

Bentonville City Council

Meeting Minutes

August 23, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, August 23, 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, Chris Sooter, Bill Burckart, and Holly Hook. Also present were Mayor Stephanie Orman, City Attorney George Spence, City Clerk Kirby Romines, the press, city staff, and the audience. Council Member Gayatri Agnew 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.

Mayor Orman called the meeting to order. Several Cub Scouts from Troop 5 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 August 9, 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).

1. Ordinance No. 2022-165: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas; making the same a part of the City of Bentonville; assigning same to wards; 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 (8-0).

2. A resolution referring Section B. Risk Zone Specific Standards, of the Flood Damage Prevention Code, to the Planning Commission for public hearing and consideration of the proposed amendment to the lowest floor elevation above the base flood elevation; and for other purposes.

Council Member Sanchez explained that they are voting against this item since the Planning Commission has already turned it down, and there is an uncertainty in the potential risk of adjusting the lowest floor elevation above the base flood elevation. Council Member Patterson asked for clarification of the staff recommendation for this item. Dan Weese, City Engineer, stated that the staff recommendation is to leave it at 3 feet. Council Member Robinson said that since there has been new information coming out since the item was last reviewed by the Planning Commission, it would be helpful for them to review it again. Council Member Sanchez asked how long the regulation has been set at 3 feet, and Dan Weese said it has been in place since 2007. Council Member Hook expressed that she believes it lowers a standard and that the risk is higher for home buyers. Council Member Burckart explained that they are reconsidering the lowest floor elevation because they have better information to provide because of the updated BLE. Council Member Sanchez said that the Planning Commission has the information. If they wanted to change it, they would.

The council further discussed the intention behind adjusting the lowest floor elevation above the base flood elevation. Mayor Orman clarified to the council that they are discussing areas in the designated flood zones, which would lower base flood elevation in those areas if passed. Council Member Acree asked how this would affect development in the flood plain areas. City Attorney Spence read the resolution by title only. Motion to

approve by Council Member Burckart, second by Council Member Robinson. There was no discussion. Motion failed (4-4), with Council Member Sanchez, Patterson, Hook, and Agnew voting no. Mayor Orman abstained from voting.

3. Planning:

- 3a. Ordinance No. 2022-166: Ordinance accepting a lot split of unplatted section land; creating new Lot 1 of Garcia Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0024).

[Applicant: Roman, Adalid Najera & Maguella-Martinez, Juana;

Location: 908 SW Tater Black 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).

- 3b(1).Resolution No. 8-23-22 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).

- 3b(2).Ordinance No. 2022-167: 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-1, Downtown Low-Density Residential and DN-3, Downtown High Density Residential; and for other purposes (Project No. RZ22-0004).

[Applicant: Silver Oak Properties LLC;

Location: 807 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).

3c(1).Resolution No. 8-23-22 B: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Residential Estate to Mixed-Use 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 Robinson. There was no discussion. Motion carried (8-0).

3c(2).Ordinance No. 2022-168: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to C-3, Mixed-Use Commercial; and for other purposes (Project No. RZ22-0040).

[Applicant: Dogwood Acres LLC;

Location: 1001, 1003, and 1007 NE J 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 (8-0).

Council Member Patterson asked about signage for the rezoning. Tyler Overstreet explained that the signs were placed in the yard 15 days before the public hearing. Council Member Sanchez asked if it was a possibility for someone from the Planning Department to check public hearing signage multiple times a week. Tyler Overstreet broke down the time and staff effort that would take. Then, council Member Hook, Council Member Sanchez, Mayor Orman, and Tyler Overstreet discussed further details of the signage requirements for the property.

4. Appointment of Celia Swanson to fill a vacancy on the Board of Adjustment. Rick Rogers is resigning from his position on the Board, effective September 14, 2022. Celia is a local business owner with 26 years of professional experience as an executive at Walmart, Inc. She has been a resident of Bentonville for 28 years. Her term will begin September 15, 2022, and expire on December 31, 2022.

Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

5. Utility Board:

- 5a. Ordinance No. 2022-169: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Techline, for the purchase of certain transformers, in the amount of one million one hundred thirteen thousand five hundred seventy-four dollars (\$1,113,574.00), plus applicable taxes; waiving the requirement of competitive bidding; declaring an emergency; and for other purposes.

Council Member Burckart asked about the timeline for the transformers. Travis Matlock, Engineering Director, explained how the lead times for transformers have increased, that there is a lack of transforms in the City of Bentonville at this time and that they will notify all homebuilders and developers of the news. Council Patterson asked how many the department has on hand for emergencies, and Travis Matlock broke down what they have on hand. Council discussed how this impacts the budget and how the cash flow is handled from the department for these items. Council and Travis Matlock, and Jake Harper, Finance Director, discussed how the delay will be handled once the transformers come in and what financials and numbers they are monitoring at this time that may be affected by the delays (i.e., sales tax).

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

- 5b. Resolution No. 8-23-22 C: A resolution authorizing the Mayor and City Clerk to enter into a pole attachment license agreement with E. Ritter Communications, 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 Burckart. There was no discussion. Motion carried (8-0).

- 5c. Resolution No. 8-23-22 D: A resolution approving a change order to the agreement with Seven Valleys Concrete for additional work related to the project awarded pursuant to IFB 22-60; authorizing a budget adjustment in the amount of four thousand dollars (\$4,000.00) to account #503030-47210, Capital Improvements, for such change order; and for other purposes.

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

6. Ordinance No. 2022-170: Ordinance amending the Pay Plan for the City of Bentonville Human Resources Department to upgrade the position of HR Generalist to HR Assistant Manager; 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 (8-0).

7. Ordinance No. 2022-171: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with pinnacle Emergency Ambulances, LLC, for the purchase of a 2023 Braun Ambulance, in

the amount of three hundred fifty-eight thousand four hundred sixty-six dollars (\$358,466.00); waiving the requirement of competitive bidding; and for other purposes.

Council Member Acree and Council Member Hook asked if this is a replacement or a new addition and the timeline for receiving the replacement. Fire Chief Brent Boydston explained that this is a replacement and the timeline for the item.

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).

8. Ordinance No. 2022-172: Ordinance vacating Right of Way and establishing a drainage and utility easement located in Demings 2nd Addition, Block 24 Lot 8, to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0008).

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 Acree, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

9. Ordinance No. 2022-173: Ordinance vacating a Drainage and Utility Easement located at Demings 2nd Addition, Block 24, Lot 27, to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0022).

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 (8-0).

10. Resolution No. 8-23-22 E: A resolution setting a public hearing for September 13, 2022, for all Right of Way, Drainage and Utility

Easement Vacations requested by JKC Rentals, LLC for Katie Lynn courts and Eastgate Subdivision (VAC22-0003).

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. 8-23-22 F: A resolution setting a public hearing for September 13, 2022, for a Street Right of Way Vacation requested by Bentonville School District for New Alliance Subdivision, Lot 1(VAC22-0021).

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).

12. Resolution No. 8-23-22 G: A resolution setting a public hearing for September 13, 2022, for a Utility Easement Vacation requested for Lot 4 of Swaffer Subdivision (VAC22-0023).

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. 8-23-22 H: A resolution awarding bid IFB 22-75 to Bobcat of Northwest Arkansas for the purchase of a 2022 or current model compact excavator (long arm) in the amount of one hundred three thousand eight hundred thirty-two dollars and twenty-eight cents (\$103,832.28); 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).

14. Resolution No. 8-23-22 I: A resolution approving the settlement of the condemnation case the City filed against FSB Realty, LLC; authorizing the expenditure of funds related thereto; amending the 2022 Budget; 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).

15. Ordinance No. 2022-174: Ordinance waiving competitive bidding for the service of providing adult masters swim and triathlon instruction; authorizing the Mayor and City Clerk to enter into an agreement with TeamE Multi Sport for this service; 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).

16. Resolution No. 8-23-22 J: A resolution allowing the Mayor and City Clerk to enter into a sub-grant agreement with Excellerate Foundation d/b/a Upskill NWA, in the amount of two hundred eighty-seven thousand seven hundred thirty-one dollars (\$287,731.00), utilizing American Rescue Plan Act funds to support job training for qualifying Bentonville residents; and for other purposes.

City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sooter, second by Council Member Burckart. There was no discussion. Motion carried (6-2), with Council Member Sanchez and Council Member Hook voting no.

Council Member Acree asked how this would impact the City of Bentonville staff. Jeff Webster, President/CEO, gave a presentation on Excellerate Foundation d/b/a Upskill NWA regarding the program and the need for the program in NWA. Council Member Sanchez mentioned that he appreciates their work but doesn't think the City of Bentonville should participate in this type of training and should focus on other ventures. Council Member Hook asked about the financial breakdown of the number of Bentonville participants the grant would pay for and

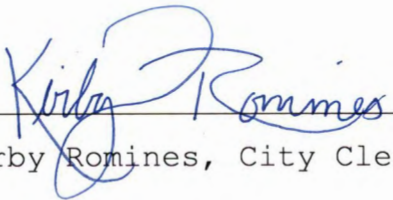
how the program works and agreed with Council Member Sanchez's view of using taxpayer dollars for the program. Council Member Patterson expressed that they believe this is an appropriate use of the ARPA funds. Council Member Hook asked if this was listed when they presented the priorities of the ARPA funds to the community. Mayor Orman explained that the organization did present at one of the meetings. Jake Harper explained the ARPA funds spending in further detail. Mayor Orman mentioned the other cities in NWA that have passed something similar with Excellerate Foundation d/b/a Upskill NWA. Council Member Burckart expressed that this is a return on investment for the workforce infrastructure.

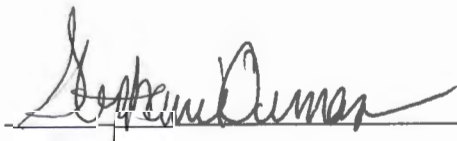
Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Sooter, second by Council Member Robinson.

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

Mayor Orman reminded the council of the City Hall Selfie Day and encouraged participation.

The next Bentonville City Council meeting will be on September 13, 2022.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

