

Bentonville City Council

Meeting Minutes

February 9, 2021

The City Council of Bentonville, Arkansas, met in regular session Tuesday, February 9, 2021, at 6:00 p.m., at the Bentonville Community Center, 1101 Southwest Citizen's Circle, Bentonville, Arkansas.

Present were Council Members Cindy Acree, Octavio Sanchez, Holly Hook, Chris Sooter, Bill Burckart, Gayatri Agnew, and Aubrey Patterson. Also present were Mayor Stephanie Orman, City Attorney George Spence, City Clerk Kirby Romines, the press, city staff, and the audience. Council Member Tim Robinson attended remotely and participated by Zoom.

Due to the situation related to COVID-19, several members of the city staff and the public attended remotely by Zoom. Mayor Orman reminded the council that all votes would be by roll call.

One individual signed in to speak at the meeting in person, and no individuals joined via Zoom to speak to agenda items.

Mayor Orman called the meeting to order. Ethan Chapman, 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 January 26, 2021 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 February 8, 2021
Committee of the Whole meeting.]

Mayor Orman said that at the Committee of the Whole meeting, City Council voted and approved to move the March 23, 2021, City Council meeting to March 30, 2021.

4. Planning:

- 4a. Ordinance No. 2021-33: Ordinance accepting a lot split of Lot 21 of Lefor's Addition to the City of Bentonville, Arkansas (Project No. LS20-0058).

[Applicant: William & Debra Stuckey;

Location: SW F Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 4b. Ordinance No. 2021-34: Ordinance accepting a property line adjustment of Lot 4 Of Edgmon Acres Subdivision to the City of Bentonville, Arkansas (Project No. LS20-0068).

[Applicant: Elm Tree CK, LLC;

Location: 3301 SW 2nd Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

4c. Ordinance No. 2021-35: Ordinance accepting a property line adjustment of Lot 5, Block 2 of Young's Addition to the City of Bentonville, Arkansas (Project No. PLA20-0063).

[Applicant: Fish Market Properties, LLC;

Location: 402 SE G Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

4d. Ordinance No. 2021-36: Ordinance accepting a property line adjustment of Lots 1-2 of Orr Addition to the City of Bentonville, Arkansas (Project No. PLA20-0064).

[Applicant: Orr Trust;

Location: 10592 Phillips Cemetery Road]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

4e. Ordinance No. 2021-37: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-3, Medium Density Residential (Project No. RZ20-0070).

[Applicant: Mercy Health NWA Communities, LLC;

Location: 797 SW 41st Street]

Bill Watkins, representing the applicant, spoke in favor of the item.

Council Member Patterson explained that there are over four apartment complexes within one mile of each other in this zone. Council Member Burckart spoke on the need for affordable and diverse housing in Bentonville.

Council Member Acree, Council Member Burckart, and Council Member Patterson discussed if having another apartment complex would make housing more affordable. They also discussed if it is possible to spread the apartment complexes throughout the city instead of having several in one specific area.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no further discussion. Motion carried (5-3), with Council Member Hook, Council Member Acree, and Council Member Patterson voting no.

- 4f. Ordinance No. 2021-38: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of DE, Downtown Edge to DC, Downtown Core (Project No. RZ20-0071).

[Applicant: Crowhow, LLC;

Location: SE 7th Street & SE D Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Robinson. There was no discussion. Motion carried (8-0).

- 4g. Ordinance No. 2021-39: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of DE, Downtown Edge to DC, Downtown Core (Project No. RZ21-0003).

[Applicant: City of Bentonville;

Location: SE 8th Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 4h. Ordinance No. 2021-40: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning

classification of R-1, Single Family Residential to DN-1, Downtown Low-Density Residential (Project No. RZ20-0075).

[Applicant: Ruth & Michael Keeley;

Location: 806 SE 4th Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

5. Ordinance No. 2021-41: Ordinance repealing Ordinance No. 2003-119 codified as Article 34-III Criminal Nuisance Abatement Board in the City of Bentonville, Arkansas.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

Consent Agenda: Items 6, 13, 14a, 14b, 17b, 18 and 19b.

6. Council approval of Mayor Orman's recommendation to appoint Pamela Ferguson to the City of Bentonville's Advertising & Promotion Commission. Ms. Ferguson's term will expire on December 31, 2024.

13. Bid Award to Clark Equipment Co. DBA Bobcat Company through participation in the HGAC Cooperative (Co-op) contract, GR01-20 to purchase one (1) MT100 Mini Track Loader and associated components in the amount of \$35,622.08 (\$32,531.58 for the purchase plus applicable taxes estimated to be \$3,090.50). Use of a Co-op is allowed pursuant to Arkansas State Statute 19-11-249; Purchasing performed an evaluation of the GR01-20 contract, determining that the solicitation was in line with both Arkansas State Statute and City Purchasing procedures. This is a budgeted item in the 2021 budget.

- 14a. Change Order for City Council approval requested by Bentonville Water Utilities staff in the amount of \$113,495.00. The change order is needed to adjust the contract amount with Brothers Construction to cover additional construction cost for rock excavation. This change order will bring the overall construction cost to \$1,680,267.50. Funding to cover the increase will come from Wastewater Reserves. The Utility Board voted 5-0, recommending approval for this item.
- 14b. Budget Adjustment requested by Bentonville Water Utilities staff for City Council approval in the amount of \$113,495.00 associated with Change Order No. 1 for Brothers Construction to cover additional costs associated with rock removal along the Nomad Creek Sewer Interceptor project. Wastewater reserves will be used to cover the additional costs. Utility Board voted 5-0 recommending approval of this item.
- 17b. Budget adjustment to move \$267,917.42 from Underground Primary to Improvements Other than Electric to purchase CECC infrastructure and accounts on Scoggins Rd. for a total of \$317,917.42. Approved by the Utility Board 5-0.
18. Bid Award IFB-20-75 to Empire Group Property Management for mowing services at the Bentonville Community Center/Citizens Park as needed throughout the year at a weekly rate of \$1,708.20 for an estimated annual total cost of \$48,037.00. This contract is for a one-year term, renewable annually until 2024.
- 19b. Council approval of a budget adjustment, in the amount of 466,500.00, to allow for the design of SW Bright Road to SW 28th Street as part of the 28th Street Park Project.

Motion to pass all consent items by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

7. Ordinance No. 2021-42: Ordinance vacating a Utility Easement located at 3301 SW 2nd Street of Edgmon Acres to the City of Bentonville, Arkansas, Benton County Arkansas (Project No. VAC21-0001).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

8. Resolution No. 2-9-21 A: A resolution setting a public hearing for February 23, 2021, for a Street Right of Way Vacation requested for 203 SE Martin Luther King, Lot 5 of Bentonville Industrial Park (VAC20-0036).

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

9. Ordinance No. 2021-43: Ordinance authorizing the Mayor and the City Clerk to purchase certain police equipment and upfitting services from Superior Auto Group and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

10. Resolution No. 2-9-21 B: A resolution declaring certain property belonging to the City of Bentonville Police Department as surplus property.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

11. Ordinance No. 2021-44: Ordinance authorizing the Mayor and the City Clerk to purchase a pump for the Wastewater Department and waiving the requirement of competitive bidding.

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

12. Ordinance No. 2021-45: Ordinance authorizing the Mayor and the City Clerk to purchase certain pumps and related components and services for the Wastewater Department to upgrade capacity at the Kingsbury lift station and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

15. Ordinance No. 2021-46: Ordinance authorizing the Mayor and the City Clerk to purchase a mobile CCTV unit for the Bentonville Water Utilities Department and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

16. Resolution No. 2-9-21 C: A resolution authorizing the Mayor and Clerk to enter into an agreement with Centerton Waterworks and Sewer Commission.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 17a. Resolution No. 2-9-21 D: A resolution authorizing the Mayor and Clerk to purchase certain customers and facilities from Carroll Electric Cooperative.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

- 19a. Resolution No. 2-9-21 E: A resolution authorizing the Mayor and Clerk to enter into an amendment to the agreement with Ecological Design Group, related to 28th Street Park in the City of Bentonville.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

20. Ordinance No. 2021-47: Ordinance amending Ordinance No. 2003-108 in order to extend the levy, from December 31, 2032 to December 31, 2046, of the 1% sales and use tax within the City of Bentonville, Arkansas levied thereby to finance capital improvements for municipal purposes and/or to pay and secure the repayment of capital improvement bonds approved by the voters and issued by the city from time to time; and prescribing other matters relating thereto.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

21. Ordinance No. 2021-48: Ordinance calling a special election in the City of Bentonville, Arkansas on the questions of issuing bonds under Amendment No. 62 to the Constitution of the State of Arkansas for the purpose of refinancing and financing the costs of capital improvements; and prescribing other matters pertaining thereto.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

22. Resolution No. 2-9-21 F: A resolution pertaining to calling a special election in the City of Bentonville, Arkansas; and prescribing other matters relating thereto.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

City Attorney Spence thanked Shep Russell with Friday Firm and Kevin Faught with the Stephens Group for their work and help with the bonds.

23. State of the City Report - Mayor Stephanie Orman.

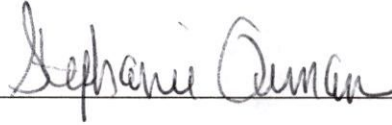
Mayor Orman adjourned the meeting. Motion to adjure by Council Member Sanchez, second by Council Member Burckart.

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

The next Bentonville City Council meeting will be on February 23, 2021.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

