

Bentonville City Council
Meeting Minutes
May 26, 2020

The City Council of Bentonville, Arkansas, met in regular session Tuesday, May 26, 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 Stephanie Orman, City Attorney George Spence, City Clerk Linda Spence, city staff Don Chase, Dennis Hayes 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.

Mayor Orman reminded Council that all votes would be by roll call and that the Council could move to table an item until such time it could meet in person or three members moved to have the item placed on the agenda.

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 Sanchez to approve the minutes of the May 12, 2020 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. Resolution No. 5-26-20 A: Resolution recognizing the retirement of Corporal William W. Gardner for his years of dedicated law enforcement service.

Mayor Orman read the resolution. She recognized Corporal Gardner and Chief Jon Simpson, both of whom were present remotely. Chief Simpson commented on the fourteen plus years of Corporal Gardner's employment with the City of Bentonville.

- 2a. Ordinance No. 2020-96: Ordinance accepting a lot split of Lots 7-8 of Scoggan Subdivision to the City of Bentonville, Arkansas. (Project No. LS20-11)

[Applicant: Satoko Kato;
Location: 403 Southwest C Street]

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

- 2b. Ordinance No. 2020-97: Ordinance accepting a lot split of Lots 8-9 of Osage Hills Subdivision to the City of Bentonville, Arkansas. (Project No. LS20-23)

[Applicant: Centerton Waterworks and Sewer Commission;
Location: 3516 Ginn Road]

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).

- 2c. Ordinance No. 2020-98: Ordinance accepting a lot split of Lots 19-20 of Eversole Addition to the City of Bentonville, Arkansas. (Project No. LS20-10)

[Applicant: Clayton and Sheila Eversole;
Location: Southwest Regional Airport Boulevard and
Southwest I 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).

3. Ordinance No. 2020-99: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Mission Communications, LLC for certain alarm services for the City of Bentonville wastewater system 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).

4. Approval to award Bid No. 20-44 to Bobcat of NWA, in the amount of \$45,771, for the purchase of a 2020 compact mini-excavator for the Water Department.

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

5. Approval to award Bid No. 20-45 to P & K John Deere, in the amount of \$35,346, for the purchase of a 2020 John Deere 4052M compact tractor for the Water/Sewer Department.

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

6. Approval to award Bid No. 20-43 to Saltus Technologies, in the amount of \$67,231, for the purchase of Digiticket hardware for the Police Department.

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

7. Approval to award Bid No. 20-42 to WAPCO Distribution, in the amount of \$31,653, for the purchase of six fire apparatus communication headsets for the Fire Department.

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

- 8a. Ordinance No. 2020-100: Ordinance authorizing the Mayor and the City Clerk to purchase AMKUS extrication tools for the Bentonville Fire Department from Precision Rescue 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 Acree. There was no discussion. Motion carried (8-0).

- 8b. Approval of a budget adjustment for the Fire Department to utilize ACT 833 funds, in the amount of \$97,605, to purchase a thermal imaging camera for Engine 7, air bottles for self-contained breathing apparatus and new extrication tools for Rescue 2.

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

9. Resolution No. 5-26-20 B: Resolution authorizing the Mayor and City Clerk to enter into an agreement with the FAA for a CARES Act offer, Grant No. 3-05-0006-016-2020, to be used for legitimate expenses associated with the operation of the Bentonville Municipal Airport and approval to execute any and all contracts associated with said grant and paid for by said grant.

City Attorney Spence read the resolution by title only.

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

10. Approval of a budget adjustment for the Street Department, in the amount of \$12,215.46, from an insurance payment for the repair of a street sweeper.

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

- 11a. Approval to award Bid No. 20-22 to 81 Construction, Inc., in the amount of \$235,060, for the permanent repair of approximately two hundred street cuts, with a contract length of six months.

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

- 11b. Approval of a budget adjustment for the Street Department in the amount of \$235,060 to cover the street cuts repair project.

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

12. Approval to award Bid No. 20-15 to Crossland Heavy Contractors, in the amount of \$811,198, for replacement of the Town Vu Road bridge at the McKissic Creek crossing.

Mayor Orman noted the existence of a dispute, currently in litigation, between Crossland Heavy Contractors and the Northwest Arkansas Conservation Authority related to the wastewater transmission line that serves Bentonville. She stated that because of the circumstances leading to that dispute, interest in contracts by Crossland Heavy are being closely examined by City staff. She added that the recommendation to award this low bid to Crossland Heavy is based on this not being a pipeline project and because there

would be sufficient oversight on this project by City staff to mitigate concerns.

Council Member Robinson asked how bike lanes were being addressed in replacement of the bridge and that was explained to the Council by Dennis Birge, Transportation Director.

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

13. Resolution No. 5-26-20 C: Resolution authorizing the Mayor to enter into an amended agreement with McClelland Consulting Engineers, Inc. for professional services for the Southwest A streetscape project.

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).

14. Resolution No. 5-26-20 D: Resolution expressing the willingness of the City of Bentonville to utilize Federal-aid Surface Transportation Block Grant Program attributable (STBGP-A) (FFY 2021) funds administered by the Northwest Arkansas Regional Planning Commission (NWARPC) to begin environmental and initial design to improve Greenhouse Road.

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).

15. Resolution No. 5-26-20 E: Resolution expressing the willingness of the City of Bentonville to utilize Federal-aid Transportation Alternatives Program funds administered by the State of Arkansas to fund construction of a tunnel under ARDOT CA0903.

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).

16. Resolution No. 5-26-20 F: Resolution expressing the willingness of the City of Bentonville to utilize Federal-aid Transportation Alternatives Program funds administered by the Northwest Arkansas Regional Planning Commission to construct approaches to a trail tunnel under ARDOT CA0903.

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

- 17a. Resolution No. 5-26-20 G: Resolution authorizing the Mayor and Clerk to enter into an agreement with Ecological Design Group, Inc. for design and construction administration services related to bridge construction at Bella Vista Lake Park in the City of Bentonville.

City Attorney Spence read the resolution by title only.

David Wright, Parks and Recreation Director, noted that the Council had received emails about this item and clarified that this project was for a new pedestrian bridge crossing north of the present day dam over the Little Sugar Creek at Bella Vista Lake Park, which would be part of the development of the park no matter whether the dam and lake is maintained or whether the dam is removed and the streambank restored.

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

- 17b. Approval of a budget adjustment for the Parks and Recreation Department, in the amount of \$117,750, for a design contract for the construction of the new pedestrian bridge.

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

18. Approval to award Bid No. 20-34 to American Soccer Company (Score Sports) for the purchase of soccer uniforms for the 2020-2021 fall and spring soccer seasons.

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

19. Resolution No. 5-26-20 H: Resolution authorizing membership and participation in the Northwest Arkansas Razorback Greenway Alliance.

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).

20. Resolution No. 5-26-20 I: Resolution authorizing the Mayor and City Clerk to amend an existing lease agreement with Doscientos Once, LLC, d/b/a 211 Café, for café services inside the Bentonville Public Library.

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. There was no objection and Mayor Orman adjourned the meeting.

Mayor Orman reminded everyone that the next city council meeting would be held at the Bentonville Community Center to provide for proper social distancing so that council members, staff, and the public could attend in person if they chose to do so.

Jake Harper, Finance and Administration Director, suggested there not be a Committee of the Whole meeting before the Monday before the first meeting in June and that instead one be held the Monday before the first meeting in July so that a six-month financial update presentation could be made in July.

Council Member Acree objected to not having a Committee of the Whole meeting in June as there were other issues to be addressed. She then made a motion to hold a Committee of the Whole meeting by Zoom on Monday, June 8th, second by Council Member Robinson. Motion carried (7-1), with Council Member Sanchez voting no.

Mayor Orman stated that the regularly scheduled meeting on Tuesday would be in person at the Bentonville Community Center but that Zoom would be available for those wishing to attend remotely.

Council members reported on committees and boards they participate in related to the City. Council Member Robinson stated that the Public Arts Advisory Committee was seeking another member and that the application deadline was June 12th.

It was agreed that the ordinance extending half of the council terms due to the anticipated census results would be considered at the first meeting in June. It was also agreed, without objection, that which half of the council positions would get the extended terms would be determined by coin flip.


Linda Spence, City Clerk


Stephanie Orman, Mayor

