

Bentonville City Council

Meeting Minutes

March 9, 2021

The City Council of Bentonville, Arkansas, met in regular session Tuesday, March 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, Aubrey Patterson, and Gayatri Agnew. 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.

Several individuals signed in to speak at the meeting in person, and several individuals joined via Zoom to speak to agenda items.

Mayor Orman called the meeting to order. Sam Cockrin, 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 February 23, 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).

1. Presentation of Short-Term Rental Study by Shelli Kerr.

Council Member Acree asked if there have been complaints regarding short-term rentals. Shelli Kerr, Comprehensive Planning Manager, explained that they are not aware of any specific complaints. Still, they have received questions about regulations for short-term rentals in the city.

Council Member Patterson asked if the city is receiving any tax submissions from those outside of Airbnb. Shelli Kerr said that most of the collections are from Airbnb listings since they submit the taxes for the rental owners.

Council Member Sanchez said that what it will cost to have the regulations in place would be more than the additional hospitality taxes the city would receive and would like to leave this as it is.

Council Member Patterson thanked Shelli Kerr for their research and presentation. Council Member Patterson also asked how to monitor the growth of short-term rentals in Bentonville and measure if there is a point in the future that the city would need to step in.

Mayor Orman explained that the city plans on having someone in the Planning Office or the Mayor's Office who can keep on top of the statistics and know what the housing landscape looks like in Bentonville.

2. Ordinance No. 2021-57: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards.

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).

3. Planning:

- 3a. Ordinance No. 2021-58: Ordinance accepting a lot split of Lot 1 of 7 Brew Subdivision to the City of Bentonville, Arkansas (Project No. PLA21-0002).

[Applicant: Clearwater Investments, Inc.;

Location: 2811 & 2813 SW 14th 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).

- 3b. Ordinance No. 2021-59: Ordinance accepting a lot split of Lots 1-4 of Allen Subdivision South to the City of Bentonville, Arkansas (Project No. LS20-0044).

[Applicant: Bentonville/Bella Vista Trailblazers Association;

Location: SW 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).

- 3c. Ordinance No. 2021-60: Ordinance accepting a property line adjustment of Lots 17-18, Block 19 of Deming's 2<sup>nd</sup> Addition to the City of Bentonville, Arkansas (Project No. LS21-0006).

[Applicant: Stephan & Catherine Roche & Clifford &

Lori Vanderpool;

Location: 601 & 605 NW B 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).

3d. Ordinance No. 2021-61: Ordinance accepting a property line adjustment of Lot 44 of Oakwood Heights to the City of Bentonville, Arkansas (Project No. PLA21-0003).

[Applicant: Calcon, Inc.;

Location: 2104 Almand Drive]

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).

3e. Ordinance No. 2021-62: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to C-3, Central Commercial (Project No. RZ20-0074).

[Applicant: Crystal Bridges Museum of American Art;

Location: 600 Museum Way]

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).

City Attorney George Spence explained that item 3f has two ordinances.

3f. Ordinance No. 2021-63: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to C-1, Neighborhood Commercial (Project No. RZ21-0001).

[Applicant: Vaishno Group, LLC;

Location: SW 14th 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).

Ordinance No. 2021-64: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to C-2, General Commercial (Project No. RZ21-0001).

[Applicant: Vaishno Group, LLC;

Location: SW 14th 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).

3g. Ordinance No. 2021-65: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Single Family Residential to DE, Downtown Edge (Project No. RZ21-0002).

[Applicant: Mark & Lisa Hufford;

Location: 302 NW 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).

3h. Ordinance No. 2021-66: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of C-2, General Commercial to C-3, Mixed-Use Commercial (Project No. RZ21-0004).

[Applicant: LaRose Development, LLC;

Location: S Walton Boulevard]

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).

3i. Ordinance No. 2021-67: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-2, Duplex and Patio Home Residential to DN-2, Downtown Medium-Density Residential (Project No. RZ21-0006).

[Applicant: Wayne Alexander Trust;

Location: 406 SW Glover 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).

Mayor Orman stated that the applicant asked that items 4 and 5 be removed from the agenda and for discussion to be at Planning Commission.

Council Member Patterson asked if there were individuals present to speak on these items, and if so, they should be allowed to speak. Those in attendance who wanted to speak on items 4 and 5 said they were okay with pushing it and waiting to make their comments.

Motion to remove items 4 and 5 from the agenda by Council Member Sooter, second by Council Member Acree. There was no discussion. Motion carried (8-0).

4. This item was removed from the agenda: Appeal to a Planning Commission decision for a rezoning request by the Allen and Veda Kinyon Trustees of land located at 403 SW E Street.

5. This item was removed from the agenda: Appeal to a Planning Commission decision for a rezoning request by the Allen and Veda Kinyon Trustees of land located at 342 SW D Street.

Mayor Orman said that some had had concerns that when this item was filed, the notification process was incorrect. They suggest that this

be sent back to the Planning Commission and that the applicant reapply properly with those notifications.

Motion to remove item 6 from the agenda and send back to the Planning Commission by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (7-0), with Council Member Burckart abstaining.

6. This item was removed from the agenda: Appeal to a Planning Commission decision for a rezoning request by the Pinnacle Villas, LLC of land located at 301 SW E Street.

7. Resolution No. 3-9-21 A: A resolution endorsing the installation of artwork titled "Mull it Over" by artist Nina Chanel Abney on public property on the Razorback Greenway behind 700 SE 5<sup>th</sup> Street.

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

8. Utility Board:

8a. Resolution No. 3-9-21 B: A resolution authorizing the Mayor and Clerk to enter into Addendum No. 4 to the Walmart Global Home Office Master Development Agreement.

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).

8b. Budget adjustment to recognize \$49,666,401.40 from Wal-Mart to cover the cost of the procurement and construction of the electric upgrades associated with the WMT Campus project. This was approved by the Utility Board 4-0.

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

- 8c. Resolution No. 3-9-21 C: A resolution authorizing the Mayor and Clerk to enter into an agreement with Ampirical for equipment procurement and construction services related to the electric system upgrades required for the Walmart Global Home Office development.

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).

- 8d. Resolution No. 3-9-21 D: A resolution authorizing the Mayor and Clerk to enter into an agreement with Futura Systems, Inc. to provide certain software 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).

- 8e. Bid award for the construction of Phase 1 of the fiber infrastructure to Source Power, LLC for \$475,745.86. This is a 2021 budgeted item and was approved by the Utility Board 4-0.

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

- 8f. Bid award for pole mount transformers for January through June in 2021 to the second-lowest bidder as shown on the attached bid tabulation in the amount of \$340,061.00. Items will be ordered on 'as needed' basis and was approved by the Utility Board 4-0.

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



- 8g. Bid award for single-phase transformers for January through June in 2021 to the second-lowest bidder as shown on the attached bid tabulation in the amount of \$712,504.00. Items will be ordered on 'as needed' basis and was approved by the Utility Board 4-0.

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

- 8h. Bid award for 3PH phase transformers for January through June in 2021 to the second-lowest bidder as shown on the attached bid tabulation in the amount of \$1,819,176.30. Items will be ordered on 'as needed' basis and was approved by the Utility Board 4-0.

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

- 8i. Resolution No. 3-9-21 E: A resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with Mueller Systems, LLC to provide and install AMI network infrastructure.

Council Member Patterson asked if they could know why this item was not a unanimous vote at the Utility Board.

Mayor Orman recognized Preston Newbill, Water Utilities Manager, and Mueller representative Eric Merrick. Preston Newbill explained that there were two items of concern, with one being the 98.5% performance rate and that 1.5% of those would not operate. That there was not anything in the contract about a timeframe that the software would be supported by Mueller for a certain amount of time. Eric Merrick explained their guarantee of performance and protection that is in place.

Council and Eric Merrick engaged in a lengthy discussion on the agreement, new technology capabilities, and progress on current meter issues.

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).

- 8j. Budget adjustment requested by Staff in the amount of \$293,563.00 to cover costs associated with the Mueller Systems, LLC agreement for material and labor to provide and install AMI network infrastructure. Funding will be from the Water Utility reserves. This item was approved by the Utility Board 4-0.

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

- 8k. Resolution No. 3-9-21 F: A resolution authorizing the Mayor and Clerk to extend the agreement with Allied Services of Arkansas, LLC (DBA Republic Services) for waste disposal and recycling 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 Sooter. There was no discussion. Motion carried (8-0).

Council Member Agnew said that she appreciates the mention in the agreement about looking at regional collaboration regarding recycling and the forethought and planning of the recommendation.

9. Ordinance No. 2021-69: Ordinance vacating a multiple drainage and utility easement located in Walmart Layout Subdivision to the City of Bentonville, Arkansas, Benton County, Arkansas (Project No. VAC20-0029).

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).

[A clerical error resulted in a skip in the numbering. The City does not have an ordinance no. 2021-68.]

10. Ordinance No. 2021-70: Ordinance vacating right of way and establishing a utility easement located at Lot 6 of Northwest Prairie Addition to the City of Bentonville, Arkansas, Benton County, Arkansas (Project No. VAC20-0031).

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).

11. Ordinance No. 2021-71: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Ozark Regional Transit (ORT) to provide public transit service within the City of Bentonville 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).

12. Resolution No. 3-9-21 G: A resolution authorizing the establishment of certain accounts with Arvest Bank and naming responsible parties to perform actions on said accounts for the City of Bentonville, Arkansas.

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).

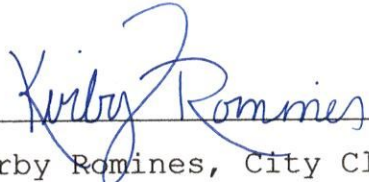
Mayor Orman adjourned the meeting. Motion to adjure by Council Member Burckart, second by Council Member Sooter.

Mayor Orman made a statement regarding power costs in light of recent winter weather and what steps the City is taking to investigate the price difference the City is experiencing for power/fuel costs.

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

Council Member Agnew asked for clarification on Mayor Orman's statement and what it means to rate payers' bills within the near-term. Engineering Director, Travis Matlock, said that for February, the city would pay their forecasted fuel rate, which will look like their average bill for this time of year. That will be what will be passed on to the ratepayers. The additional cost is the portion that the city is looking into to ensure that the amount is accurate.

The next Bentonville City Council meeting will be on March 30, 2021.

  
Kirby Romines, City Clerk

  
Stephanie Orman, Mayor

