

Bentonville City Council

Meeting Minutes

June 13, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, June 13, 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. 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 May 23, 2023, meeting as presented, second by Council Member Hook. 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.

[Agenda items 1 through 4 were addressed at the June 12, 2023, Committee of the Whole meeting.]

5. Recognition by the City Council of Bentonville Brewing Company at 901 SW 14th Street. The property's landscaping was nominated by the Tree and Landscape Advisory Committee and is the May Commercial Landscaping of the Month award winner.

6. Recognition by the City Council of Americo Torres' property at 310 SW 20th Street. The property's landscaping was nominated by Octavio Sanchez and is the May Residential Landscaping of the Month award winner.

7. Ordinance No. 2023-139: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas; making same a part of the City of Bentonville; assigning same to wards; 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).

8. Planning:

8a. Ordinance No. 2023-140: Ordinance accepting a lot split of a portion of previously unplatted land and Lot 8, Block 4 of Railroad Addition; creating new Lot 31, Block 4 of Railroad Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0017).

[Applicant: Terlouw Family Trust;

Location: 207 Southeast 3rd 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).

- 8b. Ordinance No. 2023-141: Ordinance accepting a lot split of Lot 6 of Happy Home Addition; creating new Lots 30 & 31 of Happy Home Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0020).

[Applicant: The Seventh Living LLC;

Location: 801 Northwest 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).

- 8c. Ordinance No. 2023-142: 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. RZ23-0034).

[Applicant: Sand Creek Engineering / Alejandro and Cathy Estrada;

Location: 402 Northwest 7th 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).

- 8d. Ordinance No. 2023-143: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential, to DE, Downtown Edge; and for other purposes (Project No. RZ23-0036).

[Applicant: Amanda & Donald Richardson;

Location: 605 Southeast 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).

- 8e(1).Resolution No. 6-13-23 A: A resolution amending the City of Bentonville Future Land Use Map for a specific area from General Commercial to Office; and for other purposes.

Council Member Patterson asked for further details. Will Kellstrom, representing the applicant, explained the rezoning request. Council Member Patterson, Council Member Sanchez, and Tyler Overstreet, Director of Planning and Community Development, discussed how R-O does not occur very often, explained what R-O was created for, and that this location has been an office for some time.

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(2).Ordinance No. 2023-144: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-O, Residential Office; and for other purposes (Project No. RZ23-0039).

[Applicant: Rosalie & Steven Beaver;

Location: 2602 East Battlefield Blvd]

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).

- 8f. Ordinance No. 2023-145: 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-4, Downtown Mixed-Use Residential; and for other purposes (Project No. RZ23-0040).

[Applicant: Troy Campbell & Michelle Harper;

Location: 548 Southeast C Street]

Council Member Patterson asked if there were any public comments on this item at the Planning Commission meeting. Tyler Overstreet mentioned that there were no public comments on this item and gave details about the zoning of the surrounding properties.

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).

- 8g(1).Resolution No. 6-13-23 B: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Residential Estate 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).

- 8g(2).Ordinance No. 2023-146: 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. RZ23-0043).

[Applicant: Norbert Hay Jr.;

Location: 3006 Southeast J 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).

- 8h. Ordinance No. 2023-147: 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. RZ23-0045).

[Applicant: Geraldine Carmical;

Location: 411 Northwest 5th Street]

Council Member Hook asked for clarification on the zoning.

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).

- 8i. Ordinance No. 2023-148: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of DN-3, Downtown High Density Residential to PRD, Planned Residential Development; and for other purposes (Project No. PRD23-0002).

[Applicant: Lightbox @ Market LLC;

Location: 802 Southeast 8th Street]

Tyler Overstreet confirmed the address to be 802 Southeast 8th 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).

9. Removed: An appeal by Timothy L. Rogers of Barrow and Grimm, representing Tara Ridge to an official determination of impact fees for the Tara Ridge Development, located at 3809 SW Crockett Street.
10. Resolution No. 6-13-23 C: A resolution awarding bid IFB-23-33 to Luttrell Enterprises, for mowing services needed on code enforcement cases; 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. Utility Board:

- 11a. Resolution No. 6-13-23 D: A resolution awarding bid IFB-23-38 to SY CON Excavation and Utilities, for indefinite delivery indefinite quantity water and sewer maintenance work needed for the water resource recovery facility, on an as-needed basis, in an amount not to exceed five hundred thousand dollars (\$500,000.00); 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).

- 11b. Resolution No. 6-13-23 E: A resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with Olsson, Inc. for design of the Spring Creek Sewer Interceptor; adjusting the 2023 Budget to appropriate ARPA funds for this expense; 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).

- 11c. Resolution No. 6-13-23 F: A resolution authorizing the Mayor and City Clerk to enter into an amended professional services agreement, with E Source Companies, LLC, for water loss control support; adjusting the 2023 Budget to provide funding for this analysis; 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. 6-13-23 G: A resolution recognizing eighty-two thousand dollars (\$82,000.00) in CARES ACT funded airport grants; adjusting the 2023 Budget; 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. 6-13-23 H: A resolution declaring an assortment of outdated bunker gear belonging to the City of Bentonville Fire Department, as surplus property; authorizing its transfer to Ashley County Fire Department; 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).

14. Ordinance No. 2023-149: Ordinance waiving competitive bidding for the purchase of (8) eight Lucas 3 Chest Compression Systems for the Bentonville Fire Department Ambulance Service; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed one hundred thirty-five thousand forty-six dollars and eighty-five cents (\$135,046.85), with Stryker for this purchase; declaring certain property as surplus property; 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 Hook. There was no discussion. Motion carried (8-0).

15. Ordinance No. 2023-150: Ordinance waiving competitive bidding for the purchase of a Stryker Power-Pro XT Cot & Loading System for the Bentonville Fire Department Ambulance Service; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed sixty-one thousand three hundred fifty-eight dollars and thirty-three cents (\$61,358.33), with Pinnacle Emergency Vehicles for this purchase; 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 Hook. There was no discussion. Motion carried (8-0).

16. Resolution No. 6-13-23 I: A resolution to enter into an agreement with Banner Fire Equipment through Co-Op Contract (FS12-19), for the purchase of a 2024 100' E-One Aerial Truck, in the amount of one million four hundred fifty-six thousand five hundred dollars (\$1,456,500.00); declaring certain property as surplus property; 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).

17. Ordinance No. 2023-151: Ordinance vacating right of way easement located at Lots 1-6, Block 9 of W.A. Burk's Addition the City of Bentonville, Arkansas, Benton County Arkansas (VAC23-0010).

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).

18. Resolution No. 6-13-23 J: A resolution setting a public hearing for June 27, 2023, for a Utility Easement Vacation requested for Lots 9-10 of East Ridge Subdivision (VAC23-0011).

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. 6-13-23 K: A resolution setting a public hearing for June 27, 2023 for a Right of Way Vacation requested for 405 South Main Street, Library Phase 2, Lot 1 (VAC23-0012).

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. 6-13-23 L: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Traffic Engineering Consultants, for services relating to traffic signal timing coordination, in the amount of fifty-seven thousand dollars (\$57,000.00); 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).

21. Resolution No. 6-13-23 M: A resolution awarding the bid for drainage improvements in the vicinity of Northwest 9th and D Street (MUNIS #21EN0009; PIIP22-0010; IFB-23-22); authorizing the Mayor and City Clerk to enter into a contract with Crossland Heavy Contractors, Inc., for the construction of said improvements, in the amount of six million five hundred twenty-nine thousand three hundred ninety-two dollars (\$6,529,392.00); 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. 6-13-23 N: A resolution awarding bid #IFB-23-37; authorizing the Mayor and City Clerk to enter into an agreement with Kalci Soccer, LLC; 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. Informing of the proposed overlay and mastic list for 2023 by Tony Davis, Street Manager.

24. Informing of the proposed pavement markings and road striping list for 2023 by Tony Davis, Street Manager.

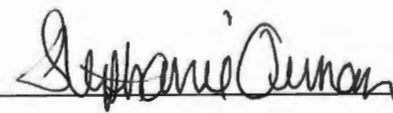
Council, Mayor Orman, and Tony Davis discussed the efficiency and cost differences between using paint or thermoplastic on roadways.

Council Member Acree made a motion to discuss Planning Commission term limits at the next City Council meeting. Second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

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

The next Bentonville City Council meeting will be on June 27, 2023.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

