and R-3, Medium-High Density Multifamily Residential; to I-1, Light Industrial; and for other purposes (Project No. RZ22-0031).

[Applicant: Vito Groups LLC;

Location: SW Regional Airport Blvd and SW Artillery 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).

6. Utility Board:

- 6a. Resolution No. 6-14-22 C: A resolution authorizing the Mayor and the City Clerk to enter into an agreement with Terex Utilities, Inc. for purchase of a TL41 Aerial Device for the City of Bentonville Electric Department in the amount of one hundred sixty thousand eight hundred fifty-seven dollars (\$160,857.00) pursuant to bid 110421-TER through participation in the Sourcewell cooperative contract; 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).

- 6b. Resolution No. 6-14-22 D: A resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with GDS Associates, Inc. in the amount of eighty thousand dollars (\$80,000.00) to perform a review of the City of Bentonville's formulaic rate established in the power supply agreement with SWEPCO; amending the 2022 budget to fund this agreement through a transfer from Electric Department Reserves to account #503010-43210, Professional Services; and for other purposes.

Council Member Burckart asked for clarification on the purpose and desired outcome of this review. The council, Jake Harper, and Mayor Orman engaged in a lengthy discussion regarding the details of the previous review and the purpose of an additional review formulaic rate established in the power supply agreement with SWEPCO.

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).

- 6c. Ordinance No. 2022-128: Ordinance amending waiver of bid ordinance 2022-82 in order to provide for the purchase of one (1) 3500 cab and chassis and one (1) 5500 cab and chassis for the City of Bentonville Electric Department from Superior Auto Group; 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).

7. Resolution No. 6-14-22 E: A resolution allowing the Mayor and City Clerk to enter into an agreement with Crafton, Tull & Associates, Inc. to provide surveying services for the Bentonville Green 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).

8. Resolution No. 6-14-22 F: A resolution allowing the Mayor and City Clerk to enter into an agreement with Ecological Design Group to provide design services for the Town Branch Park Renovation 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).

9. Resolution No. 6-14-22 G: A resolution allowing the Mayor and City Clerk to enter into an amended agreement with Ann O'Sullivan to provide personal training instruction; 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).

10. Resolution No. 6-14-22 H: A resolution awarding bid #IFB-22-62; authorizing the Mayor and City Clerk to enter into an agreement with Kalci Soccer, LLC; 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).

11. Resolution No. 6-14-22 I: A resolution awarding bid #IFB-22-47; authorizing the Mayor and City Clerk to enter into an agreement with Milestone Construction Company, LLC; adjusting the 2022 Budget to appropriate forty-two thousand four hundred sixty dollars (\$42,460.00) into account #105030-73900, Other Capital, 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 Patterson. There was no discussion. Motion carried (8-0).

12. Resolution No. 6-14-22 J: A resolution allowing the Mayor and City Clerk to enter into an agreement with Crafton, Tull & Associates, Inc. to provide design and engineering services for city sidewalk projects; and for other purposes.

David Wright, Parks & Recreation Director, explained that there was a drainage project and sidewalk project on the same street. They will work with Crafton, Tull & Associates to build the same number of linear sidewalk for a different project to replace the 8th Street project at this time. Council Member Burckart expressed concern about the project being site-specific and wanted to ensure that the substitute project would be equivalent. Council and David Wright engaged in further discussion regarding the details of this adjustment.

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 (8-0).

13. Resolution No. 6-14-22 K: A resolution expressing the willingness of the City of Bentonville to utilize Federal-Aid Transportation Alternatives Program Funds.

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

14. Ordinance No. 2022-129: Ordinance waiving competitive bidding for the purchase of a 2022 Ram 3500 Chassis Tradesman Crew Cab; adjusting the 2022 Budget to appropriate seventeen thousand six hundred thirty dollars (\$17,630.00) into account #105030-47420, Vehicles, to fund the price difference; providing for the emergency clause; 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).

City Attorney Spence read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

15. Ordinance No. 2022-130: Ordinance vacating a drainage and utility easement located at Lot 100 of Providence Village Phase 2 to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0014).

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 (8-0).

16. Resolution No. 6-14-22 L: A resolution setting a public hearing for June 28, 2022, for a Utility Easement Vacation requested for 500 SW B Street of Dunn & Davis Addition.

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 (8-0).

17. Resolution No. 6-14-22 M: A resolution authorizing the Mayor to amend the agreement with Halff Associates, Inc., for professional services for the South Main Street project (PIIP20-0002; MUNIS 20ST000007); 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 (8-0).

18. Resolution No. 6-14-22 N: A resolution authorizing the Mayor and City Clerk to amend the agreement with Olsson, Inc., for professional services for the Walton Blvd. and Central Ave. Intersection Improvements (PIIP22-0021; MUNIS 21ST0017); 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).

19. Resolution No. 6-14-22 O: A resolution awarding bid IFB 22-50 to Superior Auto Group for the purchase of a 2022 Ram 5500 Chassis in the amount of sixty-one thousand five hundred seventy dollars (\$61,570.00); and for other purposes.

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

20. Resolution No. 6-14-22 P: A resolution awarding bid IFB 22-57 Banner Fire Equipment for the purchase of a conversion package for a Rapid-Fire Attack unit in the amount of two hundred fifty-eight thousand four hundred ninety-five dollars (\$258,495.00); and for other purposes.

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

21. Resolution No. 6-14-22 Q: A resolution awarding bid IFB 22-61 to Superior Auto Group for the purchase of three (3) 2022 Chevrolet Traverses (AWD LS) for the Bentonville Police Department in the amount of ninety-two thousand four hundred forty-five dollars (\$92,445.00); and for other purposes.

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

22. Resolution No. 6-14-22 R: A resolution awarding bid IFB 22-52 to Superior Auto Group for the purchase of a 2022 Dodge 1500 4x4 Crew Cab Truck in the amount of forty-four thousand two hundred eighty dollars (\$44,280.00); and for other purposes.

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

23. Resolution No. 6-14-22 S: A resolution authorizing the Mayor and Clerk to enter into a professional services agreement with Hight-Jackson Associates, PA for services related to the design of a columbarium/committal shelter at the City of Bentonville Arkansas in an amount not to exceed fifty-seven thousand two hundred fifty dollars (\$57,250.00); amending the 2022 Budget to fund a portion of the contract.

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).

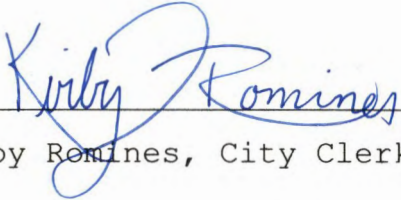
24. Ordinance No. 2022-131: Amending the City of Bentonville 2022 Pay Plan; adopting changes re-organizing the Accounting Department; amending the job title and descriptions for two (2) existing positions; changing the pay grades for four (4) positions; and for other purposes.

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).

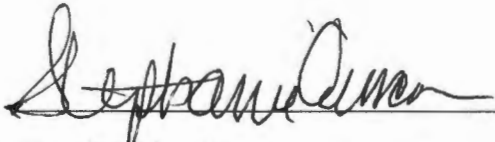
Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Burckart, second by Council Member Robinson.

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

The next Bentonville City Council meeting will be on June 28, 2022.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

