

Bentonville City Council

Meeting Minutes

February 14, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, February 14, 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, Holly Hook, and Bill Burckart. 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. Sophia Sullins, 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 Hook to approve the minutes of the January 24, 2023, 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 6 were addressed at the February 13, 2023, Committee of the Whole meeting.]

7. Planning:

- 7a. Ordinance No. 2023-21: Ordinance accepting a lot split of Lot 3 of Silver Leaf Addition; creating new Lots 4 & 5 of Silver Leaf Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0060).

[Applicant: Bush Trust, James and Virginia Bush;

Location: 500 NW Hook Street]

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).

- 7b. Ordinance No. 2023-22: Ordinance accepting a lot split of the northern portion of Lot 5, Block 4 of Railroad Addition; creating new Lot 24, Block 4 of Railroad Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0063).

[Applicant: Tammy Sun and Phil Libin;

Location: 238 SE B 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).

- 7c. Ordinance No. 2023-23: Ordinance accepting a lot split of Lot 3C of Townzen Addition; creating new Lots 4 & 5 of Townzen Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0066).

[Applicant: Matthew and Casey Rivard;

Location: 1105 NW 9th Street]

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).

- 7d. Ordinance No. 2023-24: 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. RZ22-0071).

[Applicant: John and Angela Schuber;

Location: 609 NW 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).

- 7e. Ordinance No. 2023-25: 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. RZ22-0072).

[Applicant: John Hayward;

Location: 4309 SW Bright 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).

- 7f. Ordinance No. 2023-26: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-O, Residential Office to C-1, Neighborhood Commercial; and for other purposes (Project No. RZ22-0073).

[Applicant: Bella Terra, LLC;

Location: SW Sunbrooke Street and SW Regional Airport Blvd]

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).

- 7g. Ordinance No. 2023-27: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-O, Residential Office to C-1, Neighborhood Commercial; and for other purposes (Project No. RZ22-0074).

[Applicant: Bella Terra, LLC;

Location: SW Eden Brooke Street]

Council Member Patterson asked about the project on the property next to this area. Tyler Overstreet explained the status of the zoning of the area. Council Member Patterson expressed concern about the possibility of a cut-through in the neighborhood to the potential development, and the rezone being right next to residential. The council discussed the differences between R-O and C-1 zoning.

Mayor Orman recognized Hunter Haynes, who represents the applicant, for public comment. Hunter Haynes explained the C-1 zoning details versus R-O and spoke in favor of the item.

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

8. Appointment of Beckie Seba as ex-officio on the Public Art Advisory Committee. This will be Mrs. Seba's first term, that begins January 1, 2023, and expires December 31, 2024.

Motion to approve by Council Member Sanchez, second by Council Member Hook. There was no discussion. Motion carried (8-0).

9. Reappointment of Kate Schaffer to Position 4 on the Public Art Advisory Committee. This will be her second term, which begins January 1, 2023, and will expire on December 31, 2025.

Motion to approve by Council Member Sanchez, second by Council Member Hook. There was no discussion. Motion carried (8-0).

10. Utility Board:

- 10a. Ordinance No. 2023-28: Ordinance waiving competitive bidding for the purchase of an 85 hp pump for the Mckissic Lift Station; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed eighty-nine thousand three hundred eighty-four dollars and eighty-five cents (\$89,384.85), with Jack Tyler Engineering for this purchase; providing for the emergency clause; and for other purposes.

Council Member Burckart asked how often these need to be replaced. Chris Earl, Water Resource Recovery Facility Manager, said they need to be replaced about every seven to eight years.

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).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sooter, second by Council Member Acree. There was no discussion. Motion carried (8-0).

- 10b. Ordinance No. 2023-29: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Superior Chevrolet Buick GMC, for the purchase of one (1) 2023 Chevrolet 1500 Crew Cab truck in the amount of thirty-nine thousand nine hundred ten dollars (\$39,910.00); waiving the requirement of competitive bidding; adjusting the 2023 Budget to appropriate four thousand nine hundred ten dollars (\$4,910.00) from Utility Fund Reserves to Account

#503020-47420 - Vehicles; 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).

- 10c. Resolution No. 2-14-23 A: A resolution awarding bid IFB-23-80 to Superior Automotive Group for the purchase of two (2) 2023 Dodge Ram 5500 Crew Cab 4x4 trucks, in the amount of one hundred seventy-nine thousand three hundred ninety dollars (\$179,390.00); 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).

- 10d. Ordinance No. 2023-30: Ordinance amending waiver of bid Ordinance 2022-217 for the purchase of additional underground wire; 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 (8-0).

11. Ordinance No. 2023-31: Ordinance establishing and amending certain ambulance charges for the City of Bentonville Fire Department; 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 (8-0).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Patterson. There was no discussion. Motion carried (8-0).

12. Ordinance No. 2023-32: Ordinance amending the Pay Plan for the City of Bentonville Fire Department to create the additional position of part-time Medical Director; providing for the emergency clause; and for other purposes.

Council Member Burckart asked if this would increase the budget for personnel next year. Fire Chief Brent Boydston said the change in the ambulance fees would cover the position's salary.

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).

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).

13. Ordinance No. 2023-33: Ordinance amending the 2023 Pay Plan for the City of Bentonville Fire Department to create the additional position of Fire Inspector - Non Uniformed; 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).

14. Ordinance No. 2023-34: Ordinance waiving competitive bidding for the purchase of uniforms for the Bentonville Fire Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed one hundred ten thousand five hundred dollars (\$110,500.00), with Galls LLC, for this purchase; 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 Hook. 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 Hook. There was no discussion. Motion carried (8-0).

15. Ordinance No. 2023-35: Ordinance waiving competitive bidding for the purchase of medical supplies and medication for the Bentonville Fire Department Ambulance Service; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed seventy thousand dollars (\$70,000.00), with Henry Schein Medical 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. 2-14-23 B: A resolution allowing the Mayor and City Clerk to enter into an agreement with Northwest Medical of Benton County, in the amount of one hundred thousand dollars (\$100,000.00), to provide physicals for Bentonville Fire and Police personnel; 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).

17. Resolution No. 2-14-23 C: A resolution awarding bid IFB 22-104 to Superior Auto Group for the purchase of eight (8) 2023 Chevrolet Tahoes in the amount of five hundred thirty-three thousand six hundred fifty-two dollars and eighty-eight cents (\$533,652.88); adjusting the 2023 Budget to appropriate twenty-nine thousand six hundred fifty-two dollars and eighty-eight



cents (\$29,652.88) from General Fund Reserves into Account #102010-47420 - Capital Vehicles; 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).

18. Resolution No. 2-14-23 D: A resolution awarding Sourcewell Cooperative Co-Op contract number 010920-SPC, to Patterson Pope for the purchase of a Police Department evidence storage system in the amount of sixty-four thousand three hundred twelve dollars and sixty-four cents (\$64,312.64); 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. 2023-36: Ordinance waiving competitive bidding for the purchase of uniforms for the Bentonville Police Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed one hundred thirty-one thousand five hundred dollars (\$131,500.00), with Galls LLC, 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 Acree. There was no discussion. Motion carried (8-0).

20. Resolution No. 2-14-23 E: A resolution allowing the Mayor and City Clerk to enter into an amendment to the contract with Tyler Technology New World adding Enterprise Law Enforcement and Fire Command Staff Field Mobile with Advanced Mapping Software Package, not to exceed fourteen thousand one hundred one dollars (\$14,101.00); 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. 2-14-23 F: A resolution authorizing the Mayor and City Clerk to enter into a contract with Bentonville Towing, LLC., for Official Police Light and Medium Duty Towing Services; and for other purposes.

Council Member Hook mentioned constituents who had a negative experience with this specific towing company. Chief of Police Ray Shastid explained that the company is under new ownership and went through the RFP process, but Citizens are not required to use Bentonville Towing.

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. 2-14-23 G: A resolution accepting a twenty thousand dollar (\$20,000.00) donation from Pet-IQ to the City of Bentonville Animal Services; adjusting the 2023 Budget to recognize said funds into Account #105060-37080 - Sponsorship; 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. Ordinance No. 2023-37: Ordinance waiving competitive bidding for the purchase of transit service within the City of Bentonville; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed two hundred twenty thousand dollars (\$220,000.00), with Ozark Regional Transit for this purchase; and for other purposes.

Council Member Agnew mentioned concerns about the public transit gaps in the community and what needs to be discussed in the future.

Mayor Orman said this could be discussed at the April Committee of the Whole Meeting.

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).

24. Resolution No. 2-14-23 H: A resolution approving a change order to the agreement with Flintco, LLC to add an additional fifty-six (56) days to the Bright Road Extension 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 Burckart. There was no discussion. Motion carried (8-0).

25. Resolution No. 2-14-23 I: A resolution authorizing the Mayor and Clerk to enter into an amendment with CEI for additional engineering and project services for the SE C Lateral Drainage Project, in an amount not to exceed one hundred six thousand one hundred seventy-one dollars (\$106,171.00); 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).

26. Resolution No. 2-14-23 J: A resolution authorizing the Mayor and Clerk to enter into an agreement with Olsson for engineering and project services for the Sidewalk Infill Projects, in an amount not to exceed three hundred thousand dollars (\$300,000.00); 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).

27. Resolution No. 2-14-23 K: A resolution recognizing a donation from the Bentonville Advertising and Promotion Commission in the amount of fourteen thousand six hundred fifty-six dollars (\$14,656.00); adjusting the 2023 Budget to recognize the same to Account #105030-37030 - Advertising and Promotion Contributions; appropriating the same into Account #105050-47390 - Improvement Other than Building; 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).

28. Resolution No. 2-14-23 L: A resolution recognizing a donation from "The James W. Garber CRAT", to the City of Bentonville Parks and Recreation Department, in the amount of twelve thousand four hundred nine dollars and eighteen cents (\$12,409.18); and for other purposes.

Council Member Sanchez honored the individual for leaving a donation in their will for the Bentonville Parks and Recreation Department.

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).

29. Ordinance No. 2023-38: Ordinance amending the Pay Plan for the City of Bentonville Parks and Recreation Department to reclassify the position of Parks Maintenance Worker III to Crew Leader; 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 (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).

30. Resolution No. 2-14-23 M: A resolution awarding bid IFB 22-92, for Lake Bella Vista Parking Lot improvements, to Milestone Construction Company, LLC. in the amount of one million eight hundred thirty-four thousand eight hundred sixty dollars and twenty-eight cents (\$1,834,860.28); adjusting the 2023 Budget to recognize FEMA funds in the amount of six hundred forty-five thousand four hundred sixty-three dollars and seventeen cents (\$645,463.17) to Account # 105030-33110 - Federal Direct Grant; and for other purposes.

Council Member Agnew asked if there are any contingencies from the private grant or the FEMA funds. David Wright, Parks & Recreation Director, explained the details of the use of the funds and the timing of using the funds. Council Member Burckart mentioned that he is not concerned about the lot improvements being done before stream restoration.

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).

31. Resolution No. 2-14-23 N: A resolution accepting a grant from the Walton Family Foundation in the amount of fifty-eight thousand dollars (\$58,000.00); adjusting the 2023 Budget to recognize the same to Account #105030-33810 - Local Grants; appropriating the same into Account #105050-47390 - Improvement Other than Building; authorizing the Mayor and City Clerk to enter into a change order with CEI Engineering Associates, Inc; 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).

32. Ordinance No. 2023-39: Ordinance redistricting the Wards of the City of Bentonville, Arkansas for Council Members to take office in 2025; and for other purposes.

Council Member Agnew asked for the timeline to get updated maps with the redistricting reflected. Mayor Orman explained that it would be updated online within the 30-day implementation.

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).


Council Member Sanchez recommended creating a committee for short-term rental properties so the City of Bentonville can create a resolution to put together said committee. Council Member Acree supported the recommendation.

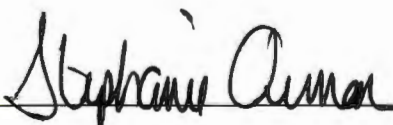
Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Sooter, second by Council Member Sanchez.

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

Mayor Orman reminded the council of the Animal Services preview event on February 16, 2023.

The next Bentonville City Council meeting will be on February 28, 2023.

  
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Kirby Romines, City Clerk

  
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Stephanie Orman, Mayor

