

Bentonville City Council

Meeting Minutes

January 10, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, January 10, 2023, 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, Beckie Seba, 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 the City Attorney, 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. Mikki Williams, 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 December 13, 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. Appointment of Andrew Myers to fill the vacant City Attorney position.

Council Member Agnew mentioned that there was no public notice for the City Attorney position or solicitation for a vote and expressed that they could not support the appointment. Mayor Orman explained that the City of Bentonville followed the correct procedure for the appointment process. Council Member Acree, Council Member Hook, and Council Member Sooter expressed their support for the appointment of Andrew Myers. Council Member Agnew asked Andrew Myers about his qualifications, and Andrew Myers explained his experience working with municipalities.

Motion to approve by Council Member Acree, second by Council Member Sanchez. There was no discussion. Motion carried (6-1), with Council Member Agnew voting no and Council Member Patterson abstaining.

2. Planning:

- 2a. Ordinance No. 2023-1: Ordinance accepting a lot split of Lot 14 and part of Lot 15 of Dickson's Addition; creating new Lot 47, Lot 48, and Lot 49 of Dickson's Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0047).

[Applicant: N & J Family Properties;

Location: 808 West Central Avenue]

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

- 2b. Ordinance No. 2023-2: Ordinance accepting a lot split of Lot 2 East Ridge Subdivision; creating new Lots 8, 9, & 10 of East Ridge Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0053).

[Applicant: Slo-Hko, LLC & Dupps Squared Inc.;

Location: Northwest Woods Creek 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 Burckart. There was no discussion. Motion carried (8-0).

- 2c. Ordinance No. 2023-3: Ordinance accepting a property line adjustment of Lot 2 Bentonville Municipal Shop Addition, Lots 7 & 13 Block 2 Armstrong Addition, and all of City Services Addition; creating new Lots 1-3 of City U Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA22-0034).

[Applicant: Bentonville Housing LLC;

Location: Southwest Corner of Southeast F Street and Southeast 3rd 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 Burckart. There was no discussion. Motion carried (8-0).

- 2d. Ordinance No. 2023-4: Ordinance accepting a property line adjustment of Lots 3, 6, & 7 Block 2, Cook's Addition; creating new Lot 14 Cook's Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA22-0037).

[Applicant: Kristopher Ashmore;

Location: 808 NW C 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 Burckart. There was no discussion. Motion carried (8-0).

- 2e. Ordinance No. 2023-5: Ordinance amending Bentonville Municipal Code, Appendix B Land Development Code, Article 1500 Flood Damage Prevention; codifying the referenced Flood Damage Prevention Code in Section 1500.06; repealing redundant or conflicting language; and for other purposes.

Council Member Burckart asked if the amendments were simply cleaning up references and consistencies and Tyler Overstreet, Director of Planning and Community Development, confirmed.

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

- 2f. Ordinance No. 2023-6: Ordinance amending the Land Development Code Section 1300.04 establishment of a Tree and Landscape Advisory Committee; changing voting membership; and for other purposes.

Council Member Sanchez expressed concern about requiring four professional committee members (experience or background within a relevant field) instead of three and recommended they leave the requirement at three professional committee members. Council members, Tyler Overstreet, and Shelli Kerr, Comprehensive Planning Manager, discussed the details of committee member requirements.

Motion to amend the number of professional committee members from four to three by Council Member Burckart, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

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

3. Ordinance No. 2023-7: Ordinance amending Article 2-1X, Sec. 2-551 Public Art Advisory Committee, of the City of Bentonville Municipal Code; and for other purposes.

Council discussed whether to keep the professional committee member requirement at three or change it to four for consistency. Council agreed to keep the requirement at three individuals.

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

4. Resolution No. 1-10-23 A: 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.

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

5. Reappointment of Celia Swanson to the Board of Adjustment effective January 1, 2023, to a five-year term that expires on December 31, 2027.

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

6. Appointment of Ashley Harris to the Tree and Landscape Advisory Committee. This will be Mrs. Harris's first term, that begins January 1, 2023, and will expire on December 31, 2025.

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

7. Reappointment of Chad Nicholson to Position 3 on the Public Art Advisory Committee. Mr. Nicholson has been an active member of the

committee. This will be Mr. Nicholson's second term, that begins January 1, 2023, and will expire on December 31, 2025.

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

8. Appointment of Clint Schaff to fill the unexpired term of Position 6 on the Public Art Advisory Committee. This will be Mr. Schaff's first term which will expire on December 31, 2023.

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

9. Utility Board:

- 9a. Resolution No. 1-10-23 B: A resolution authorizing the Mayor and City Clerk to enter into an amendment to the professional services agreement, with Hawkins-Weir Engineers, Inc.; 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 Acree. There was no discussion. Motion carried (8-0).

- 9b. Ordinance No. 2023-8: Ordinance amending waiver of bid ordinance 2022-211; increasing the purchase price for the purchase of certain transformers from Techline; declaring an emergency; 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 Patterson. 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).

- 9c. Resolution No. 1-10-23 C: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Cannon Technologies, Inc. (D/B/A/ Eaton Corporation) for an Electric AMI System; amending the 2023 Budget utilizing SCR Reserves; approving a SCR Reserve repayment plan; and for other purposes.

Travis Matlock, Engineering Director, introduced PSE, who then gave a presentation detailing their recommendation and the details of the Electric AMI System. Council Member Burckart asked about rebate and invoice details. Ashley Long, Accounting Manager, explained the details of the rebate and invoices. Council Member Burckart asked for further information about warranties and how the system will interact with other meter types.

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).

- 9d. Resolution No. 1-10-23 D: A resolution allowing the Mayor and City Clerk to enter into an agreement with Power System Engineering, Inc., in the amount of one hundred ninety-seven thousand eight hundred dollars (\$197,800.00), for oversight and testing of the new Electric AMI System; 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 Acree. There was no discussion. Motion carried (8-0).

10. Resolution No. 1-10-23 E: A resolution authorizing the Mayor and City Clerk to enter into a grant agreement with the Arkansas Alternative Dispute Resolution Commission; receiving two thousand dollars (\$2,000.00); adjusting the 2023 Budget to recognize grant funds in that amount into account #101210-33411, State Grant; appropriating the same into account #101210-43410 Professional Service; 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).

11. Resolution No. 1-10-23 F: A resolution authorizing Bentonville Municipal Airport hangar ground lease assignment for hangar Suite #13 of 2501 SW I Street; 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).

12. Resolution No. 1-10-23 G: A resolution authorizing the Mayor and City Clerk to enter into an agreement for the purchase of certain properties, in an amount not to exceed sixty-eight thousand six hundred forty-five dollars and ninety-five cents (\$68,645.95); 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).

13. Ordinance No. 2023-9: Ordinance vacating right of way located at Lots 1-4, Block 10 and Lots 13-16, Block 6 of W.A. Burks Addition to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0026).

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

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).

14. Resolution No. 1-10-23 H: A resolution setting a public hearing for January 24, 2023 for multiple Right of Way, Utility and Drainage Easement Vacations requested for Bentonville Plaza Addition (VAC22-0027).

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).

15. Resolution No. 1-10-23 I: A resolution setting a public hearing for January 24, 2023 for Alley Right of Way Vacation requested for Lot 9, Block 3 of Young's Addition (VAC22-0028).

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).

16. Ordinance No. 2023-10: Ordinance waiving competitive bidding for the purchase of a 2020 New Holland Backhoe for the Bentonville Public Works Maintenance Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed eighty-eight thousand two hundred and fifty dollars (\$88,250.00) plus applicable taxes, with Clark Equipment, D/B/A Bobcat NWA, for this purchase; 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).

17. City Council approval of Mayor Orman's recommendation to appoint Jon Terlouw to the Parks and Recreation Advisory Board and the reappointment of Ashton Alsup and Eileen Patrick for their terms. Terms will expire December 2025.

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

18. Ordinance No. 2023-11: Ordinance waiving competitive bidding for the procurement of sports officials for city programs; authorizing the Mayor and City Clerk to enter into an agreement with Arkansas United States Specialty Sports Association (USSSA) in the amount of one hundred twelve thousand dollars (\$112,000.00); 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 Patterson. There was no discussion. Motion carried (8-0).

19. Resolution No. 1-10-23 J: A resolution recognizing a donation from the Bogle Family Trust to the City of Bentonville Parks and Recreation Department, in the amount of one hundred thousand dollars (\$100,000.00); 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).

20. Resolution No. 1-10-23 K: A resolution authorizing the Mayor and City Clerk to enter into a change order with CEI Engineering, in

the amount of one thousand two hundred dollars (\$1,200.00), for the preparation of easement documents; 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).

21. Mayor recommends appointment of Aubrey Patterson to the City of Bentonville's Advertising and Promotion Commission.

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

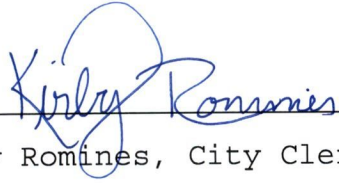
22. ARPA Update/Discussion from Gladys Shoemake, Purchasing Manager. Council, Mayor Orman, and Gladys Shoemake discussed specific projects and the adjustments needed for those projects based on the bid amounts.

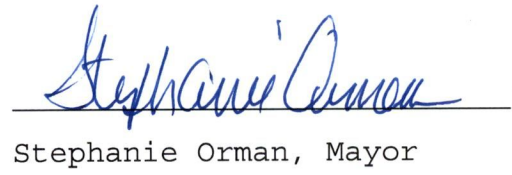
23. City Council Procedural Discussion. Mayor Orman opened the floor for any adjustments council members would like to see and discussed what those adjustments could be.

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

Council members reported on committees and boards they participate in related to the city. Council Member Burckart mentioned small business concerns regarding labor versus material state sales tax.

The next Bentonville City Council meeting will be on January 24, 2023.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

