

Bentonville City Council

Meeting Minutes

April 11, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, April 11, 2023, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Cindy Acree, Beckie Seba, Chris Sooter, 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 Members Aubrey Patterson and Gayatri Agnew attended remotely and participated via Zoom.

Mayor Orman called the meeting to order. Mayor Orman 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 28, 2023, meeting as presented, second by Council Member Acree. 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).

[Agenda items 1 through 3 were addressed at the April 10, 2023, Committee of the Whole meeting.]

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4. Presentation of Citation recognizing Bentonville's 150th Anniversary by State Representatives Mindy McAlindon, Scott Richardson, and Austin McCollum.

5. Planning:

- 5a. Ordinance No. 2023-84: Ordinance accepting a lot split of Lot 8 of Moberly Corner Addition; creating new Lots 10 & 11 of Moberly Corner Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0003).

[Applicant: Crain Investments LP;

Location: Southeast S Street & Southeast 28th 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).

- 5b. Ordinance No. 2023-85: Ordinance accepting a property line adjustment of Lots 1 & 2, Block 4 of Lincoln and Rice Addition; creating new Lot 14, Block 4 of Lincoln and Rice Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0005).

[Applicant: Damon Epps and Erin Mertes;

Location: 105 Northeast I Street]

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).

- 5c. Ordinance No. 2023-86: Ordinance accepting a property line adjustment of parts of Lots 22, 23, and 24, Block 3 of Clark's Second Addition; creating new Lot 32, Block 3 of Clark's Second

Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA22-0040).

[Applicant: 216 Southwest C Street, LLC;

Location: 216 Southwest C Street]

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).

- 5d. Ordinance No. 2023-87: Ordinance accepting a property line adjustment of Lot 4 and a part of Out Lot 16 of Out Lot Subdivision; creating new Lots 17 and 18 of Out Lot Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0005).

[Applicant: NE2 Properties LLC;

Location: 502 & 504 Northeast 2nd Street]

City Attorney Andrew Myers 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).

- 5e(1).Resolution No. 4-11-23 A: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Low-Density Residential to General Commercial; 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).

- 5e(2).Ordinance No. 2023-88: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to C-1, Neighborhood Commercial; and for other purposes (Project No. RZ23-0021).

[Applicant: Westwood CFA, LLC;

Location: 809 & 811 Southwest 3rd Street]

City Attorney Andrew Myers 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).

5f(1).Resolution No. 4-11-23 B: 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 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).

5f(2).Ordinance No. 2023-89: 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. RZ23-0022).

[Applicant: Odyssey Engineering / Elite Equity Group of Arkansas, LLC;

Location: South Vaughn Road]

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).

5g(1).Resolution No. 4-11-23 C: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Office to Mixed-Use Commercial; 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).

5g(2).Ordinance No. 2023-90: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of C-2, General Commercial and C-3, Mixed-Use Commercial to PRD, Planned Residential Development; and for other purposes (Project No. PRD23-0001).

[Applicant: Woodard Seed Farm LLC;

Location: SE 28th Street and SE John Rollow Drive]

Council Member Patterson asked about parking mitigation, and Tyler Overstreet, Director of Planning and Community Development, said that they believe the applicant has fulfilled the parking requirement through the large-scale development based on the developer's additional information for parking mitigation. Council Member Burckart explained that parking mitigation for PUDs or PRDs is not required by ordinance, so it is unreasonable to expect the developer to provide it. Bonnie Bridges, Associate Staff Attorney/Special Deputy Prosecuting Attorney, explained similarly.

Mayor Orman recognized the applicant. Rachel Sizemore, Mitch Moore, Jeremy Goucher, and Jake Newell from Newell Development gave details of the development plans, spoke in favor of the item, and asked the council to approve the rezoning. Mayor Orman recognized Ryan Faust for public comment, who spoke in favor of the item. Council Member Patterson explained their reasoning for the concerns about the reduced parking and thanked the applicant for explaining the reduced parking.

Mayor Orman and Council Member Burckart thanked the applicant for the additional information provided. Council Member Acree mentioned that it would benefit the City of Bentonville to review the Master Plan and encouraged residents to participate.

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).

5h(1).Resolution No. 4-11-23 D: A resolution amending the City of Bentonville Future Land Use Map for a specific area from

Residential Estate, High-Density Residential, and General Commercial to Mixed-Use Commercial; and for other purposes.

Mayor Orman recognized those in attendance for public comment. Isaac Stevens and Brett Meek spoke in favor of the item. Linda Kintz, Leon Fletcher, Lara Carr Duncan, Todd Hook, Steve Jones, Chris Stewart, Teresa Caves, Sara Parnell, Erika Nelson, Kevin Butler, Cathleen Faircloth, and Melody Dunn spoke against the item.

Council Member Sanchez asked what the council's options are for this item. Andrew Myers explained that the council could pass, fail, or send the item back to the Planning Commission. Next, Bill Watkins, a representative for the applicant, addressed questions and concerns regarding the proposed development.

Council, Tyler Overstreet, and Dan Weese, the City Engineer, engaged in a lengthy discussion regarding drainage issues, current traffic issues, and traffic solutions in the surrounding areas of the proposed development. Council Member Burckart mentioned that the project still would have to go through large-scale development where setbacks, parking ratios, etc., will be reviewed and finalized. Bill Watkins said that if this item is sent back to the Planning Commission, the project will not be able to go forward due to contracts expiring. Council Member Burckart said the bond would help address drainage issues on Battlefield Boulevard and believes the proposed roundabout is the best solution to help alleviate traffic. Council Member Hook said that they think the area is not ready for this development as is at this time.

Mayor Orman asked if there could be a stipulation to have the roundabout in the development. Andrew Myers and Bonnie Bridges that making a roundabout conditional to an approval is not in control of the development or developer because the City of Bentonville would have to acquire property in the area to have the roundabout. Bill Watkins said the applicant would be willing to amend the PUD to include the roundabout, and if it can't be acquired, it will have to go back to the Planning Commission since it would be a significant amendment.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Burckart, second by Council Member Sooter. There was no discussion. Motion carried (5-3), with Council Member Hook, Acree, and Sanchez voting no.

5h(2).Ordinance No. 2023-91: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of PRD, Planned Residential Development, A-1, Agriculture, C-1, Neighborhood Commercial, and R-O, Residential Office and to PUD, Planned Unit Development; and for other purposes (Project No. PUD22-0002).

[Applicant: Dalton and Linda Scott;

Location: East Central Ave and Battlefield Boulevard]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve with the amendment requiring the roundabout by Council Member Sooter, second by Council Member Burckart. There was no discussion. Motion carried (6-2), with Council Member Sanchez and Hook voting no.

5i. Ordinance No. 2023-92: Ordinance amending Appendix B Land Development Code, Article 1500 Flood Damage Prevention, Sec. 1500.17 Duties And Responsibilities Of Floodplain Administrator and Sec. 1500.24 AE Risk Zones: Special Flood Hazard Areas With Base Floods Determined; 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 Sooter. There was no discussion. Motion carried (8-0).

6. Resolution No. 4-11-23 E: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Low-Density Residential to High-Density Residential; and for other purposes.

Mayor Orman recognized Wendy Staten for public comment. Wendy Staten, representing the applicant, spoke in favor of the item, described the reason for the rezoning request, and asked for the area to be rezoned as requested. Council Member Hook asked Tyler Overstreet if there were any public comments at the Planning Commission meeting on this item, and Tyler Overstreet said there

were no public comments. Council Member Sanchez mentioned that he visited the neighborhood, and several residents spoke against the rezoning, several spoke in favor of the rezoning, and some wished to abstain.

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. Ordinance No. 2023-93: 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-3, Downtown High Density Residential; and for other purposes (Project No. RZ23-0001).

[Applicant: Bryce Masterson;

Location: 1208 SE D Street]

City Attorney Andrew Myers 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).

8. Utility Board:

- 8a. Resolution No. 4-11-23 F: A resolution authorizing the Mayor and City Clerk to enter into Addendum No. 6 to the Walmart Global Home Office Master Development Agreement, in the amount of three million seven hundred thirty-five thousand four hundred seventy-four dollars and fifty cents (\$3,735,474.50); approving a budget adjustment recognizing the receipt of said amount from Walmart into revenue Account #503010-34410 - Billed Services; appropriating the same to Account #503010-47310 - Improvements Other Than Electric For Expenditure; 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).

- 8b. Resolution No. 4-11-23 G: A resolution authorizing the Mayor and City Clerk to enter into a change order with Ampirical, to perform engineering, procurement, and constructions for electric upgrades at Hwy 102 & J Street, in an amount not to exceed three million seven hundred thirty-five thousand four hundred seventy-four dollars and fifty cents (\$3,735,474.50); 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).

- 8c. Ordinance No. 2023-94: Ordinance waiving competitive bidding for the purchase of one (1) 2023 GMC Sierra for the Bentonville Electric Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed fifty thousand dollars (\$50,000.00), with Mclarty Daniel Buick GMC for this purchase; providing for the emergency clause, and for other purposes.

Council Member Burckart asked why the item was not bid out. Council Member Sanchez explained that the truck was requested based on the state's requisition system, and this vehicle became readily available. Council Member Hook thanked the City of Bentonville for being able to utilize a Bentonville dealership.

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).

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

- 8d. Resolution No. 4-11-23 H: A resolution authorizing the Mayor and City Clerk to enter into an agreement to add-on ACH/EFT Service

between the City of Bentonville and Invoice Cloud; 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).

- 8e. Resolution No. 4-11-23 I: A resolution authorizing the Mayor and City Clerk to enter into an agreement to add-on PayPal Brands Service between the City of Bentonville and Invoice Cloud; and for other purposes.

Council Member Hook asked who would absorb the fees. Gary Wilson, Billing and Collections Manager, explained that the City of Bentonville will, but it would be the same fees the City of Bentonville currently receives.

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).

- 8f. Informational - Raftelis final update presentation on Wastewater Rate Study.

Council Member Burckart asked if the rate includes the mechanical failure recovery was included in the revenue. Mike Bender, Water Utilities Director, and Preston Newbill, Deputy Director Water Utility, explained that that finding came too late to be included in the presented rate. The council, Mike Bender, Preston Newbill, and representatives from Raftelis discussed the details of the two-year rate increase.

- 8g. Resolution No. 4-11-23 J: A resolution setting a public hearing concerning the City of Bentonville wastewater service rates.

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).

9. Ordinance No. 2023-95: Ordinance waiving competitive bidding for the purchase of one (1) Dodge 2500 4x4 truck for the Bentonville Public Works Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed sixty-two thousand seven hundred twenty-five dollars (\$62,725.00), with Superior Dodge Chrysler Jeep, for this purchase; providing for the emergency clause; 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 Acree. There was no discussion. Motion carried (8-0).

City Attorney Andrew Myers 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).

10. Resolution No. 4-11-23 K: A resolution authorizing the Mayor and Clerk to enter into a professional services agreement with Clinard Construction Management, for services related to the Columbarium/Committal Shelter at the City of Bentonville Cemetery, in an amount not to exceed seventy thousand dollars (\$70,000.00); 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).

11. Resolution No. 4-11-23 L: A resolution awarding bid IFB 23-27 to Superior Auto Group for the purchase of three (3) 2023 Chevrolet Traverses in the amount of ninety-six thousand three hundred sixty-three dollars (\$96,363.00); 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 Sooter. There was no discussion. Motion carried (8-0).

12. Resolution No. 4-11-23 M: A resolution recognizing the Coronavirus Emergency Supplemental Funding Grant Reimbursement in the amount of thirty-seven thousand nine hundred fifty-one dollars and eighty-three cents (\$37,951.83.00); 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).

13. Resolution No. 4-11-23 N: A resolution adjusting the 2023 Budget to recognize donations from the Bentonville Animal Service PayPal account, in the amount of five hundred sixty-one dollars and ninety-three cents (\$561.93) to Account #105060-37010 - Miscellaneous Donation; appropriating the same to Account #105060-43710 - Contracts; 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. 4-11-23 O: A resolution authorizing the Mayor and City Clerk to utilize Federal Aid Transportation Alternatives Program Funds; 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).

15. Resolution No. 4-11-23 P: A resolution authorizing the Mayor and City Clerk to accept a grant from People for Bikes, in an amount not to exceed thirteen thousand two hundred dollars (\$13,200.00); adjusting the 2023 Budget to recognize and appropriate said amount to various departmental accounts; 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).

16. Resolution No. 4-11-23 Q: A resolution setting a public hearing for April 25, 2023, for an Alley Right of Way Vacation requested for Block 28, Lot 15 of Demings 2nd Addition (VAC23-0006).

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).

17. Resolution No. 4-11-23 R: A resolution setting a public hearing for April 25, 2023, for a Street Right of Way Vacation for Block F, Lot 9 of Orchard Addition (VAC23-0007).

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).

18. Resolution No. 4-11-23 S: A resolution adjusting the 2023 Budget in the amount of ninety-four thousand eight hundred ninety-nine dollars and thirty-one cents (\$94,899.31) from Street Fund Reserves to various street department accounts; 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).

19. Resolution No. 4-11-23 T: A resolution authorizing the Mayor and City Clerk to enter into an amended agreement with CEI Engineering Associates, Inc., for professional services on the NW 9th & NW D St. Project, in the amount of one hundred sixty-

two thousand five hundred fifty-five dollars (\$162,555.00); 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).

20. Resolution No. 4-11-23 U: A resolution authorizing the Mayor and City Clerk to enter into an agreement for the purchase of Lot 1, Block 2, Fairfield Addition, in an amount not to exceed four hundred fifty thousand dollars (\$450,000.00); 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 Acree. There was no discussion. Motion carried (8-0).

21. Resolution No. 4-11-23 V: A resolution authorizing the Mayor and City Clerk to enter into an amended agreement with McClelland Consulting Engineers, Inc., for design services for the Water Tower Road and 8th Street Extension Project, in an amount not to exceed four hundred forty-three thousand three hundred eighty-seven dollars (\$443,387.00); 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).

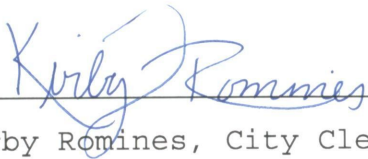
22. Resolution No. 4-11-23 W: A resolution authorizing the Mayor and City Clerk to enter into an amended agreement with McClelland consulting engineers, inc., for design services for Hwy. 71B / 12th St./ Tiger Blvd., in the amount of sixty-seven thousand six hundred fifty-eight dollars and ninety-one cents (\$67,658.91); 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).

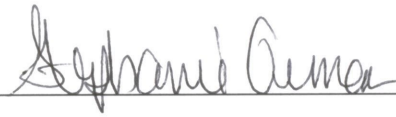
Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Burckart, second by Council Member Sooter.

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

The next Bentonville City Council meeting will be on April 25, 2023.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

