

Bentonville City Council

Meeting Minutes

August 11, 2020

The City Council of Bentonville, Arkansas, met in regular session Tuesday, August 11, 2020, at 6:00 p.m., at the Bentonville Community Center, 1101 Southwest Citizen's Circle, Bentonville, Arkansas.

Present were council members 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, 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 also attended remotely by Zoom. Mayor Orman reminded Council that all votes would be by roll call.

Mayor Orman announced that public comments on agenda items would be taken as we came to the item. One person signed in to speak at the meeting in person, and several were joining via zoom asking to speak to agenda items.

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.

Motion was made by Council Member Sanchez to approve the minutes of the July 28, 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 Burckart. There was no discussion. Motion carried (8-0).

- 1a. Ordinance No. 2020-149: Ordinance amending Chapter 15, Land Development Code, of the Bentonville Municipal Code.

Mayor Orman recognized Jeff Matkins who signed in to speak on Item 1a.

Mayor Orman asked Ellen to comment on Mr. Matkins comments. Ellen agreed that a policy could be established regarding notification of property owners, but a provision also needs to be included for access in emergency situations in drainage easements. She also noted that it would be difficult to establish when a fence was built to determine if the change would only be applicable to fences built after the passing of the ordinance.

Council Member Burckart supports notification and recommends working it into a policy as a reasonable request.

Council Member Acree wants the policy written down.

Council Member Burckart commented that there are several items in the Development Code that are difficult for the private sector and suggests that maybe in the future a meeting could take place to understand these challenges. He appreciates staff time and hopes that this could expand into a larger discussion.

Council Member Acree asked if a Committee of the Whole meeting could be called for the purpose of this discussion. Mayor Orman advised that there are multiple opportunities that the Council has to discuss this topic.

Council Member Sanchez asks how difficult to add an additional sentence to add communication with property owner will take place.

City Attorney Spence suggested adding at sub paragraph G4, Sec. 1100.06 "Except where exigent circumstances exist, reasonable notice to the property owner shall be made or attempted prior to City staff or contractors entering the property to remove a fence."

Council Member Sanchez made the motion to add this sentence to the Code. Council Member Acree second the motion. There was no other discussion. The amendment passed (8-0).

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).

- 1b. Ordinance No. 2020-150: Ordinance accepting a property line adjustment of Lots 10-11 of McKeehan's 1st Addition to the City of Bentonville, Arkansas. (Project No. PLA20-0039)

[Applicant: Suite Spaces, LLC;

Location: 701 NW 7th 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).

- 1c. Ordinance No. 2020-151: Ordinance accepting a property line adjustment of Lots 13-14, Block 15 of Green Oakes Addition to the City of Bentonville, Arkansas. (Project No. PLA20-0034)

[Applicant: JMH, LLC;

Location: 902 NW C 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).

- 1d. Ordinance No. 2020-152: Ordinance accepting a lot split of Lots 28-30, Block 10 of W.A. Burk's Addition to the City of Bentonville, Arkansas. (Project No. LS19-0016)

[Applicant: Pubside Holdings, LLC;

Location: NE Monroe 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).

- 1e. Ordinance No. 2020-153: Ordinance accepting a lot split of Lots 5-7 of Lewis Foster Addition to the City of Bentonville, Arkansas. (Project No. LS20-0016)

[Applicant: Dale Bailey;

Location: NW 9th 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).

- 1f. Ordinance No. 2020-154: Ordinance accepting a lot split of Lots 106-107 of Lochmoor Club Subdivision Phase II to the City of Bentonville, Arkansas. (Project No. LS20-0032)

[Applicant: Bentonville/Bella Vista Trailblazers

Location: 4605 SW Hollowbrook Street]

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).

- 1g. Ordinance No. 2020-155: Ordinance accepting a lot split of Lots 7-13, Block 2 of Scoggan Subdivision to the City of Bentonville, Arkansas. (Project No. LS20-0035)

[Applicant: DT Development

Location: 400-420 SW C Street]

Mayor Orman recognized that there were 3 people online to speak to this item, Breck Kelley, Cassy Duff and Phil Swope were in the meeting via zoom and offered to answer any questions.

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. August 2020 Residential Landscaping of the Month award.

Danielle Semsrott, Senior Planner, explained the background of the award and recognized Jeffrey and Deborah McClelland as the winners for the month of August, 2020.

3. Ordinance No. 2020-156: An ordinance amending the Land Development Code of the Bentonville Municipal Code to increase the membership size of the Tree and Landscape Advisory Committee from five to seven; including one City Council member as a non-voting ex-officio member.

City Attorney Spence read the ordinance by title only. Council Member Sanchez made the motion to pass the ordinance and motion was second by Council Member Burckart. Motion carried (8-0).

4. Appointment of Jessie Wagner for a three year term on the Tree and Landscape Advisory Committee. The term will expire on August 11, 2023.

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

5. Appointment of Gulizar Baggson for a three year term on the Tree and Landscape Advisory Committee. The term will expire on August 11, 2023.

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

6. Ordinance No. 2020-157: Ordinance vacating a utility easement located at Lot 35 of Wildwood Subdivision Phase VI to the City of Bentonville, Arkansas, Benton County Arkansas. (VAC20-0013)

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).

7. Ordinance No. 2020-158: Ordinance vacating a utility easement located at Lot 30 of Harmon Grove of Central Park Subdivision Phase 3, to the City of Bentonville, Arkansas, Benton County, Arkansas. (VAC20-0018)

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).

8. Ordinance No. 2020-159: Ordinance vacating an Alley Right of Way at Lots 1-6a west of Fillmore Street of W.A. Burks Addition, to the City of Bentonville, Arkansas, Benton County, Arkansas. (VAC20-0020)

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).

9. Ordinance No. 2020-160: Ordinance vacating an Alley Right of Way at Lots 7-12 west of Fillmore Street of W.A. Burks Addition, to the City of Bentonville, Arkansas, Benton County, Arkansas. (VAC20-0019)

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).

10. Resolution 8-11-20 A: Resolution setting a public hearing for August 25, 2020 for a Street Right of Way Vacation requested by Sand Creek located in W.A. Burks Addition between Block 14 and 15 (VAC20-0015)

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).

11. Ordinance 2020-161: Ordinance authorizing the Mayor and City Clerk to enter into an agreement for the purchase of Video Servers for traffic signals in 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 Sooter. There was no discussion. Motion carried (8-0).

12. Approval to award Bid #20-55 for fiber cable and material to the lowest bidder as shown on the attached bid tabulation in the amount of \$330,880.17. (Techline \$61,367.60; Anixter \$87,242.14; Arkansas Electric \$3,445.50; Wesco \$87,604.37; Stuart Irby \$91,220.56)

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

13. Resolution 8-11-20 B: Resolution authorizing the Mayor and City Clerk to enter into addendum 1 to the Wal-Mart Campus Development Agreement to perform engineering for the electric upgrades required for the WMT Campus Development for \$1,911,907.00. This will be paid for by the developer.

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

14. Resolution 8-11-20 C: Resolution accepting a grant and authorizing the Mayor and the City Clerk to enter into an agreement with the Walton Family Foundation to fund certain electric improvements in the City of Bentonville. Relocate the existing overhead transmission and distribution lines along 8th St. from the intersection of 8th and Main to the intersection of SE "J" and SE 5th underground for \$15,551,256.00. This is in conjunction with the larger WMT Campus electrical upgrades. This will be paid for by the developer.

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

- 15a. Resolution 8-11-20 D: Resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with Ampirical for design services related to the electric system upgrades required for the Walmart Global Home Office Development in the amount of \$2,791,340.00. This will be paid for by three (3) different sources. \$1,911,907.00 from WMT, \$527,105.00 from the Walton Family Foundation, and \$352,328.00 from a 2020 budget item of the City.

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

- 15b. Approval of a budget adjustment to recognize \$1,911,907.00 from Wal-Mart and \$15,551,256.00 from the Walton Family Foundation to cover the engineering contract and a portion of the future construction contract with Ampirical.

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

16. Ordinance 2020-162: Ordinance authorizing the Mayor and City Clerk to enter into Addendum 2 to the Master Development Agreement Global Home Office Project.

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

17. Approval of a budget adjustment in the amount of \$191,200.00 to cover implementation cost for an Enterprise Remote Access Solution, and Laptop Computers.

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

18. Approval of a contract amendment to an existing contract with Erin Edminster for triathlon camp services.

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

19. Appoint Kirby Romines to the office of City Clerk for the remainder of 2020. With the resignation of Linda Spence, the City Clerk position was placed on the 2020 General Election Ballot. Kirby was the only person to file, and accordingly, will be elected to a two-year term to begin January 1, 2021 (which will be extended to a four-year term when the census comes back at more than

50,000). Kirby has expressed that she is willing to start immediately, and it is therefore recommended that she be appointed City Clerk for the remainder of 2020.

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

Motion to adjourn the meeting by Council Member Sanchez, second by Council Member Burckart. Meeting adjourned.

Brad Anderson addressed the Council about an unresolved safety code violation at 401 NW Saddlebrook Dr. regarding a fence in the front yard.

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

Mayor Orman reminded Council Members that the Municipal League meeting is a virtual meeting next week and each Council member is responsible for registering themselves since there is no registration fee this year. One item that will likely be discussed is the highway tax resolution and Mayor Orman passed out a sample of this resolution. If this is not passed, it will affect Bentonville's funding.

Mayor Orman also reminded that the Census deadline is approaching and that Bentonville is at 64% response rate and if citizens do not respond on their own, that census workers will be coming to the homes to gather the data.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

