

Bentonville City Council

Meeting Minutes

October 25, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, October 25, 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, Gayatri Agnew, 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. After item 2, Council Member Agnew attended via 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. Peyton Scruton-Ayo, 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 Acree to approve the minutes of the October 11, 2022, meeting as presented, second by Council Member Sanchez. There was no discussion. Motion carried (7-0), with Council Member Patterson 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 (8-0), with Council Member Patterson present.

1. Informational - Raftelis update presentation on Wastewater Rate Study.

Council engaged in a lengthy discussion regarding the details of the Wastewater Rate Study.

2. Informational - Hawkins-Weir presentation on Wastewater Capacity Feasibility Analysis.

Council engaged in a lengthy discussion regarding details of the Wastewater Capacity Feasibility Analysis.

Mayor Orman recognized Donna Duncan for public comment. Donna Duncan expressed concern about the bike lane on NW 3rd Street in Bentonville.

3. A proclamation designating October 2022 as Community Planning Month in Bentonville, Arkansas.

4. Planning:

- 4a. Ordinance No. 2022-207: Ordinance accepting a lot split of Lot 89 of Stonegate Subdivision; creating new lots 91 & 92 of Stonegate Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0039).

[Applicant: Land of Dog Bentonville LLC;

Location: 1530 East Centerton Blvd]

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).

- 4b. Ordinance No. 2022-208: Ordinance accepting a lot split of Lot 11 of Renaissance Subdivision; creating new Lots 19 & 20 of Renaissance Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0044).

[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 Sooter. There was no discussion. Motion carried (8-0).

- 4c. Ordinance No. 2022-209: Ordinance accepting a property line adjustment of the South ½ of Lot 10 & Lot 11, Block 1 of Dunn & Davis Addition; creating new Lot 18, Block 1 of Dunn & Davis Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA22-0020).

[Applicant: Bville A Street LLC;

Location: 220, 222, 224, 226, 228, 230, 232, 234, SW 6th 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).

- 4d. Ordinance No. 2022-210: 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 for other purposes (Project No. RZ22-0049).

[Applicant: Hunter Banwarth;

Location: 808 W Central Ave]

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).

5. 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 ordinance by title only.

Council discussed tabling the item for two weeks to allow more time for questions to be submitted by Council Member Burckart and answered by Tischler Bise.

Motion to table the item until the next City Council meeting by Council Member Burckart, second by Council Member Robinson. There was no discussion. Motion carried (8-0).

6. Utility Board:

- 6a. Resolution No. 10-25-22 A: A resolution awarding IFB 22-85 to Seven Valleys Concrete; adjusting the budget in the amount of one hundred twelve thousand seven hundred seventy-six dollars (\$112,776.00) from Utility Fund Reserves into Account #503030-47210, Capital Improvements, to fund said award; and for other purposes.

Council Member Hook asked about the standard lead time after a bid is awarded.

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).

- 6b. Ordinance No. 2022-211: 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 six hundred

four thousand three hundred ten dollars (\$604,310.00); waiving the requirement of competitive bidding; declaring an emergency; and for other purposes.

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).

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).

7. Resolution No. 10-25-22 B: A resolution amending Resolution 10-11-22G to include applicable tax; adjusting the budget in the amount of thirty thousand one hundred ninety-six dollars and twenty-five cents from General Fund Reserves to Account #101010-47390, Improvements - Other; and for other purposes.

Council Member Burckart asked about getting a list of all budget adjustments made in 2022 to date. Gladys Shoemake, Purchasing Manager, explained that they were passed out at the budget meeting, so they have been made available.

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).

8. Resolution No. 10-25-22 C: A resolution authorizing the Mayor and City Clerk to enter into a grant agreement to receive up to two hundred seventy-one thousand dollars into Account #10-21500, Escrow; 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).

9. Ordinance No. 2022-212: Ordinance vacating alley right of way at Block 8 of Dunn & Davis Addition of Bentonville to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0024).

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. Ordinance No. 2022-213: Ordinance vacating a drainage and utility easement located at Block 24, Lot 27 of Demings 2nd Addition to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0025).

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).

11. Resolution No. 10-25-22 D: A resolution approving a change order to the agreement with Crossland Heavy Contractors Inc. for additional work and certain revisions related to the Eighth Street Widening Project, in the amount of one million five hundred one thousand two hundred thirty-three dollars and fifty cents (\$1,501,233.50); 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).

12. Ordinance No. 2022-214: Ordinance adopting and amending fees for the Bentonville Animal Services and Adoption Center; 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).

13. Ordinance No. 2022-215: Ordinance amending the Bentonville Municipal Code Chapter 6, Animals; 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).

14. Ordinance No. 2022-216: Ordinance waiving competitive bidding for instructional services provided by Happy Feet; 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).

15. Ordinance No. 2022-217: Ordinance establishing the 2023 Bentonville Parks and Recreation Fees; and for other purposes.

Josh Stacey, Recreation Services Manager, mentioned a correction to the fees. Council Member Acree and Josh discussed program scholarships for kids who are unable to afford memberships. Council Member Patterson, David Wright, Parks & Recreation Director, and Josh Stacey discussed the corporate rates.

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 (8-0).

16. Resolution No. 10-25-22 E: A resolution awarding bid IFB 22-83 to Milestone Construction Company, LLC for the purchase of materials, labor, and services for sidewalk construction, in the amount of

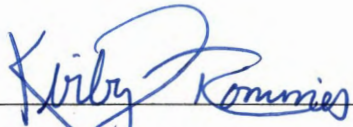
two hundred nineteen thousand two hundred nineteen dollars and seventy-nine cents (\$219,219.79); and for other purposes.

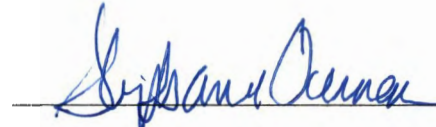
City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

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

Council members reported on committees and boards they participate in related to the city. The council also discussed noise complaints and how they are handled within the city.

The next Bentonville City Council meeting will be on November 8, 2022.



Kirby Romines, City Clerk

Stephanie Orman, Mayor