

Bentonville City Council

Meeting Minutes

June 28, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, June 28, 2022, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Cindy Acree, Tim Robinson, Gayatri Agnew, Bill Burckart, and Chris Sooter, with Council Member Aubrey Patterson and Council Member Holly Hook 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.

Mayor Orman called the meeting to order. Beckett Frink, a Boy Scout from Pack 525, 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 June 14, 2022, meeting as presented, second by Council Member Acree. There was no discussion. Motion carried (6-0).

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 (6-0).

1. Ordinance No. 2022-132: 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.

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 (6-0).

2. Ordinance No. 2022-133: 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.

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 (6-0).

3. Planning:

- 3a. Removed: Ordinance accepting a property line adjustment of Lots 9 AND 10, Block 12 of Deming's 2nd Addition; creating new Lots 12 and 13, Block 12 of Deming's 2nd Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA22-0008).

- 3b(1).Resolution No. 6-28-22 A: 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.

Council Member Sanchez and Council Member Acree expressed concerns about the exceptions of this rezoning. Tyler Overstreet, Director of Planning and Community Development, explained the exceptions. Council Member Burckart mentioned how the specific design is

beneficial for urban core or the downtown area. Council Member Burckart also noted that since downtown waivers are happening more often, it would be helpful for the Planning Commission to review those to see if code needs to be adjusted.

City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Robinson. Motion carried (4-2), with Council Member Acree and Council Member Sanchez voting no and Mayor Orman voting, yes, making it (5-2).

- 3b(2).Ordinance No. 2022-134: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to PRD, Planned Residential Development; and for other purposes (Project No. PRD22-0001).

[Applicant: 10th Ave Freeze Out, LLC;

Location: 903 SE 10th Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. Motion carried (4-2), with Council Member Acree and Council Member Sanchez voting no and Mayor Orman voting, yes, making it (5-2).

Tyler Overstreet and Mayor Orman noted that they would internally review waivers and specific code regulations for the downtown area.

- 3c. Ordinance No. 2022-135: Ordinance accepting a lot split of Lots 2 and 3, Block K of Orchard Addition; creating new Lots 4, 5, 6, and 7, Block K of Orchard Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS21-0058).

[Applicant: 3 Goodfellas Real Estate Group LLC;

Location: SE D, SE 7th, and SE E Street]

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 (6-0).

3d. Ordinance No. 2022-136: Ordinance accepting a lot split of existing unplatted section land at Parcel 18-09113-002; creating new Lots 1, 2, and 3 Nomad Meadows Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0023).

[Applicant: Vito Groups LLC;

Location: Located between SW Regional Airport Boulevard, Mill Dam Road, and Nomad Road]

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 (6-0).

3e(1).Resolution No. 6-28-22 B: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Residential Estate to General Commercial; 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 (6-0).

3e(2). Ordinance No. 2022-137: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to C-1, Neighborhood Commercial; and for other purposes (Project No. RZ22-0033).

[Applicant: James and Brenda Patton;

Location: E Centerton Blvd]

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 (6-0).

4. Appeal to a Planning Commission denial of a waiver request of Section 301.09, Storm Water Management and Drainage Manual, Section V 5.1 Stormwater Detention - Waiver. The Waiver is associated with a potential Large-Scale Development for Superior Storage at 1908 South Walton Boulevard. The City Council may approve the appeal (approving the Waiver), deny the appeal (denying the Waiver), or send the item back to Planning Commission for additional study in light of the additional information provided by the applicant.

Mayor Orman recognized Tim Sorey for public comment on this item. Tim Sorey, representing the applicant, expressed their desire for the council to approve their appeal, approving the Waiver. Council Member Burckart asked for clarification on the site-specific drainage. Dennis Birge, Transportation Director, asked to have another week to find a further develop a solution with Tim Sorey and to take the item back to the Planning Commission. Council Member Robinson expressed that they do not want the item to go back to the Planning Commission, and Council Member Burckart expressed the need for site-specific drainage.

Motion to approve by Council Member Robinson, second by Council Member Burckart. There was no discussion. Motion carried (5-1), with Council Member Sanchez voting no.

Mayor Orman, Dennis Birge, and the council discussed drainage issues and what the city is doing to address them.

5. Ordinance No. 2022-138: Ordinance amending the Pay Plan for the City of Bentonville Planning and Community Development Department to replace the position of Business License Coordinator with Planner; 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 (6-0).

6. Reappointment of Elaine Kerr to fill one of two positions on the Planning Commission. Elaine's second term will expire on July 1, 2027.

Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (6-0).

7. Appointment of Danny Bennett to fill one of two positions on the Planning Commission. Danny comes to the Planning Commission with 43 years of experience in the construction industry and an education in civil engineering. His first term will expire on July 1, 2027.

Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (6-0).

8. Utility Board:

- 8a. Resolution No. 6-28-22 C: A resolution awarding bid IFB 22-66 to Sherman-Reilly, Inc. for the purchase of an underground wire puller for the Electric Utilities Department in the amount of two hundred twenty-three thousand four hundred ninety-one dollars (\$223,491.00) plus applicable tax; amending the 2022 Budget to fund such 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 Acree. There was no discussion. Motion carried (6-0).

- 8b. Resolution No. 6-28-22 D: A resolution awarding bid IFB 22-68 to Calcon, Inc. for the citywide boring and trenching installation for the Electric Utilities Department on a per unit price in an approximate total amount of seventy-two thousand seven hundred ninety dollars (\$72,790.00); and for other purposes.

Council Member Burckart, Council Member Sanchez, and Travis Matlock, Engineering Director, engaged in a lengthy discussion regarding the cost of specific items and the ability to get competitive prices.

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 (6-0).

- 8c. Resolution No. 6-28-22 E: A resolution awarding bid IFB 22-60 to Seven Valleys Concrete for the replacement of certain components of Bentonville water resource recovery facility Lift Station #23 in the amount of one hundred thirty-one thousand dollars (\$131,000.00); amending the 2022 Budget to fund such 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 Burckart. There was no discussion. Motion carried (6-0).

9. Ordinance No. 2022-139: Ordinance vacating a utility easement located at Lot 19 Block 2 of Dunn & Davis Addition to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0016).

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 Robinson. There was no discussion. Motion carried (6-0).

10. Resolution No. 6-28-22 F: A resolution setting a public hearing for July 12, 2022, for a Utility Easement Vacation requested for 500 SW B Street of Dunn & Davis Addition, north side of parcel.

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 (6-0).

11. Resolution No. 6-28-22 G: A resolution authorizing the Mayor and Clerk to enter into an agreement with O.R. Colan Associates, LLC for property acquisition services for Southeast Walton Boulevard and Southeast J Street Improvements (PIIP22-0036; MUNIS 21ST0008) in the amount of eighty-five thousand seven hundred dollars (\$85,700.00); 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 (6-0).

12. Resolution No. 6-28-22 H: A resolution allowing the Mayor and City Clerk to enter into an amended agreement with Toole Design Group for professional services associated with the Bentonville Bikeways Design 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 Robinson. There was no discussion. Motion carried (6-0).

13. Resolution No. 6-28-22 I: A resolution awarding bid IFB 22-64 to Innovative Roadway Solutions, LLC for mastic sealing of city streets on a per unit price in an approximate total amount of five hundred thousand sixty-seven dollars and thirty-five cents (\$500,067.35); 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 (6-0).

14. Resolution No. 6-28-22 J: A resolution allowing the Mayor and City Clerk to enter into an amended agreement with Wize Computing Academy of Northwest Arkansas to provide professional camp and programming instruction for Bentonville Parks and Recreation; 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 (6-0).

15. Ordinance No. 2022-140: Ordinance waiving competitive bidding for the renovation of Memorial Park Soccer Field #9; adjusting the 2022 Budget to appropriate eleven thousand four hundred forty dollars (\$11,440.00) into account #105030-47390, Other Capital, to fund said project; 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 Robinson. There was no discussion. Motion carried (6-0).

City Attorney Spence read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Robinson. There was no discussion. Motion carried (6-0).

16. Ordinance No. 2022-141: Ordinance amending the City of Bentonville 2022 Pay Plan; creating seven (7) new full time Parks Maintenance Worker Positions; adjusting the 2022 Budget to reallocate one hundred seventy-three thousand eight hundred forty-four dollars (\$173,844.00) from account #105030-3110, Temporary Staffing Expenses, into various account; 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 (6-0).

17. Resolution No. 6-28-22 K: A resolution authorizing the Mayor and City Clerk to enter into a grant agreement with The Walton Family Foundation to receive up to one million one hundred eighty thousand eight hundred sixty-four dollars (\$1,180,864.00); adjusting the 2022 Budget to recognize grant funds in that amount into account

#105030-33810, Local Grants; appropriating the same into various accounts; 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 (6-0).

18. Resolution No. 6-28-22 L: A resolution allowing the Mayor and City Clerk to enter into an agreement with Crafton, Tull & Associates for construction administration, in the amount of fifty-five thousand four hundred sixty-five dollars (\$55,465.00); 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 (6-0).

19. Resolution No. 6-28-22 M: A resolution awarding bid #IFB-22-59; authorizing the Mayor and City Clerk to enter into an agreement with 81 Construction Group, Inc., in the amount of one million ten thousand four hundred fifty-three dollars (\$1,010, 453.00) with an additional ten percent (10%) contingency; 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 (6-0).

20. Ordinance No. 2022-142: Ordinance waiving competitive bidding for property insurance for July 8, 2022, through July 8, 2023; 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 Sooter. There was no discussion. Motion carried (6-0).

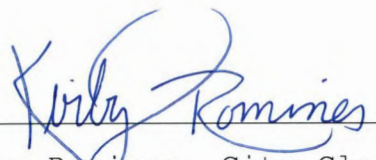
City Attorney Spence read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (6-0).

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

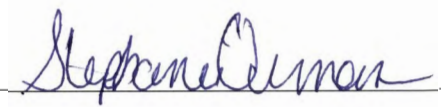
Council members reported on committees and boards they participate in related to the city.

Mayor Orman mentioned that the city is receiving more concerns regarding Airbnb's and let the council know that they will need to start the discussion regarding Airbnb's. Council Member Robinson asked for details about the concerns, and Mayor Orman and Council Member Acree mentioned that there could be further discussion on this at a Committee of the Whole meeting.

The next Bentonville City Council meeting will be on July 12, 2022.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

