

Bentonville City Council

Meeting Minutes

November 22, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, November 22, 2022, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Aubrey Patterson, Tim Robinson, Chris Sooter, Holly Hook, 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 Cindy Acree and Council Member Gayatri Agnew joined 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. 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 Sanchez to approve the minutes of the November 8, 2022, meeting as presented, second by Council Member Burckart. 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. Resolution No. 11-22-22 A: A resolution to recognize, commend, and congratulate Sergeant Michael Meadors on his retirement from the City of Bentonville Police Department, effective October 31, 2022.

Mayor Orman read the resolution by title only. Motion carried unanimously (8-0).

2. Planning:

- 2a. Ordinance No. 2022-225: Ordinance accepting a lot split of Tract 2A, Part of Outlot 9, of the Original Town of Bentonville; creating new Lot 205 of the Original Town of Bentonville, to the City of Bentonville, Arkansas; and for other purposes (Project No. LS19-0040).

[Applicant: Roberts;

Location: 804 N Main Street]

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

- 2b. Ordinance No. 2022-226: Ordinance accepting a lot split of Lot 16 Block 1 of Railroad Addition; creating new Lot 30 of Railroad Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0054).

[Applicant: Main Street Core, LLC;

Location: 306 South Main Street]

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

- 2c. Ordinance No. 2022-227: Ordinance accepting a property line adjustment of Lots 14, 15, 16, 17, and 18 of W. A. Burks Addition; creating new Lot 27 of W. A. Burks Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0056).

[Applicant: Peyton Sterns;

Location: NE Monroe Street]

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

- 2d. Ordinance No. 2022-228: Ordinance accepting a property line adjustment of Lots 5, 6, and 7 of B-W Heights Subdivision; creating new Lot 9 of B-W Heights Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA22-0023).

[Applicant: 10th Ave Freeze Out LLC;

Location: 903, 905, & 907 SE 10th Street]

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

- 2e. Ordinance No. 2022-229: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DE, Downtown Edge; and for other purposes (Project No. RZ22-0048).

[Applicant: Hunter Wright Development Group LLC;

Location: 406 SE 7th Street]

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

2f(1).Resolution No. 11-22-22 B: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Agriculture 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).

2f(2).Ordinance No. 2022-230: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-2, Medium Density Two Family and Townhome Residential; and for other purposes (Project No. RZ22-0052).

[Applicant: Washark Investments LLC;

Location: South Vaughn Road]

Council Member Patterson, Council Member Sanchez, Mayor Orman, and Preston Newbill, Water Utilities Manager, discussed water and sewer boundaries, specific circumstances regarding the Bentonville and Centerton water service boundaries, and what has dictated those boundaries.

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).

2g(1).Resolution No. 11-22-22 C: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Agriculture 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).

2g(2).Ordinance No. 2022-231: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning

classification of A-1, Agricultural to R-3, Medium-High Density Multifamily Residential; and for other purposes (Project No. RZ22-0053).

[Applicant: Washark Investments LLC;

Location: South Vaughn 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).

2h(1).Resolution No. 11-22-22 D: A resolution amending the City of Bentonville Future Land Use Map for a specific area, from Agriculture 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).

2h(2).Ordinance No. 2022-232: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural To R-2, Medium Density Two Family and Townhome Residential; and for other purposes (Project No. RZ22-0055).

[Applicant: Roth Farms LLC/Elite Equity Group of Arkansas, LLC;

Location: South Vaughn 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 (8-0).

2i. Ordinance No. 2022-233: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of DC, Downtown Core to PRD, Planned Residential Development; and for other purposes (Project No. PRD22-0003).

[Applicant: Main and A Connect LLC;

Location: Southwest A Street and South Main Street at Southwest 14th Street]

Council Member Hook asked about the project of widening the road, which may help with traffic flow. Dan Weese, City Engineer, explained that the drainage project had been out to bid. Mayor Orman mentioned that this area is already zoned as DC, Downtown Core.

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 (6-1), with Council Member Hook voting no and Council Member Agnew unavailable to vote due to technical difficulties.

3. Utility Board:

- 3a. Resolution No. 11-22-22 E: A resolution authorizing the Mayor and City Clerk to enter into a contract for the purchase of a 2023 Ram Crew Cab 1500 4x4, through the Arkansas State Vehicle Bid, in the amount of thirty-five thousand four hundred dollars (\$35,400.00) for the Water Resource Recovery Facility; amending the 2022 Budget to appropriate four hundred dollars (\$400.00) from Utility Fund Reserves to Account #503030-47420 - Capital Vehicle; 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).

- 3b. Ordinance No. 2022-234: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Service Electric Company for the relocation of the Substation "B" Transformer in the amount of seventy-four thousand one hundred eighty dollars (\$74,180.00); waiving the requirement of competitive bidding; amending the 2022 Budget to appropriate seventy-four thousand one hundred eighty

dollars (\$74,180.00) from Account #503010-47313 - Underground Primary to Account #503010-47210 - Plants and Buildings; 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).

- 3c. Ordinance No. 2022-235: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with GE Grid Solutions, LLC for the purchase of a 161 kV, in the amount of sixty-nine thousand six hundred fifty dollars (\$69,650.00) plus applicable taxes; waiving the requirement of competitive bidding; amending the 2022 Budget to appropriate seventy-six thousand two hundred sixty-six dollars and seventy-five cents (\$76,266.75) from Account #503010-47313 - Underground Primary to Account #503010-47210 - Plants and Buildings; 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).

- 3d. Ordinance No. 2022-236: Ordinance amending waiver of bid Ordinance 2022-56 for the purchase of Electric Transformers due to increased manufacturer costs; 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).

4. Resolution No. 11-22-22 F: A resolution authorizing a budget adjustment for the Bentonville Police Department in the amount of seventy-five thousand dollars (\$75,000.00) from General Fund Balance to Account #102010-42030 - Fuel Supplies; 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).

5. Resolution No. 11-22-22 G: A resolution awarding bid IFB 22-91 to APAC-central, inc., for the construction of the Water Tower Road and 8th Street Extension Phase 2 Project, in the amount of six million four hundred six thousand fifty-two dollars and fifty-two cents (\$6,406,052.52); and for other purposes.

City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Hook. There was no discussion. Motion carried (7-1), with Council Member Sanchez voting no.

6. Resolution No. 11-22-22 H: A resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with O.R. Colan Associates, LLC, for property acquisition services for the Northwest 9th and D Street Project, in the amount of fifty-nine thousand five hundred dollars (\$59,500.00); and for other purposes.

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

7. Resolution No. 11-22-22 I: A resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with Volkert, Inc., for property acquisition services for Bentonville Sidewalk Projects, in the amount of forty-five thousand dollars (\$45,000.00); and for other purposes.

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

8. Resolution No. 11-22-22 J: A resolution adjusting the 2022 Budget to appropriate eight thousand five hundred dollars (\$8,500.00) from General Fund to Account #101040-45410 - Public Notification; 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).

9. Resolution No. 11-22-22 K: A resolution adopting the City of Bentonville's 2023 Budget; appropriating funds and authorizing expenditures for items included within the City of Bentonville's 2023 Budget; and for other purposes.

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

10. Ordinance No. 2022-237: Ordinance adopting the 2023 pay plan for the City of Bentonville; declaring an emergency; 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).

City Attorney Spence read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Robinson. There was no discussion. Motion carried (8-0).

11. Ordinance No. 2022-238: Ordinance adopting an amendment to the personnel policy for the City of Bentonville, Arkansas; declaring an emergency; 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 Burckart. There was no discussion. Motion carried (8-0).

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

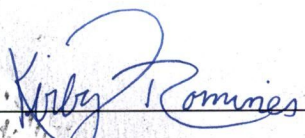
Council Member Burckart and Staff Attorney/Special Deputy Prosecuting Attorney Bonnie Bridges discussed the housing resolution.

Mayor Orman recognized Dylan Shaddox for public comment. Dylan Shaddox thanked the Bentonville Fire Department, Council Member Robinson for their time as a council member, and Council Member Sanchez and Council Member Patterson for answering their questions.

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

Mayor Orman asked the council if they would like to vote on whether they want to meet for the second meeting in December since they usually do not have a council meeting during that time. Motion to approve by Council Member Burckart, second by Council Member Patterson. There was no discussion. Motion carried (8-0), which canceled the December 27, 2022, City Council meeting.

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



Kirby Romines

Kirby Romines, City Clerk



Stephanie Orman

Stephanie Orman, Mayor

