

Bentonville City Council

Meeting Minutes

December 13, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, December 13, 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, Holly Hook, Gayatri Agnew, and Bill Burckart. Also present were Mayor Stephanie Orman, Associate Staff Attorney/Special Deputy Prosecuting Attorney Bonnie Bridges, who filled in for City Attorney George Spence, City Clerk Kirby Romines, the press, city staff, and the audience.

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 Pack 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 November 22, 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. Recognize members of the Community Council and Youth Council for their completion of the year-long program and outgoing City Council member Tim Robinson who did not seek re-election.

Council Member Burckart asked to have item 28 moved to the beginning of the meeting. Motion to approve by Council Member Agnew, second by Council Member Acree. There was no discussion. Motion carried (8-0).

28. A presentation from the Housing Affordability Work Group on recommendations to increase the availability of affordable and attainable housing in Bentonville.

2. Resolution No. 12-13-22 A: A resolution authorizing the Mayor and City Clerk to enter into an agreement accepting the donation of property known as Bogle Park; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

3. Recognition by the City Council of the Bentonville Youth Softball League Board.

4. Ordinance No. 2022-239: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

5. Planning:

- 5a. Ordinance No. 2022-240: Ordinance accepting a property line adjustment of Lots 16, 17, and 18 and the south half of Lot 15 of Spring Park Addition; creating new Lot 21 of Spring Park Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA22-0030).

[Applicant: Constellation Properties LLC;

Location: 903 Northwest 'A' Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

- 5b. Ordinance No. 2022-241: Ordinance accepting a lot split of Lot 3 of Highland West Addition; creating new Lots 4-6 of Highland West Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0046).

[Applicant: Patrick & Amber Nowlin;

Location: Northwest Corner of Lee Harris Road and Barron Road]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

- 5c. Ordinance No. 2022-242: Ordinance accepting a lot split of Tract A of Green Acres Subdivision; creating new Lots 5, 6, & 7 of Green

Acres Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0059).

[Applicant: Bentonville Redevelopment LLC;

Location: 1005 NW 'A' Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

5d(1).Resolution No. 12-13-22 B: A resolution amending the City of Bentonville Future Land Use Map to designate a specific area as Medium-Density Residential; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

5d(2).Ordinance No. 2022-243: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to amending the City of Bentonville Future Land Use Map to designate a specific area as Medium-Density Residential; and for other purposes (Project No. RZ22-0050).

[Applicant: Crafton Tull / Jon P Simpson Trust;

Location: AR HWY 112 and West Scoggins Road]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

5e. Ordinance No. 2022-244: 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-2, Downtown Medium-Density Residential; and for other purposes; and for other purposes (Project No. RZ22-0051).

[Applicant: Halff Associates / Joe Thompson;

Location: 1005 NW A Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

5f(1).Resolution No. 12-13-22 C: A resolution amending the City of Bentonville Future Land Use Map for a specific area from General Commercial to Mixed-Use Commercial; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Patterson. There was no discussion. Motion carried (8-0).

5f(2).Ordinance No. 2022-245: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of C-2, General Commercial to C-3, Mixed-Use Commercial; and for other purposes (Project No. RZ22-0058).

[Applicant: Watkins, Boyer, Gray & Curry PLLC / Pinnacle Villas LLC;

Location: 201 SE 22nd Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

5g. Ordinance No. 2022-246: 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-2, Downtown Medium-Density Residential; and for other purposes (Project No. RZ22-0059).

[Applicant: Watkins, Boyer, Gray & Curry PLLC / Mammoth Properties LLC;

Location: 101 NE 7th Street]

Mayor Orman recognized several individuals for public comment. Steven Abb, Dana Kang, and Kevin Reynolds spoke against this item. Bill Watkins, who represented the applicant, spoke in favor of the item.

Council Members Acree, Hook, and Patterson expressed concern about the rezoning. Council Members Agnew, Robinson, Burckart, and Sanchez voiced their support for the rezone and that it would be well suited for this specific area. The council discussed affordable housing and density in the downtown area.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (5-3), with Council Member Acree, Council Member Patterson, and Council Member Hook voting no.

Mayor Orman thanked those who gave public comments on the item.

- 5h. Ordinance No. 2022-247: 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-4, Downtown Mixed-Use Residential; and for other purposes (Project No. RZ22-0060).

[Applicant: Watkins, Boyer, Gray & Curry PLLC / 1208 SW Horizon LLC;

Location: 509 SE C Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

- 5i. Ordinance No. 2022-248: 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-2, Downtown Medium-Density Residential; and for other purposes (Project No. RZ22-0061).

[Applicant: Blew & Associates / Ken Ehret;

Location: 1169 Northeast Monroe Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

- 5j(1).Resolution No. 12-13-22 D: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Agriculture to Residential Estate; and for other purposes.

Council Member Burckart asked who the services would be through on the property. Tyler Overstreet, Director of Planning and Community Development, said it would likely be septic.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

- 5j(2).Ordinance No. 2022-249: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-E, Residential Estate; and for other purposes (Project No. RZ22-0062).

[Applicant: Patrick Nowlin;

Location: Northwest Corner of Southwest Barron Road and Southwest Lee Harris Road]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 5k. Ordinance No. 2022-250: 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-2, Downtown Medium-Density Residential; and for other purposes (Project No. RZ22-0063).

[Applicant: Jared & Sonia Faciszewski;

Location: 107 NE Park Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 5l. Ordinance No. 2022-251: 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-2, Downtown Medium-Density Residential; and for other purposes (Project No. RZ22-0064).

[Applicant: Ozelton Family Trust;

Location: 306 NW 7th Street]

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Scooter. There was no discussion. Motion carried (8-0).

Council Member Sooter and Council Member Robinson mentioned that the previous rezoning was a similar rezone and in the same neighborhood as item 5g.

- 5m(1).Resolution No. 12-13-22 E: A resolution amending the City of Bentonville Future Land Use Map for a specific area from

Residential Estate to Low-Density Residential; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

5m(2).Ordinance No. 2022-252: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-1, Low Density Single Family Residential; and for other purposes (Project No. RZ22-0065).

[Applicant: Halff Associates / RLP Developments LLC;

Location: East of Piercy Road and Southwest Barron Road]

Council Member Burckart and Tyler Overstreet discussed the property's proximity to services.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

6. Removed: A resolution endorsing the temporary installation of artwork titled "Double Slit Skyline", by Artist Dewayne Hughes, on public property at Park Springs Park; and for other purposes.

7. Utility Board:

7a. Resolution No. 12-13-22 F: A resolution awarding bid IFB 22-94 to Emery, Benton County Stone and Hunt Rogers Materials for the purchase of various street materials, in the amount of three

hundred ninety thousand six hundred dollars (\$390,600.00); and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 7b. Resolution No. 12-13-22 G: A resolution awarding bid IFB 22-93 to Ferguson Waterworks and Northwest Arkansas Winwater for the purchase of various water and sewer materials, in the amount of nine hundred fifteen thousand six hundred forty-five dollars and twenty-seven cents (\$915,645.27); and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

- 7c. Ordinance No. 2022-253: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Mueller Systems for the purchase of Hersey water meters, in the amount of six hundred thousand two hundred dollars (\$600,200.00), plus applicable taxes; waiving the requirement of competitive bidding; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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. Ordinance No. 2022-254: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Core and Main for the purchase of Sensus water meters in the amount of one hundred fourteen thousand seven hundred seventy-five dollars and fifty cents (\$114,775.50), plus applicable taxes; waiving the requirement of competitive bidding; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

- 7e. Ordinance No. 2022-255: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Holophane Lighting for the purchase of decorative lighting fixtures in the amount of three million two hundred seventy-three thousand ninety dollars (\$3,273,090.00), plus applicable taxes; waiving the requirement of competitive bidding; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

8. City Council approval of the reappointment of Tom Butrynski and Fred B. Johnson to a second, 3-year term on the Bentonville Utility Board. The second term will be effective January 1, 2023, to December 31, 2025.

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

9. Resolution No. 12-13-22 H: A resolution authorizing a budget adjustment for the Bentonville Fire Department in the amount of sixty thousand dollars (\$60,000.00) from General Fund Balance to Account #102010-42030 - Fuel Supplies; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

10. Council approval of Mayor Orman's recommendation to reappoint Luke Wetzel to the City of Bentonville's Advertising & Promotion Commission. Mr. Wetzel's term will expire on December 31, 2026.

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

11. Resolution No. 12-13-22 I: A resolution declaring certain property, belonging to various departments of the City of Bentonville, as surplus property; authorizing its disposal; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

12. Resolution No. 12-13-22 J: A resolution recognizing three million four hundred seventy-one thousand seven hundred seventy-eight dollars (\$3,471,778.00) in ARPA funding; adjusting the 2022 Budget to appropriate one million two hundred eighty-seven thousand seven hundred thirty-one dollars (\$1,287,731.00) of that funding into various expense accounts; and for other purposes.

Council Member Hook mentioned that they had not been in favor of passing the use of ARPA funds for Upskill NWA because they wanted it to go to NWACC. Council Member Burckart thanked Debbie Griffin, Community Relations and Economic Development Director, for their work on the Bentonville Municipal Airport infrastructure improvements. Debbie Griffin recognized and thanked the Airport Advisory Committee for their work and support. Gladys Shoemake, Purchasing Director, gave an overview of the ARPA funding.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

13. Ordinance No. 2022-256: Ordinance adopting amendments to the Personnel Policy for the City of Bentonville, Arkansas; declaring an emergency; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

14. Resolution No. 12-13-22 K: A resolution amending the 2022 Budget to recognize donations and impact fees for the Bentonville Public Library, in the total amount of five thousand eight hundred seventy-five dollars and sixty-six cents (\$5,875.66); and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

15. Resolution No. 12-13-22 L: A resolution setting a public hearing for January 10, 2023, for Street Right of Way requested for Lots 1-4 and 13-16 of WA Burks Addition (VAC22-0026).

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

16. Resolution No. 12-13-22 M: A resolution authorizing the Mayor and City Clerk to enter into an amendment to the professional

services agreement, with O.R. Colan Associates, LLC, for additional property acquisition services for the public improvements associated with the Walmart Global Home Office Project; authorizing a budget adjustment in the amount of twenty thousand two hundred dollars (\$20,200.00); and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

17. Resolution No. 12-13-22 N: A resolution authorizing the Mayor and City Clerk to enter into a change order with CR Crawford, in the total amount of five thousand four hundred four dollars (\$5,404.00), for the Bentonville Animal Services and Adoption Center; adjusting the 2022 Budget to appropriate the same from General Fund Balance into Account #105030-47210 - Plants and Building; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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. 12-13-22 O: A resolution recognizing a donation from Bentonville Youth Softball League (BYSL), to the City of Bentonville Parks and Recreation Department, in the amount of sixty thousand three hundred thirty-three dollars and thirty cents (\$60,333.30); and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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. 12-13-22 P: A resolution recognizing revenue in the amount of two hundred thousand dollars (\$200,000.00) into Account # 105030-34680 - Recreation Programs; further adjusting the 2022 Budget; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

20. Resolution No. 12-13-22 Q: A resolution recognizing revenue in the amount of thirty-eight thousand eight hundred eighty-one dollars (\$38,881.00) into Account #105030-37520 - Miscellaneous Income; adjusting the 2022 Budget to appropriate the same into Account #105030-47390 - Improvements Other than Building; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

21. Ordinance No. 2022-257: Ordinance waiving competitive bidding for personal training instructions provided by Ann O'Sullivan; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

22. Ordinance No. 2022-258: Ordinance waiving competitive bidding for youth camp programs provided by Wize Academy; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

23. Ordinance No. 2022-259: Ordinance waiving competitive bidding for youth soccer services provided by Connect Athletics; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

24. Resolution No. 12-13-22 R: A resolution allowing the Mayor and City Clerk to enter into an amended agreement with Ozark Tennis Academy to provide tennis services for Bentonville Parks and Recreation; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

25. Resolution No. 12-13-22 S: A resolution amending the 2022 Budget; appropriating one hundred one thousand eight hundred seventy-two dollars (\$101,872.00) from General Fund balance into Account #105030-47420 - Vehicles, to reflect the variance between the budgeted amount and actual cost of six (6) Ford F-350 truck for parks maintenance; and for other purposes.

Council Member Burckart asked if there is an immediate need for purchasing these vehicles or if it can wait for pricing to go down. David Wright, Parks & Recreation Director, and Scott Mendenhall, Parks Maintenance Manager, explained the need for the vehicles at this time for efficiency and unpredictability or future prices.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

26. Resolution No. 12-13-22 T: A resolution authorizing the Mayor and City Clerk to enter into an amended agreement for a change order with Flintco, Inc., for the Creekside Park Project; amending the 2022 Budget to fund said amendment; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

27. Resolution No. 12-13-22 U: A resolution authorizing the Mayor and City Clerk to enter into amended agreement with Flintco, Inc., for pickleball courts at Creekside Park; amending the 2022 Budget to fund said amendment; and for other purposes.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges 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).

(Item 28 moved to the beginning of the meeting).

29. Resolution No. 12-13-22 V: A resolution approving the settlement of case number 04CV-19-1031; and for other purposes.

Mayor Orman recognized several individuals for public comment. Richard Dees spoke against the resolution and asked for the creek to flow. Ken Leonard discussed several questions about specific items in the settlement and the potential design. Jana

and Paul Riches expressed concern about the flooding downstream and how it affects their property in Missouri. Lowell Collins expressed their support for the dam removal, mentioned a few concerns about the design concept, and asked the council to table the item. Gregory Van Horn doesn't support the settlement but agrees that the dam should be removed.

David Wright reviewed the specifically mentioned comments and presented the proposed concept plan. David Wright and Bonnie Bridges discussed contingencies around permitting and what the City of Bentonville would be legally bound to do and not to do. The council, David Wright, and Bonnie Bridges engaged in a lengthy discussion about the design concept for the area, from maintenance to amenities. They also discussed the agreement in detail, such as requirements, cost, and maintenance.

Associate Staff Attorney/Special Deputy Prosecuting Attorney Bridges read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (7-1), with Council Member Agnew voting no.

Council Member Burckart thanked the staff for their work on the mediation.

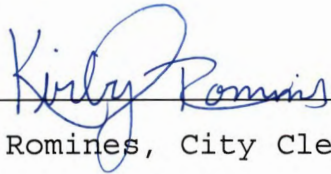
30. Motion by City Council to cancel the December 27, 2022, City Council meeting and resume the regular schedule on January 10, 2023.

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

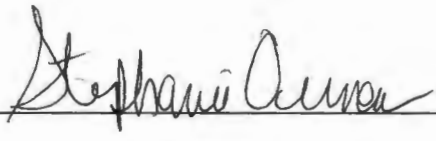
Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Acree, second by Council Member Sanchez.

Mayor Orman recognized Jon Comstock for public comment. Jon Comstock spoke about the overcrowding of the Benton County Jail.

The next Bentonville City Council meeting will be on January 10, 2023.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

