

Bentonville City Council

Meeting Minutes

September 13, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, September 13, 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, Chris Sooter, Bill Burckart, and Holly Hook with Council Member Gayatri Agnew absent. Also present were Mayor Stephanie Orman, Staff Attorney Camille Thompson, who filled in for City Attorney George Spence, City Clerk Kirby Romines, the press, city staff, and the audience. Council Member Aubrey Patterson 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. Emily Wilson, 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 August 23, 2022, meeting as presented, second by Council Member Sooter. 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. Recognition by City Council of Julie Rader of 905 SE 5th Street. The property's landscaping was nominated by a Bentonville resident and is the August Residential Landscaping of the Month award winner.

2. Bentonville Public Library and MSR Design will provide an update on the library's expansion project. Hadi Dudley, Library Director, introduced Kristilyn Vercruysse with MSR Design to speak.

Council Member Hook asked about the conference rooms in the new library expansion design. Council Member Robinson asked about the 3% contingency on the project, and Kristilyn Vercruysse explained the contingency and budget details. Council Member Burckart and Kristilyn Vercruysse also discussed the materials of the new addition, i.e., steel vs. wood. Hadi Dudley commended the work of MSR Design and Hight Jackson and Associates.

3. Planning:

- 3a. Ordinance No. 2022-175: Ordinance amending The Bentonville Municipal Code Appendix A Zoning Code and Appendix B Land Development Code; and for other purposes.

Council Member Burckart asked about how changes to codes are published and shared with the public and asked if future zoning and ordinance changes to the Development Code could be discussed at Committee of the Whole meetings to allow more time for discussion and questions. Council Member Burckart and Tyler Overstreet, Director of Planning and Community Development, discussed the amendment details.

Staff Attorney Thompson 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).

- 3b. Ordinance No. 2022-176: Ordinance accepting a lot split of existing Lot 19, Block 14 Of W.A. Burk's Addition; creating new Lots 25 and 26, Block 14 Of W.A. Burk's Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0031).

[Applicant: V3 Construction, LLC;

Location: 416 Fillmore Street]

Staff Attorney Thompson 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).

- 3c. Ordinance No. 2022-177: Ordinance accepting a lot split of unplatted section land; creating new Lot 1, Barrett Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0033).

[Applicant: Michael and Tammy Barrett;

Location: 4653 SW Rainbow Farm Road]

Staff Attorney Thompson 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).

- 3d. Ordinance No. 2022-178: Ordinance accepting a final plat of Providence Village Subdivision Phase 3 to the City of Bentonville, Arkansas; and for other purposes (Project No. FP22-0004).

[Applicant: Providence 2016, LLC;

Location: 7103 Nomad Road]

Staff Attorney Thompson 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).

3e(1).Resolution No. 9-13-22 A: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Medium-Density Residential to High-Density Residential; and for other purposes.

Staff Attorney Thompson 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).

3e(2).Ordinance No. 2022-179: 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-3, Downtown High Density Residential; and for other purposes (Project No. RZ22-0041).

[Applicant: Lightbox @ Market, LLC;

Location: SE 8th Street and SE H Street]

Staff Attorney Thompson 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).

4. Resolution No. 9-13-22 B: A resolution endorsing the temporary installation of artwork titled "Building Community Once Piece At A Time," curated by the Bentonville History Museum on public property in Train Station Park; and for other purposes.

Staff Attorney Thompson 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).

5. Utility Board:

- 5a. Resolution No. 9-13-22 C: A resolution awarding bid IFB 22-78 to Upkeep Tree Services for tree trimming services on an as needed basis for the City of Bentonville Electric Department; and for other purposes.

Staff Attorney Thompson 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).

- 5b. Ordinance No. 2022-180: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Terex Utilities, Inc., for the purchase of a C4047 Digger Derrick, for the Bentonville Electric Department, through the Sourcewell Cooperative Contract 110421-TER; in the amount of four hundred three thousand two hundred forty-eight dollars (\$403,248.00); waiving the requirement of competitive bidding, amending the 2022 Budget; and for other purposes.

Staff Attorney Thompson 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).

6. Resolution No. 9-13-22 D: A resolution authorizing a budget adjustment in the amount of thirty-eight thousand eight hundred fifteen dollars and seventy cents (\$38,815.70); from account #2020-47420, Capital Vehicle, to account #2020-47210, Capital Building, in order to fund additional architect costs for the Fire Department Station 3 Project; and for other purposes.

Staff Attorney Thompson 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).

7. Resolution No. 9-13-22 E: A resolution declaring certain property belonging to the City of Bentonville Police Department as surplus property; authorizing for its disposal; and for other purposes.

Staff Attorney Thompson 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).

8. Resolution No. 9-13-22 F: A resolution approving a budget adjustment to recognize and accept a donation from American Association of Physicians of Indian Origin to the City of Bentonville Police Department, in the amount of two thousand five hundred dollars (\$2,500.00); using said donation for purchase of additional medical equipment for officers; and for other purposes.

Staff Attorney Thompson 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).

9. Resolution No. 9-13-22 G: A resolution approving a budget adjustment to recognize and accept reimbursement in the amount of seven thousand five hundred two dollars and fifteen cents (\$7,502.15) into account #102010-45810, Travel And Training; and for other purposes.

Staff Attorney Thompson 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).

10. Resolution No. 9-13-22 H: A resolution awarding bid IFB 22-69 (re-bid) to Crowder Construction, Inc. for the site work and development for the City of Bentonville Police Training Facility, in the amount of five hundred sixty-two thousand six hundred thirty dollars and seventeen cents (\$562,630.17); and for other purposes.

Council Member Burckart congratulated and thanked Chief of Police Ray Shastid on the ability to reduce the cost of the site work.

Staff Attorney Thompson 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).

11. Ordinance No. 2022-181: Ordinance vacating all right of way, drainage and utility easements located in Katie Lynn Courts and Eastgate Subdivisions to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0003).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

Staff Attorney Thompson 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).

12. Ordinance No. 2022-182: Ordinance vacating street right of way located at Lot 1 of New Alliance Subdivision to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0023).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

Staff Attorney Thompson 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).

13. Ordinance No. 2022-183: Ordinance vacating a utility easement located at Lots 4 Swaffer Subdivision to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0023).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

Staff Attorney Thompson 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).

14. Resolution No. 9-13-22 I: A resolution awarding the bid for drainage improvements - Tributary 2 of Little Osage Creek (PIIP22-0009; IFB-22-51); authorizing the Mayor and City Clerk to enter into a contract with Crow Group, Inc., for this project, in the amount of three million three hundred ninety-two thousand sixty-three dollars and thirty-four cents (\$3,392,063.34); and for other purposes.

Staff Attorney Thompson 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).

15. Resolution No. 9-13-22 J: A resolution awarding the bid for drainage improvements in the vicinity of Southwest 7th and C Lateral (PIIP22-0004; IFB-22-81); authorizing the Mayor and City Clerk to enter into a contract with N.E.C. Inc., for the construction of said improvements, in the amount of nine hundred eighty-seven thousand eight hundred twenty-three dollars and eighty-two cents (\$987,823.82); and for other purposes.

Staff Attorney Thompson 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).

16. Resolution No. 9-13-22 K: A resolution authorizing a budget adjustment in the amount of seventeen thousand seven hundred seventy-five dollars and forty-seven cents (\$17,775.47) from fund balance to account 101210-44430- Building/Ground Maintenance in order to cover the emergency clean up and repairs to District Court and for other purposes.

Council Member Burckart asked if there is an automatic alarm triggered in instances like this case. In this instance, no report was sent to the District Court team.

Staff Attorney Thompson 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).

17. Resolution No. 9-13-22 L: A resolution authorizing a property tax levy for the City of Bentonville, Arkansas for the year 2022 to be collected in the year 2023.

Staff Attorney Thompson 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).

18. Resolution No. 9-13-22 M: A resolution naming responsible parties to perform actions on Arvest Wealth Management accounts for the City of Bentonville, Arkansas; and for other purposes.

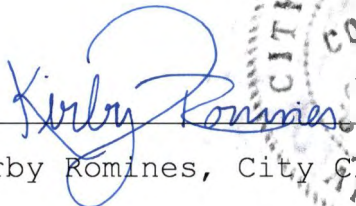
Staff Attorney Thompson read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Robinson. There was no discussion. Motion carried (7-0).

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

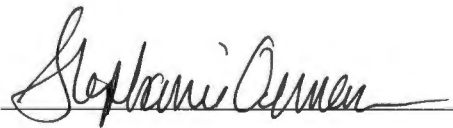
Council members reported on committees and boards they participate in related to the city. In addition, the council discussed specific drainage issues and how noise complaints are handled.

Mayor Orman reminded the council of the Municipal League's Winter Conference.

The next Bentonville City Council meeting will be on September 27, 2022.


Kirby Romines, City Clerk




Stephanie Orman, Mayor