

Bentonville City Council  
Meeting Minutes  
February 25, 2020

The City Council of Bentonville, Arkansas, met in regular session Tuesday, February 25, 2020, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Tim Robinson, Chad Goss, Cindy Acree, Chris Sooter, Aubrey Patterson, Bill Burckart, Octavio Sanchez and Jonathan Terlouw. Also present were Mayor Stephanie Orman, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

At 6:00 p.m., prior to calling the meeting to order, Mayor Orman invited public comments. There was no response so the Mayor declared the comment period closed. The Mayor then invited questions or comments from the Council about items on the agenda and there were none.

Mayor Orman called the meeting to order. Several Girl Scouts and Daisies were present and led everyone present in the Pledge of Allegiance, 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 February 11, 2020 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 Robinson. There was no discussion. Motion carried (8-0).

- 1a. Ordinance No. 2020-41: Ordinance accepting a lot split of Lot 1 of Bertschy Subdivision to the City of Bentonville, Arkansas. (Project No. PLA19-45)

[Applicant: Bertschy Trust;  
Location: 1908 Southeast J Street]

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

- 1b. Ordinance No. 2020-42: Ordinance changing real estate in the  
City of Bentonville, Arkansas, from its present zoning  
classification of R-1, single family residential to DN-3,  
downtown high-density residential. (Project No. RZ20-01)

[Applicant: Affordable Arkansas Homes, LLC;  
Location: 802 Northwest A Street]

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).

- 1c. Ordinance No. 2020-43: Ordinance changing real estate in the  
City of Bentonville, Arkansas, from its present zoning  
classification of C-2, general commercial and DN-4, downtown  
mixed-use residential to PUD, planned unit development.  
(Project No. PUD20-01)

[Applicant: Crystal Bridges Museum of American Art, Inc. ;  
Location: 507 Southeast E Street]

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

2. Ordinance No. 2020-44: Ordinance vacating an alley  
right-of-way at 540 Southeast A Street of Mauck-Black  
Subdivision. (VAC20-01)

[Applicant: City of Bentonville;  
Location: 540 Southeast A Street]

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 Goss. There was no discussion. Motion carried (8-0).

3. Ordinance No. 2020-45: Ordinance vacating a utility easement located at 3811 US 71 Highway of Lowe's Addition to the City of Bentonville, Arkansas, Benton County, Arkansas. (VAC20-02)

[Applicant: Ozark Civil Engineering;  
Location: 3811 US 71 Highway]

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 Goss. There was no discussion. Motion carried (8-0).

- 4a. Approval to award Bid No. 19-80 to Streamline Environmental, LLC, in the amount of \$221,000, for construction of the Little Sugar streambank and wetland restoration project.

Council Member Burckart expressed his concerns about only receiving two bids for the project and asked whether more bids could be sought. Bryan Wick, Engineering Project Manager, stated that the reason for the lack of additional bids was due to the nature of the work required (which required the tow-wood method), which he thought had kept more contractors away from the project. He added that the bid was out for three weeks.

Council Member Acree asked if the work to be done would only reinforce or also reroute the streambed. Mr. Wick stated that the streambed would be altered to straighten out the path of flow but that it would not affect the flow of water into the lake.

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

- 4b. Approval of a budget adjustment for the Engineering Department in the amount of \$68,150 to supplement the cost of construction for the Little Sugar streambank restoration project.

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

5. Resolution No. 2-25-20 A: Resolution authorizing the Mayor and City Clerk to consent to the assignment of a land lease agreement for an existing hangar foot print located at the Bentonville Municipal Airport.

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

6. Resolution authorizing the Mayor and City Clerk to enter into a Bentonville Municipal Airport land lease agreement with CPS Ventures, LLC.

City Attorney Spence read the resolution by title only.

Council Member Burckart expressed his concerns with the proposed project deviating from the Airport Master Plan and the relocation of the fuel station. Chuck Chadwick, Airport Manager, explained the history of the proposed project leading to the proffer of this land lease agreement. He stated that he felt it was in the best interest of the City to approve the resolution as the lease rate was five times what was typical. He also stated the Airport Advisory Board had unanimously approved the lease agreement at its February 6 meeting.

Council Member Burckart and Mr. Chadwick engaged in a lengthy discussion about the propriety of the lease based on the history of the airport development. Council Member Robinson expressed similar concern.

Council Member Acree asked whether there was anyone present to discuss the matter. There was no response.

A motion to pass was made by Council Member Acree, second by Council Member Sanchez.

Council Member Terlouw asked if waiting and considering the matter longer would create a problem. Mr. Chadwick stated that there was always a risk that the proposal might be withdrawn.

After asking City Attorney Spence how to proceed procedurally, a motion to refer the matter back to the Airport Advisory Board was made by Council Member Robinson, second by Council Member Terlouw. Motion passed (5-3), with Council Member Patterson, Council Member Sanchez and Council Member Acree voting no.

- 7a. Resolution No. 2-25-20 B: Resolution authorizing the Mayor and Clerk to enter into an agreement with Thaden School related to the construction of a traffic signal at the intersection of Southeast C Street and Southeast 8<sup>th</sup> Street.

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).

- 7b. Approval of a budget adjustment to accept additional funding from the Thaden School in the amount of \$250,000 for the construction of the traffic signal.

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

8. Approval of a budget adjustment for the District Court, in the amount of \$13,822, to install bullet resistant acrylic windows at the District Court building.

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

9. Approval of a budget adjustment for the Fire Department, in the amount of \$3,705, to increase the contract amount to Jackson, Brown, Palculict Architects for the design work on Station No. 7.

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

10. Resolution No. 2-25-20 C: Resolution authorizing the Mayor and Clerk to enter into an agreement with Mercy Health Systems for firefighter physicals for 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).

11. Resolution No. 2-25-20 D: Resolution authorizing the Mayor and Clerk to enter into an agreement with TOP Engineers to provide engineering/design and bidding services related to Priority 1 of the fiber backbone project for the City of Bentonville.

City Attorney Spence read the resolution by title only.

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

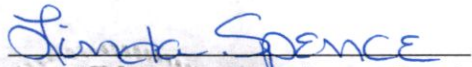
12. Motion to notify the Northwest Arkansas Conservation Authority that the City of Bentonville endorses and consents to the conditional settlement agreement reached with USI Consulting Engineers, Inc. and other parties related to the litigation concerning the Osage Creek sewer transmission line.

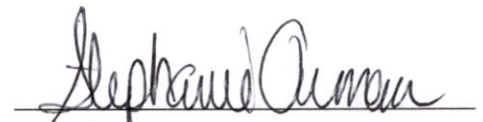
City Attorney Spence began by explaining that the manufacturer of the pipe used on the NACA line project was not currently being pursued because based on the information available it did not appear the pipe had been installed to specifications. He

also stated that NACA would receive the policy limits of the USI insurance under the settlement and that it was the judgment of NACA'S lawyers, the Mayor, Mike Bender and himself that this was best for the City.

Mike Bender, Public Works Director, answered questions about how inspections on the line installation were handled.

Mayor Orman adjourned the meeting.

  
Linda Spence, City Clerk

  
Stephanie Orman, Mayor

