

Bentonville City Council

Meeting Minutes

May 23, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, May 23, 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, Bill Burckart, 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.

Mayor Orman called the meeting to order. Samuel Jumps, 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 May 9, 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. Recognition of artists selected for the Seasons of Bentonville commemorative Bentonville 150 calendar.

2. Proclamation presented to recognize "Emergency Medical Services Week" in Bentonville, Arkansas.
3. Proclamation presented to recognize "National Drug Court Month" in Bentonville, Arkansas.
4. ARPA Update from Gladys Shoemake, Purchasing Manager.
- 5a. Ordinance No. 2023-119: Ordinance accepting a lot split of Lots 10, 11, & 12, Block 16 of Demings 2nd Addition; creating new Lots 15 & 16 of Demings 2nd Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS21-0061).
[Applicant: NFD LLC;
Location: 300/302/308/310 Northwest 5th 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).
- 5b. Ordinance No. 2023-120: Ordinance accepting a lot split of Lots 35, 36, & 37 of Skyview Acres Subdivision; creating new Lots 53-58 of Skyview Acres Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0034).
[Applicant: Chen & Ehret Real Holdings, LLC;
Location: 1102/1104/1106 Lockheed 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. 2023-121: Ordinance accepting a lot split of unplatted section land; creating new Lot 1 of MCDC 5430 Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0009).

[Applicant: McDonalds Corp #5430;

Location: 201 South Walton Boulevard]

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. 2023-122: Ordinance accepting a lot split of sectional land; creating new Lots 1 & 2 of McKissic Springs Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0019).

[Applicant: Buffington BW LLC;

Location: South Vaughn Road and Motley 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).

- 5e. Ordinance No. 2023-123: Ordinance accepting a lot split of Lot 27 of Huffman's Addition; creating new Lots 29 & 30 of Huffman's Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0023).

[Applicant: Freeman, Steven M & Julie P Trustees;

Location: 205 Northwest 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).

- 5f. Ordinance No. 2023-124: Ordinance accepting a lot split of Replatted Lot 2 and Replatted Lot 3, Block 2 of W.A. Burks Addition; creating new Lots 35-39, Block 2 of W.A. Burks Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0024).

[Applicant: Haney Enterprises LLC;

Location: 1004/1006 Northwest A 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).

- 5g. Ordinance No. 2023-125: Ordinance accepting a lot split of Lot 1 of Gateway Park North Addition; creating new Lots 2 & 3 of Gateway Park North Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0025).

[Applicant: Crossmar Industrial North 100 LLC;

Location: 4300 Southwest Rainbow Farm 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).

- 5h. Ordinance No. 2023-126: Ordinance accepting a lot split of Lots 30, 31 and 32, Block 6 of W.A. Burk's Addition creating new Lots 33, 34, 35, 36, 37 & 38, Block 6 of W.A. Burk's Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0026).

[Applicant: V3 Construction & Development LLC;

Location: 1137-1151 Northeast Monroe Street]

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).

5i(1).Resolution No. 5-23-23 A: 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 Burckart. There was no discussion. Motion carried (7-1), with Council Member Acree voting no.

5i(2).Ordinance No. 2023-127: 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. RZ23-0028).

[Applicant: Elm Tree Accommodations, LLC;

Location: 801 Southwest Elm Tree 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).

5j. Ordinance No. 2023-128: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of C-1, Neighborhood Commercial to C-2, General Commercial; and for other purposes (Project No. RZ23-0032).

[Applicant: Ultra Homes LLC;

Location: 1906 SW 14th Street]

Council Member Hook mentioned that C-2 seemed high for this specific area. Tyler Overstreet, Director of Planning and Community Development, noted that the Planning Department recommended this for approval because it aligns with the Future Land Use Map. The Planning Commission also recommended approval for this item. Council Member Patterson mentioned that most of the surrounding properties are C-1, but Council Member Sooter

and Tyler Overstreet said there are also a few C-2 properties in the area. Council and Tyler Overstreet discussed the differences between C-1 and C-2.

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 (5-3), with Council Member Hook, Acree, and Patterson voting no.

- 5k. Ordinance No. 2023-129: Ordinance accepting a lot split of unplatted land; creating new Lots 1 and 2 of 8th & Elm Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0016).

[Applicant: Elm Tree Accommodations, LLC;

Location: SW 8th Street and SW Elm Tree 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).

6. Ordinance No. 2023-130: 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. RZ23-0031).

[Applicant: Lucatoni LLC;

Location: 411 NW C Street]

Tyler Overstreet explained that DN-2 versus DN-3 has a three-foot discrepancy from the applicant's plans, so the applicant is asking the council to approve a rezone to DN-3. The applicant, Mark Haney, explained why they requested the council approve the DN-3 rezoning and said they have communicated with surrounding neighbors about the appeal.

Council Member Patterson explained that they were uncomfortable with proceeding and not sending the appeal back to the Planning Commission and mentioned that when there is an appeal, the City

of Bentonville should require notification of the appeal. Council Member Hook and Council Member Acree agreed. Council and Tyler Overstreet engaged in further discussion regarding current procedures when there is an appeal and whether to send the project back to the Planning Commission or to move forward with a vote on the rezone and appeal request. Council Member Burckart mentioned that this rezone aligns with the Future Land Use Map.

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

Council Member Sooter asked Tyler Overstreet if the name and addresses of those who give public comments at the Planning Commission meetings could be displayed in the agenda packet as they are currently marked out.

7. Utility Board:

- 7a. Resolution No. 5-23-23 B: A resolution authorizing the Mayor and City Clerk to enter into an agreement with SPMR, LLC, to purchase Smart Phone Meter Reading system; 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).

- 7b. Ordinance No. 2023-131: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Arkansas Electric, for the purchase of three phase transformers, in the amount of four hundred seventy-five thousand nine hundred fifteen dollars (\$475,915.00), plus applicable taxes; waiving the requirement of competitive bidding; and for other purposes.

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

- 7c. Ordinance No. 2023-132: Ordinance amending the 2023 Budget; authorizing the Mayor and City Clerk to enter into an agreement with Jack Tyler Engineering, Inc., for the purchase of four (4) RAS pumps for the Bentonville Water Department; waiving the requirement of competitive bidding; 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).

- 7d. Ordinance No. 2023-133: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Bertrem Products, Inc., for the purchase of an upgraded alarm system for the Bentonville Water Departments 61 Lift Stations, in the amount of one hundred forty-seven thousand one hundred seventy-three dollars and sixteen cents (\$147,173.16); waiving the requirement of competitive bidding; declaring certain property as surplus; and for other purposes.

Council Member Sanchez mentioned that the technical improvements are a great deal and will benefit the department. Council Member Burckart asked why it was not listed on the capital improvement plan. Chris Earl, Water Resource Recovery Facility Manager, and Council Member Sanchez explained that the department used the funds allocated for a vac truck that the department no longer needed.

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).

- 7e. Resolution No. 5-23-23 C: A resolution awarding bid RFP-23-30 to Denali Water Solutions, LLC., for transportation and disposal of

biosolids on a per unit price, in an approximate amount of eighty thousand dollars (\$80,000.00); 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).

- 7f. Resolution No. 5-23-23 D: A resolution awarding bid IFB-23-36 to Brenntag Mid-South, for water-soluble polymer needed for the Water Department, on an as-needed purchase, in an approximate amount of ninety-five thousand dollars (\$95,000.00); 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).

8. Ordinance No. 2023-134: Ordinance amending the Pay Plan for the City of Bentonville Accounting Department to upgrade the position of Accounting Specialist II to Accountant; 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 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 Burckart. There was no discussion. Motion carried (8-0).

9. Ordinance No. 2023-135: Ordinance amending the 2023 Pay Plan for the Bentonville Police Department; providing additional pay to compensate employees to maintain competitive salaries; and for other purposes.

Council Member Burckart asked about the anticipated budget increase for 2024. Chief of Police Ray Shastid explained that it

would be 1.8 million in 2024 and that this pay would be to allow the department to be competitive with surrounding departments. Council, Chief of Police Ray Shastid, and Mayor Orman discussed how Human Resources determined the presented pay and how it compares to departments in the surrounding areas.

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).

10. Resolution No. 5-23-23 E: A resolution amending the 2023 Budget to recognize a donation from the Rotary Club of Bentonville, in the amount of one thousand two hundred thirty-six dollars and forty-eight cents (\$1,236.48); appropriating the same; 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. 5-23-23 F: A resolution declaring certain property belonging to the City of Bentonville Police Department as surplus property; authorizing its disposal; 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).

12. Resolution No. 5-23-23 G: A resolution amending the 2023 Budget to recognize insurance settlement funds in the amount of twenty-seven thousand four hundred twenty-five dollars (\$27,425.00); declaring certain property belonging to the City of Bentonville Police Department as surplus property; authorizing its disposal; and for other purposes.

Council Member Burckart asked Chief of Police Ray Shastid if everyone was okay, and they said yes.

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. 5-23-23 H: A resolution amending the 2023 Budget for the purpose of receiving and expending the five thousand dollar (\$5,000.00) stipend for five (5) full-time law enforcement officers; 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. Ordinance No. 2023-136: Ordinance vacating a drainage easement located at Lot 18 of Rainbow Junction-Bentonville Subdivision to the City of Bentonville, Arkansas, Benton County Arkansas (VAC23-0008).

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).

15. Ordinance No. 2023-137: Ordinance vacating a utility easement located at Lot 3 of Cross Creek Subdivision Phase 2 to the City of Bentonville, Arkansas, Benton County Arkansas (VAC23-0009).

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).

16. Resolution No. 5-23-23 I: A resolution setting a public hearing for June 13, 2023, for a utility easement vacation requested for Lots 1 - 6, Block 9 of W.A. Burk's Addition (VAC23-0010).

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).

17. Resolution No. 5-23-23 J: A resolution authorizing the Mayor and City Clerk to enter into a contract, with Crossland Construction, for Phase 1 preconstruction management of the parks maintenance facility, in an amount not to exceed sixteen thousand five hundred dollars (\$16,500.00); 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).

18. Resolution No. 5-23-23 K: A resolution authorizing the Mayor and City Clerk to enter into a contract, with Flintco, for construction management of the future Adult Recreation Center, in an amount not to exceed thirty-five thousand dollars (\$35,000.00) plus reimbursable expenses; 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. Ordinance No. 2023-138: Ordinance amending the Pay Plan for the City of Bentonville Parks and Recreation Department to add the positions of Recreation Services Representative I and Recreation Services Representative II; amending the 2023 Budget to appropriate one hundred sixty-seven thousand three hundred ninety dollars and eighty-eight cents (\$167,390.88) to various payroll accounts; 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 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 Burckart. There was no discussion. Motion carried (8-0).

20. Resolution No. 5-23-23 L: A resolution authorizing the Mayor and City Clerk to enter into a grant agreement with the Walton Family Foundation in the amount of one million five hundred two thousand eight hundred dollars (\$1,502,800.00); adjusting the 2023 Budget to recognize said funds to Account #105030-33810 - Local Grants; appropriating the same into Account #105030-47390 - Improvement other than Building; entering into a contract amendment with Port; 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 Hook. There was no discussion. Motion carried (8-0).

21. Resolution No. 5-23-23 M: A resolution amending the 2023 Budget; appropriating fifty thousand nine hundred forty-nine dollars and forty-three cents (\$50,949.43) from General Fund Reserves to Account #105030-47430 - Furniture and Fixtures, for FFE costs at the Bentonville Animal Services & Adoption Center; 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).

22. Resolution No. 5-23-23 N: A resolution authorizing the Mayor and City Clerk to enter into a change order with CR Crawford, for the final closeout of the Bentonville Animal Services & Adoption Center; 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).

23. Resolution No. 5-23-23 O: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Heartland Business Systems renewing cyber security monitoring; 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 Burckart, second by Council Member Acree.

Mayor Orman recognized Kallahan Miller for public comment. Kallahan Miller asked the City of Bentonville to consider a downtown parking study and the removal of downtown parking minimums. Council Member Burckart asked if the City of Bentonville could do a downtown traffic and parking inventory. Mayor Orman mentioned that the City of Bentonville completed a parking inventory study but did not include private parking developments. Council Member Burckart asked for a study to include public and private parking. Council Member Acree mentioned that accessible and ADA-compliant parking should be included in the parking studies.

Mayor Orman reminded the council of the Pedal it Forward event on June 2nd, the Fire Training Facility Grand Opening, and discussed the Finance Committee meetings.

The next Bentonville City Council meeting will be on June 13, 2023.

Kirby Romines

Kirby Romines, City Clerk

Stephanie Orman

Stephanie Orman, Mayor

