

Bentonville City Council

Meeting Minutes

March 28, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, March 28, 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, Chris Sooter, Gayatri Agnew, Holly Hook, and Bill Burckart. Also present were Mayor Stephanie Orman, City Attorney Andrew Myers, City Clerk Kirby Romines, the press, city staff, and the audience. Several members of the city staff and the public attended remotely via Zoom. Council Member Beckie Seba attended remotely and participated via Zoom.

Mayor Orman called the meeting to order. Daniel Eskew, 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 March 14, 2023, 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. Presentation of Final Report from ESource regarding AMI Metering Assessment and Water Audit.

Council, Mike Bender, Water Utilities Director, and Preston Newbill, Deputy Director Water Utility, had a lengthy discussion regarding the details of the Mueller meter warranties, how many meters will need to be replaced, and what the next steps are in replacing the meters. Mike Bender said that they had asked Mueller to cover 100% of the costs of the meters. Mayor Orman asked Preston Newbill and Mike Bender if other cities have had similar issues with the dual system. Preston Newbill said they know thirteen other customers who had the same meters and now must separate the systems.

Mayor Orman thanked the ESource team and the Water Department for their work on the report and efforts. Council Member Burckart asked for the final report to be sent to the council.

2. Planning:

- 2a. Ordinance No. 2023-78: Ordinance accepting a lot split of North Half of Lot 17 in Clark's Addition; creating new Lot 31 in Clark's Addition to the City Of Bentonville, Arkansas; and for other purposes (Project No. LS22-0032).

[Applicant: Brittain, David Mark & Alyson P Trustees;

Location: 302 Southwest E Street]

City Attorney Andrew Myers 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. 2023-79: Ordinance accepting a property line adjustment of Lots 5, 9, 13, & 14 of Claypool Addition; creating new Lot 19 of Claypool Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0006).

[Applicant: 211, 213, 215 NW A LLC;

Location: 215 Northwest A Street]

City Attorney Andrew Myers 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).

- 2c. Ordinance No. 2023-80: Ordinance amending Zoning Code Sec. 601.03 Animals; and for other purposes.

City Attorney Andrew Myers 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).

- 2d. Ordinance No. 2023-81: Ordinance amending Zoning Code Sec. 601.29 Alcohol Sales to establish operating hours for Sunday alcohol sales; and for other purposes.

Shelli Kerr, Comprehensive Planning Manager, mentioned a correction in the ordinance and that she passed out the correct version to the council members. Council Member Seba asked if there was a reason why the hours of alcohol sales were not consistent throughout the week. Mayor Orman and Shelli Kerr explained that the hours were voted on during the election, so Sunday hours are different than the other days of the week. Shelli Kerr and Mayor Orman said if the council wanted the hours to be consistent, the only way would be to change the ordinance for alcohol sales for Monday through Saturday.

City Attorney Andrew Myers 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).

3. Resolution No. 3-28-23 A: A resolution endorsing the temporary installation of artwork titled "Benton County Agricultural Grid" by students at Thaden School, to be placed on public property on the asphalt of the intersection at S Main St and SW 8th St; and for other purposes.

Council Members Sanchez, Burckart, and Acree thanked the students for attending the meeting and commended them for their work on the project and for getting this item through the city process.

City Attorney Andrew Myers 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).

4. Utility Board:

- 4a. Resolution No. 3-28-23 B: A resolution amending Resolution 10-11-22 G to authorize the purchase of additional fiber material from Stuart Irby Company as set forth in bid IFB 22-83; and for other purposes.

City Attorney Andrew Myers 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).

5. Resolution No. 3-28-23 C: A resolution awarding bid IFB-23-03; authorizing the Mayor and City Clerk to enter into a contract with Titan Lawn and Landscape for facility finish mowing for the City of Bentonville; and for other purposes.

City Attorney Andrew Myers 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).

6. Resolution No. 3-28-23 D: A resolution awarding bid IFB-23-04; authorizing the Mayor and City Clerk to enter into a contract with DMC & Landscape for detention pond mowing for the City of Bentonville; and for other purposes.

City Attorney Andrew Myers 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).

7. Resolution No. 3-28-23 E: A resolution authorizing the Mayor and City Clerk to enter into an Enterprise License Agreement with ESRI, for GIS software, in the total amount of one hundred seventy thousand two hundred dollars (\$170,200.00); and for other purposes.

City Attorney Andrew Myers 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).

8. Ordinance No. 2023-82: Ordinance vacating alley right of way between Lots 31-32 and Lots 57-58 of Original Town Subdivision of Bentonville to the City of Bentonville, Arkansas, Benton County Arkansas (VAC23-0003).

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

City Attorney Andrew Myers 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).

9. Ordinance No. 2023-83: Ordinance vacating a utility easement located at Lot 3 of Russ Daniel Subdivision to the City of Bentonville, Arkansas, Benton County Arkansas (VAC23-0005).

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

City Attorney Andrew Myers 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).

10. Resolution No. 3-28-23 F: A resolution awarding bid IFB 23-21 to APAC-Central, Inc, for the construction of Southwest 28th Street (Featherston to Southwest I Street), in the amount of nine million seven hundred ninety-four thousand five hundred one dollars and eighty cents (\$9,794,501.80); and for other purposes.

City Attorney Andrew Myers 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. 3-28-23 G: A resolution awarding bid IFB 23-18 to TLS Group, Inc., for the construction of the South Walton & Southwest 5th Street Intersection Project, in the amount of nine hundred twenty-seven thousand four hundred thirty-seven dollars and eighty-eight cents (\$927,437.88); and for other purposes.

City Attorney Andrew Myers 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. Resolution No. 3-28-23 H: A resolution authorizing the Mayor and Clerk to enter into a Master Services Agreement with O.R. Colan Associates, LLC for property acquisition services; and for other purposes.

City Attorney Andrew Myers 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).

13. Resolution No. 3-28-23 I: A resolution authorizing the Mayor and City Clerk to enter into a contract amendment with Ecological Design Group for construction administration services; adjusting the 2023 Budget to appropriate sixteen thousand one hundred dollars (\$16,100.00) from Account #105030-33110 - Federal Direct Grant into Account #105030-47390 - Improvement Other than Building to fund this change order; and for other purposes.

City Attorney Andrew Myers 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).

14. Resolution No. 3-28-23 J: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Hight Jackson Associates for the design and development of the Bentonville Adult Wellness Center; accepting a grant from Bentonville Revitalization, Inc. to fund said project; amending the 2023 Budget to recognize one million two hundred sixty thousand two hundred sixty-two dollars (\$1,260,262.00) in grant funds to Account #105030-33810 - Local Grants; appropriating the same into Account #105030-47210 - Plants and Building; and for other purposes.

City Attorney Andrew Myers 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 Acree, second by Council Member Sanchez.

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

Mayor Orman reminded the council of the State of the City event on April 6, 2023, and the Water Provider Training event on April 3, 2023.

The next Bentonville City Council meeting will be on April 11, 2023.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

