

Bentonville City Council

Meeting Minutes

April 25, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, April 25, 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, Gayatri Agnew, and Holly Hook. 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 Bill Burckart attended remotely and participated via Zoom.

Mayor Orman called the meeting to order. Lillian Griffin, 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 April 11, 2023, meeting as presented, second by Council Member Sooter. 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 (7-1), with Council Member Acree voting no.

1. Planning:

- 1a. Ordinance No. 2023-96: Ordinance accepting a lot split of Lot 7 of Limestone Ranch Subdivision; creating new Lots 32, 33, & 34 of Limestone Ranch Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0014).

[Applicant: Heritage Heights Eat LLC;

Location: Southwest H Street and Southwest 41st Street]

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

- 1b. Ordinance No. 2023-97: Ordinance accepting a property line adjustment of Lot 2 of Hall Addition and a portion of previously unplatted land; creating new Lot 1 of Glasgows Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0002).

[Applicant: McCoy Investments LLC;

Location: 411 Southeast Walton Boulevard]

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).

- 1c. Ordinance No. 2023-98: Ordinance accepting a property line adjustment of Lots 13-16, Block 6 and part of vacated right-of-way of W. A. Burk's Addition; creating new Lot 33 of W. A. Burk's Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0003).

[Applicant: Jared & Sonia Faciszewski;

Location: 107 Northeast Park 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).

- 1d. Ordinance No. 2023-99: Ordinance accepting a property line adjustment of Lots 1-4, Block 10, and part of vacated right-of-way of W. A. Burk's Addition; creating new Lot 32 of W. A. Burk's Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0007).

[Applicant: D2 Investments LLC;

Location: 111 Northeast Park 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).

- 1e(1).Resolution No. 4-25-23 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.

Council Member Hook asked for reasons for the no votes at the Planning Commission. Tyler Overstreet, Director of Planning and Community Development, explained why there was some concern about this rezoning during the Planning Commission. Council Member Hook expressed concern about if the property could be rezoned as C-2 in the future. Council Member Seba mentioned that the item would have to come back through the Planning Commission and City Council if there was a different rezoning request. Council discussed the Future Land Use Map and Zoning policy they adopted that has the Land Use Map and the Zoning items come through concurrently.

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 (6-2), with Council Member Hook and Acree voting no.

- 1e(2).Ordinance No. 2023-100: 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. RZ22-0067).

[Applicant: Bentonville/Bella Vista Trailblazers Assoc Inc;

Location: NW A St]

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).

1f(1).Resolution No. 4-25-23 B: 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.

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

1f(2).Ordinance No. 2023-101: 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. RZ23-0023).

[Applicant: Sharon K Baker Trustee;

Location: 5578 SW Adams Rd]

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

1g(1).Resolution No. 4-25-23 C: 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.

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

1g(2).Ordinance No. 2023-102: 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. RZ23-0024).

[Applicant: Robert and Susan Johnston;

Location: 212 SW O St]

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).

1h. Ordinance No. 2023-103: 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. RZ23-0026).

[Applicant: Haney Enterprises LLC;

Location: 1004 and 1006 NW A St]

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).

1i(1).Resolution No. 4-25-23 D: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Office 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 Seba. There was no discussion. Motion carried (8-0).

- 1i(2).Ordinance No. 2023-104: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to C-2, General Commercial; and for other purposes (Project No. RZ23-0027).

[Applicant: McKissic Creek Center LLC;

Location: McKissic Creek Rd]

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

- 1j. Ordinance No. 2023-105: Ordinance accepting a lot split of Lot 2 of RSB Subdivision creating new Lots 3 and 4 of RSB Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0012).

[Applicant: Mike Huey;

Location: 5578 SW Adams Rd]

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

2. Utility Board:

- 2a. Resolution No. 4-25-23 E: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Carroll Electric Co-op to purchase facilities in the SW portion of Bentonville; adjusting the 2023 Budget in the amount of three hundred fifty-four thousand six hundred seventy-seven dollars and sixty-one cents (\$354,677.61); and for other purposes.

Council Member Sooter asked how many items are left to purchase facilities from Carroll Electric Co-op. Council Member Hook mentioned that the last purchase was in 2021, but there would be one more. Council Member Hook also said there is little pushback from residents because the fees align with what residents would currently be paying.

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

- 2b. Resolution No. 4-25-23 F: A resolution awarding bid IFB-23-28 to Graybar, for the purchase of fiber cabinets, in the amount of fifty thousand two hundred ninety dollars (\$50,290.00) plus applicable taxes; 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 Seba. There was no discussion. Motion carried (8-0).

- 2c. Ordinance No. 2023-106: Ordinance amending Section 98-637 of the City of Bentonville Municipal Code pertaining to wastewater rates; and for other purposes.

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

3. Resolution No. 4-25-23 G: A resolution authorizing the Mayor and the City Clerk to enter into Work Order No. 2 with Garver Engineering; adjusting the 2023 Budget to appropriate four hundred twenty-five thousand eight hundred dollars (\$425,800.00) from General Fund Reserves to Account #101650-47390 - Improvement other than Building/Other; 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).

4. Ordinance No. 2023-107: Ordinance adopting revised operating policies and procedures for the Airport Advisory Board; 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 Seba. There was no discussion. Motion carried (8-0).

5. Ordinance No. 2023-108: Ordinance amending pay for City Council members; providing for a merit-based system; and for other purposes.

Council Member Sanchez proposed that the pay adjustment come as a year-end bonus based on the merit or attendance requirement of the year to keep the salaries consistent for each council member. The salary would then be adjusted every two to three years based on a cost-of-living adjustment (COLA). Machele Bowen, Human Resources Manager, explained if it was handled as a bonus, it would be taxed at a higher percentage, so she doesn't support that option and believes it should be handled as the year goes on with the merit option. Council Member Sooter explained that the pay for the elected official would be based on the merit system, but if a new individual is elected, the pay would be the base salary plus the merit increase to account for COLA. Mayor Orman mentioned that the challenge is HR has moved from COLA to a merit adjustment, and this ordinance, as presented, is how HR would recommend it be done. Council Member Agnew asked if the change from COLA to merit was discussed and if the Council is able to change it for City Council members. Debbie Griffin, Community Relations and Economic Development Director, explained that their pay consultant recommended it, and Debbie Griffin recommended including City Council members in that adjustment. Council Member Patterson asked when it would go into effect. Council discussed that it would be thirty days from the ordinance's passing.

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

6. Ordinance No. 2023-109: Ordinance amending the 2023 Pay Plan for the City of Bentonville; adding additional pay to compensate employees who are certified to perform backflow testing; and for other purposes.

Council Member Hook asked if the City of Bentonville is budgeting enough for the adjustment since it will be an incentive. Machele Bowen explained that only two employees at this time have the certification within the Parks Maintenance Department, so they are hoping it will incentivize more employees within the department to get the certification. They looked at the number of employees who could get the certification and averaged it out.

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).

7. Ordinance No. 2023-110: Ordinance vacating alley right of way at Block 28, Lot 15 of Demings 2nd Addition of Bentonville to the City of Bentonville, Arkansas, Benton County Arkansas (VAC23-0006).

Mayor Orman opened the public hearing. John Wolfe, who is petitioning to vacate the alley, and Ken Boothe spoke in favor of the item and gave further details of the right of way requested and the current layout of the alley and surrounding areas. Council Member Sanchez asked about the sewer line under the existing driveway. Tyler Overstreet explained that if you vacate the alley, it can be replaced with the utility easement. Council and Tyler Overstreet discussed the value alleys add within the City of Bentonville. Ken Boothe explained that both easements are ready to file depending on the City Council vote. Council Member Hook asked who voted no or rejected the item.

Tyler Overstreet mentioned it wasn't the Planning Commission but the Planning Department staff.

City Attorney Andrew Myers read the ordinance by title only. Motion to amend the ordinance to require a utility easement by Council Member Acree, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

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

8. Ordinance No. 2023-111: Ordinance vacating street right of way located at Block F, Lot 9 of Orchard Addition to the City of Bentonville, Arkansas, Benton County Arkansas (VAC23-0007).

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

9. Resolution No. 4-25-23 H: A resolution awarding bid IFB 23-29 to MHC Kenworth Volvo, for the purchase of a Tri-Axle Dump Truck, in the amount of three hundred one thousand eight hundred forty dollars (\$301,840.00); 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).

10. Resolution No. 4-25-23 I: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Temple Inc. to renew the software maintenance agreement for the Siemens 360 Software; amending the 2023 Budget in the amount of thirteen thousand one hundred twenty-five dollars (\$13,125.00); 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).

11. Resolution No. 4-25-23 J: A resolution authorizing the Mayor and City Clerk to amend the agreement with Olsson, for design services for the East Battlefield Project (PIIP22-0020; MUNIS21ST0001); in the amount of one hundred sixty-six thousand three hundred dollars (\$166,300.00); and for other purposes.

Council Member Patterson asked if the agreement considers the changes to the project. Dan Weese, the City Engineer, explained that it does not include the changes to the trail width but are discussing options on those improvements and will bring them back to City Council at a later date.

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. 4-25-23 K: A resolution authorizing the Mayor and City Clerk to enter into a contract amendment with Crafton Tull Engineering for additional sidewalk design 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 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 Hook.

Council members reported on committees and boards they participate in related to the city. Mayor Orman asked if an additional council member would be interested in being on the Short-Term Rental Committee. Council Member Acree expressed interest.

The next Bentonville City Council meeting will be on May 9, 2023.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

