

Bentonville City Council
Meeting Minutes
April 28, 2020

The City Council of Bentonville, Arkansas, met in regular session Tuesday, April 28, 2020, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present at the Community Development Building were Mayor Orman, City Attorney George Spence, City Clerk Linda Spence, city staff Don Chase and Sergeant Andrew Albers.

Due to the situation related to the Coronavirus, council members Tim Robinson, Chad Goss, Cindy Acree, Chris Sooter, Aubrey Patterson, Bill Burckart, Octavio Sanchez and Jonathan Terlouw attended remotely, as did several members of the city staff and the public.

There were no public comments or comments from the Council about items on the agenda.

Mayor Orman called the meeting to order. The Mayor led everyone present in the Pledge of Allegiance followed by a moment of silence in support of our armed forces and all those involved in dealing with the COVID-19 crisis.

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

Motion was made by Council Member Acree to approve the minutes of the April 14th, 2020 meeting as presented, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

Mayor Orman stated that as at the last two meetings done remotely, all votes would be rollcall votes.

- 2d. Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, agricultural to PRD, planned residential development. (Project No. 19-03)

[Applicant: Paul and Sue Ollar;
Location: Greenhouse Road]

Mayor Orman noted that there had been more than ten written comments submitted on this item and that more than ten people had signed up to speak remotely on the item as well. She stated that due to the obvious public interest in the item, and the difficulty with having an effective public hearing with the Council members and public participating remotely, she would recommend a motion to postpone this item to the first Council meeting when Council and the public could be present in person, or at such time that three members of the Council wanted the item returned to the agenda.

Motion by Council Member Acree to postpone Item 2D to the first Council meeting where the Council and public could attend the Council meeting in person, or until such time as three members of the Council notified the Mayor that they desired to have the item placed on the agenda, second by Council Member Patterson.

Council Member Burckart expressed concern that it was not known when the Council would be meeting in person again and that the item should not simply be put off for such an uncertain time.

City Attorney Spence explained that it was thought that in-person Council meetings would begin in the next month or so, but the reason the control was left in concerning three members of the Council asking the item be placed back on the agenda was to cover the possibility of the remote Council meetings going on for an extended period of time.

Council Member Burckart indicated he wanted something more definite and moved to amend the motion to require the matter to be brought back to the Council if meetings are still being done remotely after three more meetings. City Attorney Spence clarified that this would mean the matter would be placed on the agenda for the second June meeting if it did not come back before then. Second by Council Member Sooter. After further

discussion, the motion to amend failed (5-4), with Council Member Robinson, Council Member Acree, Council Member Patterson and Council Member Sanchez voting no and Mayor Orman voting no to break the tie.

The Council then returned to the main motion. After a limited amount of additional discussion, the motion passed (5-3), with Council Member Robinson, Council Member Sooter and Council Member Burckart voting no.

1. Ordinance No. 2020-79: 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.

[Applicant: Ingrid D. Costaldi Trust;
Location: Northeast 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).

- 2a. Ordinance No. 2020-80: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of C-2, general commercial to C-3, central commercial. (Project No. RZ20-14)

[Applicant: Dakota Leasing, Inc. ;
Location: 307 South Walton Boulevard]

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).

- 2b. Ordinance No. 2020-81: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of I-1, light industrial to C-2, general commercial. (Project No. RZ20-15)

[Applicant: City of Bentonville;
Location: Southwest Municipal Drive]

City Attorney Spence read the ordinance by title only.
Motion to pass by Council Member Sanchez, second by
Council Member Acree.

Council Member Burckart asked about whether the planned construction would proceed based on this rezoning, stating he was concerned that the COVID situation would require revisions to the budget. Mayor Orman confirmed that any proposed construction would come to the Council for consideration of a bid award and that this item was only to rezone the property to allow continued planning toward the anticipated construction.

Motion carried (8-0).

- 2c. Ordinance No. 2020-82: Ordinance accepting a property line adjustment of Lots 148-154 of Willowbrook Farms Subdivision, Phase II to the City of Bentonville, Arkansas.
(Project No. PLA20-12)

[Applicant: RLP, Investments, Inc. ;
Location: Southwest Lucretia Road]

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. Approval to award Bid No. 20-37 to Luttrell Enterprises, for an amount not to exceed \$30,000 per year, for Code compliance mowing, brush hogging and debris removal services on an as-needed basis for the Community Development Department.

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

4. Ordinance No. 2020-83: Ordinance vacating a street right-of-way located in Walmart Subdivision to the City of Bentonville, Arkansas, Benton County, Arkansas.

[Applicant: Walmart;
Location: Southeast 10th 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 Acree. There was no discussion. Motion carried
(8-0).

5. Ordinance No. 2020-84: Ordinance vacating a utility easement located at Lot 3 of Presley Place Subdivision to the City of Bentonville, Arkansas, Benton County, Arkansas.

[Applicant: Mud Puddle Investments;
Location: Lot 3 of Presley Place Subdivision]

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).

6. Ordinance No. 2020-85: Ordinance vacating a utility easement located at Lots 1 and 2 of the Presley Place Subdivision to the City of Bentonville, Arkansas, Benton County, Arkansas.

[Applicant: Roth Family, Inc. ;
Location: Lots 1 and 2 of Presley Place Subdivision]

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).

7. Approval to award Bid No. 20-33 to Superior Auto Group, in the amount of \$45,648, for the Police Department to purchase a 2020 Chevrolet Silverado 1500, special service vehicle with additional equipment installed.

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

8. Resolution No. 4-28-20 A: Resolution authorizing the Mayor and Clerk to enter into an offer and acceptance for the exchange of certain land with Trailside Partners, LLC.

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

9. Approval to award Bid No. 20-30 to 81 Construction, in the amount of \$59,357, to rebuild sections of the Wishing Springs Trail near West McNelly Road.

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

- 10a. Resolution No. 4-28-20 B: Resolution authorizing the Mayor and Clerk to enter into an agreement with Ecological Design Group, Inc. for the design and construction document phase for the future Southwest 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).

- 10b. Approval of a budget adjustment for the Parks and Recreation Department, in the amount of \$65,000, to recognize a grant from the Walton Family Foundation for design services for the 28th Street Park.

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

- 10c. Approval of a budget adjustment for the Parks and Recreation Department, in the amount of \$73,375, to recognize a budget adjustment from parks impact fees for design services for the 28th Street Park.

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

11. Resolution No. 4-28-20 C: Resolution authorizing the Mayor and Clerk to enter into an agreement with Utility Financial Solutions, LLC to perform an electric cost-of-service study 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 Goss. There was no discussion. Motion carried (8-0).

Motion to adjourn the meeting by Council Member Sanchez, second by Council Member Acree. Motion carried (8-0).

Council members reported on committees and boards they participate in related to the City. There were no public comments.

Mayor Orman stated that there would be a drive-thru farmers market this coming Saturday at Memorial Park. She also stated that the City compost facility is now open for drop-off purposes only at this time.



Linda Spence
Linda Spence, City Clerk

Stephanie Orman
Stephanie Orman, Mayor