

Bentonville City Council

Meeting Minutes

July 26, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, July 26, 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, and Holly Hook, with Council Member Gayatri Agnew and Chris Sooter 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. Alex Golleher, a Cub 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 Acree to approve the minutes of the July 12, 2022, meeting as presented, second by Council Member Sanchez. There was no discussion. Motion carried (6-0).

Motion was made by Council Member Burckart 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. Informational - NACA and their design engineer, Garver, will present information regarding NACA's wastewater treatment plant expansion.

The council and representatives from Garver engaged in a lengthy discussion regarding the details, cost, and timing of the design of the wastewater treatment plant expansion. The council also discussed NACA, the purpose and model of the NACA wastewater treatment plant, and the need for funding for the plant.

2. Planning:

- 2a. Ordinance No. 2022-152: Ordinance accepting a lot split of Lot 43 of Fountain Plaza Subdivision; creating new Lots 48 and 49 of Fountain Plaza Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0027).

[Applicant: Dynamic Development, Inc.;

Location: SE Plaza Avenue]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Acree, second by Council Member Sanchez. There was no discussion. Motion carried (6-0).

- 2b. Ordinance No. 2022-153: 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. RZ22-0035).

[Applicant: Lionheart Enterprises, LLC;

Location: 908 SW Tater Black Road]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Acree, second by Council Member Sanchez. There was no discussion. Motion carried (6-0).

2c(1).Resolution No. 7-26-22 A: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Agriculture to Low-Density Residential; and for other purposes(Project No. RZ22-0036).

Council Member Hook expressed concern about the floodplain development on the property. Tyler Overstreet, Director of Planning and Community Development, said yes and true. When the project comes through for development, they will have to get a floodplain development permit and that they are aware of this.

City Attorney Spence read the resolution by title only. Motion to approve by Council Member Acree, second by Council Member Robinson. There was no discussion. Motion carried (6-0).

2c(2).Ordinance No. 2022-154: 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. RZ22-0036).

[Applicant: Maddison Heights Development Company;

Location: Nomad & Mill Dam Road]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Burckart, second by Council Member Acree. There was no discussion. Motion carried (6-0).

2d(1).Resolution No. 7-26-22 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 (Project No. RZ22-0038).

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).

2d(2).Ordinance No. 2022-155: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to C-2, General Commercial; and for other purposes (Project No. RZ22-0038).

[Applicant: JP Specialty LLC;

Location: Nomad & Mill Dam 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 (6-0).

3. Utility Board:

- 3a. Ordinance No. 2022-156: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Stuart Irby for 1/0 underground wire in the amount of two hundred ninety thousand and four hundred dollars (\$290,400.00), 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 (6-0).

4. Resolution No. 7-26-22 C: A resolution awarding bid IFB 22-67 to Legacy Construction Management, Inc., for the expansion and upgrade of Fire Station 3, in the amount of one million two hundred eighty-five thousand three hundred twenty-nine dollars (\$1,285,329.00); amending the 2022 Budget to fund such purchase; and for other purposes.

Council Member Sanchez mentioned that the dollar amount was incorrect on the on the agenda item form and should be adjusted from \$1,235,329.00 to \$1,285,329.00. Council Member Burckart, Fire Chief Brent Boydston, and the project architect discussed details regarding the project's budget.

City Attorney Spence read the resolution by title only. Motion to amend the resolution to the correct amount of \$1,285,329.00. Motion to approve by Council Member Acree, second by Council Member Robinson. Motion to approve the amended resolution by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (6-0).

5. Appointment of Tim Robinson to Bentonville's Off-Street Parking District #3 Commission. Lisa Kelley resigned from this position on the commission and will be replaced by Mr. Robinson.

Motion to approve by Council Member Acree, second by Council Member Burckart. There was no discussion. Motion carried (5-0), with Council Member Robinson sustaining.

6. Council Appointment of Brian Baldwin to the Airport Advisory Board, replacing Lisa Kelley, who is resigning (Term to expire 9/20/2024).

Council Member Acree asked how people can apply to specific boards and committees. Mayor Orman and Debbie Griffin, Community Relations and Economic Development Director, explained the application process and this particular instance.

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

7. Resolution No. 7-26-22 D: A resolution authorizing the assignment of the Patton Bentonville Municipal Airport Hangar Ground Lease; and for other purposes.

Council Member Hook asked if this was a unanimous vote. Debbie Griffin said that it was a unanimous vote.

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).

8. Ordinance No. 2022-157: Ordinance vacating Right of Way located at Lots 2 and 3 of Orchards Addition to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0001).

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 (6-0).

9. Ordinance No. 2022-158: Ordinance vacating a Utility Easement located at Lot 6 of Kingsbury Subdivision Phase 2 to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0018).

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 (6-0).

10. Removed: Ordinance vacating an Access Easement at Lot 3 of Brown Subdivision of Bentonville to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0020).

Dan Weese, City Engineer, explained that there was an error in the legal description, so it will need to be brought back to the council, published in the newspaper, and then it can have a public hearing at a council meeting.

11. Resolution No. 7-26-22 E: A resolution setting a public hearing for August 9, 2022, for two Access Easements and one Utility Easement Vacation requested at 3809 SW Crocket (VAC22-0010).

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).

12. Resolution No. 7-26-22 F: A resolution authorizing the Mayor and City Clerk to enter into Change Order #1 with NEC, Inc.; adjusting the 2022 Budget to appropriate two hundred eight thousand seven hundred sixty-three dollars and seven cents (\$208,763.07) into account #203810-47380, Street Construction, to fund said agreement; and for other purposes.

Council Member Burckart asked about details regarding the square yardage of concrete. Dennis Birge, Transportation Director, explained the 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 (6-0).

13. Informing of the attached proposed pavement markings and road striping list for 2022.

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

14. Resolution No. 7-26-22 G: A resolution awarding bid #IFB-22-71; authorizing the Mayor and City Clerk to enter into an agreement with Grant Garrett Excavating; adjusting the 2022 Budget to appropriate one hundred five thousand five hundred dollars (\$105,500.00) into account #203810-47386, Improvements-Overlay, 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 Robinson. There was no discussion. Motion carried (6-0).

15. Resolution No. 7-26-22 H: A resolution allowing the Mayor and City Clerk to enter into a contract, with Water Conservations Resource Center, for stream restoration design services for the Little Sugar Creek and McKissic Creek Confluence; and for other purposes.

David Wright presented the proposed project. The council engaged in a lengthy discussion regarding the details and cost of the 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 (6-0).

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

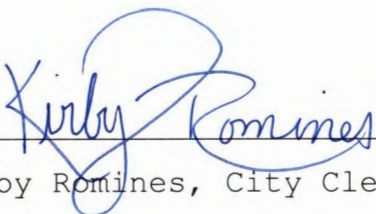
Mayor Orman recognized Stewart Larrabee for public comment. Stewart Larrabee gave public comment regarding the Taxicab Coupon Program for senior and disabled persons in the City of Bentonville and expressed difficulties working with city staff regarding the Freedom of Information Act (FOIA). Council Member Burckart expressed his confidence in the city staff. Bridges, Associate Staff Attorney/Special Deputy Prosecuting, explained that staff has been

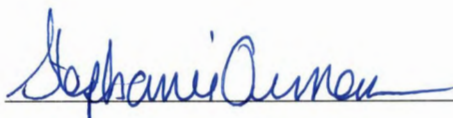
working with Stewart Larrabee on this issue but that there is specific information they cannot give to not compromise another individual confidential information that wouldn't be able to be provided under FOIA. Council Member Sanchez asked for clarification and made sure that Stewart Larrabee was aware that there was specific information that could not be provided.

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

Mayor Orman reminded the council of the Bentonville Police Department's first National Night Out event being held on Tuesday, August 2, 2022.

The next Bentonville City Council meeting will be on August 9, 2022.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

