

Bentonville City Council

Meeting Minutes

July 11, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, July 11, 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, Bill Burckart, and Holly Hook, with Council Member Gayatri Agnew absent. 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. Thea Cochran, a Girl Scout from Troop 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 June 27, 2023, meeting as presented, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

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 (7-0).

1. Recognition by City Council of The Church of Jesus Christ of Latter-Day Saints located at 1105 McCollum Road. The property's landscaping was nominated by the Tree and Landscape Advisory Committee and is the June Commercial Landscaping of the Month award winner.

2. Recognition by City Council of the property at 102 SE 3rd Street. The property's landscaping was nominated by the Tree and Landscape Advisory Committee and is the June Residential Landscaping of the Month award winner.

3. Planning:

- 3a. Ordinance No. 2023-167: Ordinance accepting a lot split of Lot 11 of Dicksons Addition; creating new Lot 51 of Dicksons Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0018).

[Applicant: Casey & Hannah Roberts;

Location: 710 West Central Avenue]

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 (7-0).

- 3b. Resolution No. 7-11-23 A: A resolution adopting the 2023-2027 Consolidated Plan for compliance with participation in the HUD Community Development Block Grant (CDBG) Program; and for other purposes.

Planner Christopher Hyatt gave a presentation on the 2023-2027 Consolidate Plan.

Council Member Burckart asked about the details of the low-to-moderate income areas and the needs from the public input meetings. Christopher Hyatt explained that from the public input meetings, infrastructure was the number one need expressed. Council Member Sanchez, Mayor Orman, and Christopher Hyatt discussed the funding for transportation, whether there is a way to allocate funding for bus routes, etc. Council Member Burckart thanked Christopher Hyatt for their work on the plan but also asked if affordable housing could be added to the plan and if the plan could be adjusted. Council Member Hook commented on

adding affordable housing, financial coaching, and mental health within the plan in the future. Christopher Hyatt and Tyler Overstreet, Director of Planning and Community Development, explained the plan's details, that it is an annual plan, so each year it will be adjusted and reassessed.

Council, Tyler Overstreet, Christopher Hyatt, and Mayor Orman engaged in further lengthy discussion regarding the requirements and breakdown of the grant funds, reporting progress, and having more public input for the following year's plan review.

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 (7-0).

4. Resolution No. 7-11-23 B: A resolution endorsing the installation of artwork titled "Bubble," by artist Hou De Sousa, on public property in the A Street Promenade; 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 (7-0).

5. Resolution No. 7-11-23 C: A resolution endorsing the installation of an untitled artwork piece by artist Linda Nguyen Lopez, on public property in the A Street Promenade; 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 (7-0).

6. Resolution No. 7-11-23 D: A resolution endorsing the installation of artwork titled "Ernest and Ruth," by artist Hank Willis Thomas, on public property in the A Street Promenade; and for other purposes.

Council Member Hook asked if this was two pieces. David Wright, Parks & Recreation Director, said it would be two pieces but one installation.

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 (7-0).

7. Resolution No. 7-11-23 E: A resolution endorsing the installation of artwork titled "Lament," by artist Emilie Brzezinski, on public property in the A Street Promenade; 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 (7-0).

8. 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. The applicant is requesting that their impact fee be based upon the multi-family rate as opposed to the single-family rate determined by staff.

Mayor Orman recognized Scott Moehlenbrock, representing the applicant, for public comment and discussion. Scott Moehlenbrock provided details on their project and asked that their impact fees be based upon the multi-family rate instead of the single-family rate determined by staff. Some units were listed at a multi-family rate, while others were listed at a single-family rate. They were unaware that the impact fees would not be the same for all units within the project since they built them with large-scale multi-family standards and requirements.

Tyler Overstreet explained what led to the appeal and gave background information regarding the project. Tyler Overstreet said that the impact fees are based on construction and permit types, not zoning types.

Council Member Burckart expressed concern about there being a gray area since this type of development has not been seen in

the City of Bentonville before. Fire Chief Justin Scantlin, Division Chief/Fire Marshal Brad Arnold, Annette Brightwell, and Lance Blasi from the Building Inspection department said they did not have difficulties assessing the impact fees and explained how they determined the impact fees for this project. The council discussed whether this is the first project of this type in the City of Bentonville. Tyler Overstreet confirmed it is the first horizontal multi-family project to this scale. Scott Moehlenbrock explained that everything about the project is multi-family.

Council Member Burckart asked if this item could be tabled to allow the planning and legal staff further review and research to determine the appeal's status.

Motion to table the item by Council Member Sooter, second by Council Member Acree. There was no further discussion. Motion carried (7-0).

9. Resolution No. 7-11-23 F: A resolution declaring certain property, belonging to various departments of the City of Bentonville, Arkansas 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 Sooter, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

10. Ordinance adopting and enacting certain technical codes for the City of Bentonville, Arkansas; providing when such codes shall become effective; and for other purposes.

After reviewing the codes line by line with Council Member Burckart, the department would like to table this item. This would allow clarification to be added to specific instances within the code, and then they would bring it back for approval on July 25th with an emergency clause. The council thanked the team for their diligence.

Motion to table the item by Council Member Burckart, second by Council Member Hook. There was no further discussion. Motion carried (7-0).

11. Ordinance No. 2023-168: Ordinance amending the 2023 Budget; authorizing the Mayor and City Clerk to enter into an agreement with MHC Kenworth, not to exceed two hundred ninety-four thousand nine hundred fifteen dollars and ten cents (\$294,915.10), for the purchase of a Tri-Axle Dump Truck for the Bentonville Street Department; waiving the requirement of competitive bidding; 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 (7-0).

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 (7-0).

12. Resolution No. 7-11-23 G: A resolution allowing the Mayor and City Clerk to enter into an agreement with Black Hills Energy to adjust utility facilities for the 8th Street Construction Project; 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 (7-0).

13. Resolution No. 7-11-23 H: A resolution expressing the willingness of the City of Bentonville to apply for Surface Transportation Block Grant Program-Attributable (STBGP-A) grant funding for Greenhouse Road and agrees to the 20% local match required by the funder if awarded.

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 (7-0).

14. Resolution No. 7-11-23 I: A resolution awarding bid IFB-23-32-Re-Bid to Milestone Construction Company, LLC, for indefinite delivery indefinite quantity sidewalk and other concrete work needed for the City of Bentonville, on an as-needed basis, in an amount not to exceed one million five hundred thousand dollars (\$1,500,000.00); 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 Sooter. There was no discussion. Motion carried (7-0).

15. Resolution No. 7-11-23 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 eighty-five thousand nine hundred dollars (\$185,900.00); 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 Hook. There was no discussion. Motion carried (7-0).

16. Resolution No. 7-11-23 K: A resolution authorizing the Mayor and City Clerk to amend the agreement with Meshek & Associates, LLC., for professional services for the SW Nutmeg Project (PIIP23-0002; MUNIS22EN0001); in the amount of nine thousand two hundred twenty-five dollars (\$9,225.00); 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 Patterson. There was no discussion. Motion carried (7-0).

17. Ordinance No. 2023-169: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with McLarty Daniel Chevrolet for the purchase of a 2023 Chevrolet Traverse for the Bentonville Parks Department; waiving the requirement of competitive bidding; providing for the emergency clause and for other purposes.

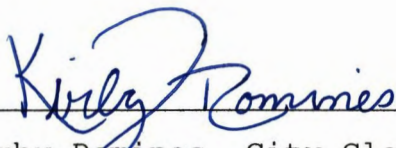
Council Member Hook asked if this was reviewed during the Finance Committee meeting. Mayor Orman mentioned that since it was not a budget adjustment item, it was not added to the Finance Committee meeting agenda.

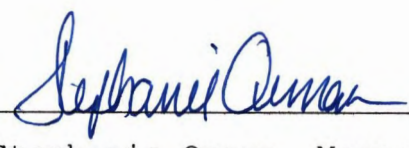
City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Seba. There was no discussion. Motion carried (7-0).

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 (7-0).

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

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


Kirby Romines, City Clerk


Stephanie Orman, Mayor

