

Bentonville City Council

Meeting Minutes

February 28, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, February 28, 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 and 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 February 14, 2023, meeting as presented, second by Council Member Burckart. 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).

1. Planning:

1a. Ordinance No. 2023-40: Ordinance accepting a lot split of East ½ of Lot 9, Block 16 of Railroad Addition; creating new Lot 19, Block 16 of Railroad Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0004).

[Applicant: Josh and Christina Barker;

Location: 303 SE Henry 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).

1b. Ordinance No. 2023-41: 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. RZ23-0007).

[Applicant: Freeman Living Trust;

Location: 204, 206, & 214 SW Glover 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).

1c. Ordinance No. 2023-42: 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-1, Downtown Low-Density Residential; and for other purposes (Project No. RZ23-0009).

[Applicant: Freeman Living Trust;

Location: 203 NW D 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).

- 1d. Ordinance No. 2023-43: 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-1, Downtown Low-Density Residential; and for other purposes (Project No. RZ23-0010).

[Applicant: Freeman Living Trust;

Location: 205 NW D 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).

- 1e. Ordinance No. 2023-44: 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. RZ23-0014).

[Applicant: LoxBlox LLC;

Location: 1109 NE Monroe 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).

2. Resolution No. 2-28-23 A: A resolution establishing a Short-Term Rental Work Group studying short term rentals in Bentonville; providing recommendations on effect and any needs for regulation; and for other purposes.

Council Member Sanchez explained the purpose and intention of the work group. Council Member Burckart asked about the details and timeline of the application process. Mayor Orman said the applications would be posted and live for two weeks and that the committee would also include residents from neighbors without HOAs or POAs to represent residents at large.

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).

3. Utility Board:

- 3a. Resolution No. 2-28-23 B: A resolution awarding bid IFB 22-09 to Stella Jones Company for the purchase of transmission wood poles, in the amount of three hundred seventy-three thousand four hundred sixty-six dollars (\$373,466.00) plus applicable taxes; 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).

- 3b. Ordinance No. 2023-45: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Stuart Irby for 1/0 underground primary wire, in the amount of three hundred fourteen thousand six hundred dollars (\$314,600.00) plus applicable taxes; 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 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).

- 3c. Ordinance No. 2023-46: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Arkansas Electric, for the purchase of single-phase transformers, in the amount of four

hundred ninety-eight thousand seven hundred fifty dollars (\$498,750.00), plus applicable taxes; waiving the requirement of competitive bidding; providing for the emergency clause; and for other purposes.

Council Member Acree asked about the inventory status of transformers. Travis Matlock, Engineering Director, explained the timeline for the current transforms being ordered and that the department should have enough inventory at this time to carry them until the start of 2024.

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 (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).

- 3d. Ordinance No. 2023-47: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Arkansas Electric, for the purchase of three phase transformers, in the amount of two hundred fifty thousand four hundred twenty-eight dollars (\$250,428.00), plus applicable taxes; 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 (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).

- 3e. Ordinance No. 2023-48: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Arkansas Electric, for the purchase of (2) 1000kva 277/480 three phase transformers, in the amount of sixty-five thousand one hundred thirty dollars

(\$65,130.00), plus applicable taxes; 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 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 Acree. There was no discussion. Motion carried (8-0).

4. Ordinance No. 2023-49: Ordinance establishing the Bentonville Cemetery Schedule of Fees and Pricing; 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).

5. Ordinance No. 2023-50: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Symtech Fire LLC., for the purchase of a roll-over simulator for the Bentonville Fire Department Training Facility, in the amount of fifty-nine thousand seven hundred seventy-nine dollars and thirty-four cents (\$59,779.34); waiving the requirement of competitive bidding; authorizing a budget adjustment for this purchase; and for other purposes.

Council Member Patterson asked about the details of the state funding for this item. Fire Chief Brent Boydston explained how they receive the funds, the amount each year, and what they can put them towards.

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).

6. Ordinance No. 2023-51: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with 908 Devices Inc., for the purchase of a High Pressure Mass Spectrometer, in the amount of one hundred thirteen thousand nine hundred fifty-eight dollars and eighty-four cents (\$113,958.84); waiving the requirement of competitive bidding; and for other purposes.

Council Member Acree asked why this item was being waved. Fire Chief Brent Boydston explained how this is a specific item only made by a handful of vendors and how this particular spectrometer works.

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).

7. Ordinance No. 2023-52: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Downtown Bentonville Inc. for event production and related services; waiving the requirement of competitive bidding; 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. Resolution No. 2-28-23 C: A resolution accepting a grant from the Walton Family Foundation in the amount of two hundred sixty-one thousand dollars; 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.

Council Member Patterson asked if the grant is in addition to what was already allocated to the project or if it will replace the funds allocated for the pickleball courts. David Wright, Parks & Recreation Director, explained that the grant would replace the funds initially allocated to the project.

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 (8-0).

9. Resolution No. 2-28-23 D: A resolution authorizing the Mayor and City Clerk to enter into an agreement with WT Equipment Transfer Holding/dba Bobcat of Northwest Arkansas, for the purchase of a Bobcat UW56 Toolcat Utility Work Machine, in the amount of sixty-six thousand nine hundred fifty dollars (\$66,950.00) plus applicable taxes; 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 (8-0).

10. Resolution No. 2-28-23 E: A resolution awarding bid IFB-23-02; authorizing the Mayor and City Clerk to enter into a contract with Titan Lawn & Landscape, for mowing services at Creekside Park; 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 Acree. There was no discussion. Motion carried (8-0).

11. Resolution No. 2-28-23 F: A resolution awarding bid IFB-23-01; authorizing the Mayor and City Clerk to enter into a contract with Ace of Blades, for herbicide and fertilizer application at various City parks; 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. 2-28-23 G: A resolution expressing the willingness of the City of Bentonville to utilize Federal-aid Carbon Reduction Program Funds.

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. 2-28-23 H: A resolution setting a public Hearing for March 14, 2023, to vacate a Drainage and Utility Easement located at Lot 7A and Lot 30 of The Bluffs Subdivision Phase 1 (VAC23-0001).

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).

14. Resolution No. 2-28-23 I: A resolution setting a public Hearing for March 14, 2023, to vacate a Utility Easement located at Lot 12 of Allen Subdivision, 406 S Walton (VAC23-0002).

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).

15. Resolution No. 2-28-23 J: A resolution awarding bid IFB 23-05 to Pavement Technologies Intl. Corporation for the purchase of a 2022 or newer Skid Mounted Asphalt Distributor, in the amount of forty-two thousand two hundred fifty dollars and eighty-eight cents (\$42,250.88); 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).

16. Resolution No. 2-28-23 K: A resolution awarding bid IFB 23-11 to Crossland Heavy Contractors, Inc., for the construction of the Drainage Improvements-Tributary 2 of Little Osage Creek Project, in the amount of three million five hundred forty-six thousand two hundred seventy-eight dollars and seventy cents (\$3,546,278.70); 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).

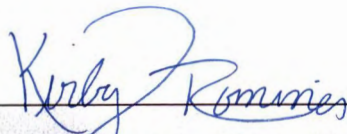
17. State of the City Report - Mayor Stephanie Orman.

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

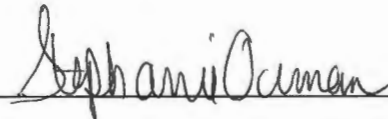
Council members reported on committees and boards they participate in related to the city.

Mayor Orman reminded the council of the State of the City event on April 6, 2023, and the City of Bentonville tickets available to council members for the Greater Bentonville Area Chamber of Commerce Annual Luncheon.

The next Bentonville City Council meeting will be on March 14, 2023.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

