

Bentonville City Council

Meeting Minutes

October 11, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, October 11, 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, and Bill Burckart. 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 and Council Member Holly Hook 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. Thia Cochran, 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 September 27, 2022, meeting as presented, second by Council Member Acree. There was no discussion. Motion carried (7-0), with Council Member Agnew absent.

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 (6-1), with Council Member Acree voting no and Council Member Agnew absent.

[Agenda items 1 through 3 were addressed at the October 10, 2022, Committee of the Whole meeting.]

4. Recognition by City Council of Donna & Gene Reams of 2303 NW Willow Street. The property's landscaping was nominated by a Bentonville resident and is the September Residential Landscaping of the Month award winner.

5. Fire Prevention Week Proclamation.

6. Ordinance No. 2022-198: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas; making 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 Burckart. There was no discussion. Motion carried (8-0), with Council Member Agnew joining the meeting.

7. Planning:

- 7a. Ordinance No. 2022-199: Ordinance accepting a lot split of Lot 1 of Momentary Addition Phase 2; creating new Lots 3 and 4 of Momentary Addition Phase 2 to the City of Bentonville, Arkansas; and for other purposes. (Project No. LS22-0040).

[Applicant: Crystal Bridges Museum of American Art;

Location: 507 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 (8-0).

- 7b. Ordinance No. 2022-200: Ordinance accepting a lot split of Lots 4 and 9, Block 2, of Braithwaite Park Addition; creating new Lots 10, 11, and 19, Block 2, of Braithwaite Park Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0043).

[Applicant: Patricia Penny;

Location: 1500 Bella Vista 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).

- 7c. Ordinance No. 2022-201: Ordinance accepting a lot split of part of Lot 5, Block 4 Railroad Addition; creating new Lot 23, Block 4 of Railroad Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0045).

[Applicant: Kendall Revocable Trust;

Location: 250 SE B 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).

- 7d(1).Resolution No. 10-11-22 A: A resolution amending the City of Bentonville Future Land Use Map for a specific area Low-Density Residential to Medium-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).

7d(2).Ordinance No. 2022-202: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-O, Residential Office to R-2, Medium Density Two Family and Townhome Residential; and for other purposes. (Project No. RZ22-0046).

[Applicant: Swope Engineering / Village View LLC;

Location: 1507 Bella Vista 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).

8. Ordinance No. 2022-203: Ordinance adopting a Property Maintenance Code; repealing redundant or conflicting codes within the City of Bentonville Municipal Code; 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).

9. A resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with Tischler Bise to conduct an impact and capacity fee study in the amount of ninety thousand seven hundred ten dollars (\$90,710.00); and for other purposes.

City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Patterson. Council Member Burckart asked for more information on the item. Tyler Overstreet, Director of Planning and Community Development, recommended that the item be tabled until the next City Council meeting. Council Member Sanchez withdrew their motion to approve. Motion to table by Council Member Acree, second by Council Member Robinson. Motion carried (8-0).

Council also discussed the timeline of the Affordable Housing Committee's presentation of their findings.

10. Resolution No. 10-11-22 B: A resolution endorsing the installation of artwork titled "Upper Cut" by artist Alvaro Bonfiglio on public property in Creekside Park; 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).

11. Utility Board:

- 11a. Resolution No. 10-11-22 C: A resolution declaring certain property belonging to the City of Bentonville Utility Billing and Collections Department as surplus property; authorizing for its disposal; 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).

- 11b. Resolution No. 10-11-22 D: A resolution authorizing a budget adjustment in the amount of eight thousand two hundred dollars (\$8,200.00) from Utility Fund Balance to account #503530-4420, Vehicle Repairs and Maintenance, to cover necessary vehicle services; 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).

- 11c. Resolution No. 10-11-22 E: A resolution authorizing a budget adjustment in the amount of ten thousand two hundred fifteen dollars (\$10,215.00) from Utility Fund Balance to account #503530-42250, Minor Equipment - Computers; 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).

- 11d. Resolution No. 10-11-22 F: A resolution awarding IFB 22-79 to Bill's Electric, for street light installation services on an as needed basis in accordance with unit pricing; authorizing the Mayor and Clerk to enter into an agreement for said services; 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).

- 11e. Resolution No. 10-11-22 G: A resolution awarding bid IFB 22-83 to Stuart Irby Company for the purchase of fiber cable material; approving a budget adjustment in the amount of three hundred seventeen thousand eight hundred eighty-five dollars and twenty-four cents (\$317,885.24) from General Fund Reserves to account #101010-47390, Improvements - Other; 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).

12. Resolution No. 10-11-22 H: A resolution amending the 2022 Budget to recognize a donation in the amount of seven thousand eight hundred ninety-two dollars (\$7,892.00) to account #105030-37010, Miscellaneous Donation, appropriating the same into account #105030-44450, Project Maintenance; 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).

13. Resolution No. 10-11-22 I: A resolution amending the 2022 Budget to recognize a contribution in the amount of one million dollars (\$1,000,000.00) to account #10-21500, Escrow; and for other purposes.

Council Member Acree asked if there are restrictions on how the money is used for the Quilt of Parks Project. David Wright, Parks & Recreation Director, said it is to be used for the two park developments, the Dave Peel Park and the plaza.

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. Ordinance No. 2022-204: Ordinance waiving competitive bidding to construct an emergency access entrance for Slaughter Pen Mountain Bike Park; authorizing the Mayor and City Clerk to enter into an agreement with NWA Trailblazers in the amount of three hundred ninety-four thousand six hundred forty-six dollars (\$394,646.00); 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).

Council Member Acree asked if the City of Bentonville funds the maintenance of the bike trails. David Wright explained that the City of Bentonville is responsible for the day-to-day maintenance of the bike trails, but there are often volunteers who assist in emergencies or maintenance. David Wright also gave an example of when local organizations assisted with an emergency project.

15. Ordinance No. 2022-205: Ordinance waiving competitive bidding to participate in a cooperative purchase with NWA PPE Committee; authorizing the purchase of 22 sets of PPE; 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 (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).
16. Ordinance No. 2022-206: Ordinance amending Ordinance 2022-118 due to an increase in the purchase price for the Med-Stat mini ambulance from Alternative Support Apparatus, LLC (asap); 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).
17. Resolution No. 10-11-22 J: A resolution setting a public hearing for October 25, 2022, for Alley Right of Way Vacation requested for Block 8 of Dunn & Davis Addition (VAC22-0024).

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).
18. Resolution No. 10-11-22 K: A resolution setting a public hearing for October 25, 2022, for a Utility Easement Vacation located at Demings 2nd Addition, Block 24 Lot 27 (201 NE 7th Street, (VAC22-0025).

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. 10-11-22 L: A resolution amending a portion of the budget adjustment approved in section 2 of Resolution 4-12-22 M to reflect that fund will be paid from Street Bond; allocating funds back to General Fund; 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).

20. Resolution No. 10-11-22 M: A resolution amending the budget adjustment approved in section 2 of Resolution 1-25-22 G; clarifying that the City's matching responsibility was a budgeted line item in the approved 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).

21. Resolution No. 10-11-22 N: A resolution expressing the willingness of the City of Bentonville to partner with the Arkansas Department of Transportation for the following project: Interstate 49/NE J Street Interchange (Bentonville).

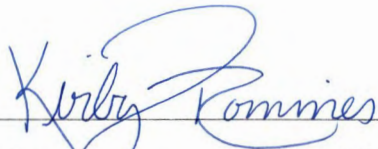
Council Member Acree asked if there was a design for the project. Dennis Birge, Transportation Director, said it is in the design phase now.

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).

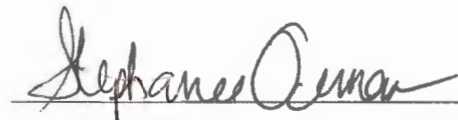
Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Sanchez, second by Council Member Robinson.

Dennis Birge, Dan Weese, City Engineer, and the council discussed current projects such as 8th Street. Council members reported on committees and boards they participate in related to the city. Council Member Acree mentioned that October 15th is White Cane Day and thanked the City of Bentonville for its efforts in accommodating people with visual disabilities.

The next Bentonville City Council meeting will be on October 25, 2022.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

