

Bentonville City Council

Meeting Minutes

April 27, 2021

The City Council of Bentonville, Arkansas, met in regular session Tuesday, April 27, 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.

No individuals signed in to speak at the meeting in person, and no individuals joined via Zoom for public comment or to speak to agenda items.

Mayor Orman called the meeting to order. Jude Greenbank, 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 April 13, 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. Resolution No. 4-27-21 A: A resolution recognizing, commending, and congratulating Police Lieutenant Michael Martin on his retirement from the City of Bentonville Police Department, effective April 30th, 2021.

This resolution recognizes Michael Martin for 24 years of dedicated and decorated service to the Bentonville Police Department. This resolution also wishes Michael Martin much health, happiness, and continued success in all of his future endeavors.

Mayor Orman read the resolution aloud. Motion to approve by Council Member Sooter, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

Mayor Orman recognized Police Lieutenant Michael Martin. Jon Simpson, Chief of Police, and Mayor Orman presented Police Lieutenant Michael Martin with a framed resolution.

2. Electric System Master Plan Presentation - Travis Matlock, Engineering Director.

Council Member Sooter asked what the timeline is for the projects that Travis Matlock presented. Travis Matlock explained that the goal would be five to six years. Council Member Burckart, Council Member Sooter, and Travis Matlock discussed the capacity of specific transformers in the city.

Council Member Acree asked if Travis has heard back from SWEPCO at this time about the rate during the winter storm earlier in the year. Travis Matlock said that they entered into a contract and started an audit but did not have a definite timeline yet.

Council Member Agnew asked what their annual capital covers. Travis Matlock explained that it mainly covers day-to-day costs such as equipment, streetlights, etc. Council Member Agnew also asked if waiting five to six years on these projects carries its own price by waiting. Travis Matlock also explained that it carries some

extra costs but that larger projects could be out to bid if it is cost-efficient to do so.

Council Member Burckart asked if the city has considered utilizing the fiber to offer city-wide Wi-Fi. Mayor Orman and Travis Matlock explained that they are looking into it, but at this time, the department is focusing on more immediate city projects.

Council and Travis Matlock discussed the Walmart Campus development, how that might impact the systems load growth, and the current plans for any transformer expansions or additions.

Council Member Robertson mentioned initiatives to help with light pollution and overall cost savings. Travis Matlock and the Mayor explained that they are looking into initiatives like this. Whenever streetlights go out, they do replace them with LED lights.

Council engaged in a lengthy discussion regarding underground power options.

Mayor Orman thanked Travis and their team for their hard work.

3. Planning:

3a. Resolution No. 4-27-21 B: A resolution adopting the Future Land Use Map and Zoning District Alignment Policy.

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

3b. Resolution No. 4-27-21 C: A resolution adopting a revised Future Land Use Map of the City of Bentonville to reflect approved rezonings since the Future Land Use Map was adopted in 2018.

Council Member Acree asked why there have not been public input meetings for this specific topic. Council engaged in a lengthy discussion regarding how the item is to update one document to reflect what has already been adjusted and approved.

Council Member Patterson asked why one item is a resolution, and the other is an ordinance. City Attorney George Spence explained that a change to the Future Land use plan is done by a resolution since it is more of a policy or guide, and a change to the code is done by ordinance.

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

- 3c. Ordinance No. 2021-94: Ordinance amending the Zoning Code to require an amendment to the Bentonville Community Plan Future Land Use Map when a rezoning request is inconsistent with the Future Land Use Map.

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).

- 3d. Ordinance No. 2021-95: Ordinance amending the Zoning Code to remove sidewalk standards in the DC Downtown Core and DE Downtown Edge zoning districts.

Council Member Burckart asked about changes in arterial and collector roads and sidewalk setback changes. Ellen Norvell, Community Development Director, said that the adjustment fits better with the Land Use Plan.

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).

- 3e. Ordinance No. 2021-96: Ordinance accepting a property line adjustment of Lots 11 and 12, Osage Hills Subdivision to the City of Bentonville, Arkansas (Project No. PLA20-0068).

[Applicant: WM 63 RE 1, LLC and Bentonville Housing Partners, LLP;

Location: Brookside Road and 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).

- 3f. Ordinance No. 2021-97: Ordinance accepting a lot split of Bentonville Plaza Addition to the City of Bentonville, Arkansas (Project No. LS21-0012).

[Applicant: Bentonville Plaza Partners, LLC;

Location: 609 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).

- 3g. Ordinance No. 2021-98: Ordinance accepting a lot split of Huffman's Addition to the City of Bentonville, Arkansas (Project No. LS21-0015).

[Applicant: Stratford Assets, LLC;

Location: 502 NW 3rd 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).

4. Appointment of Allyson Esposito to fill the vacancy in Position 5 on the Public Art Advisory Committee (PAAC). The position was vacated by Allison Glenn, who relocated outside of Bentonville. Ms. Esposito has 15 years of experience in the field of art and is the Executive Director of the Creative Arkansas Community Hub & Exchange (CACHE). Her first term, completing the unfulfilled term of Position 5, will expire on Oct. 31, 2023.

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

5. Appointment of Kaitlin Garcia-Maestas to fill the vacancy in Position 6 on the Public Art Advisory Committee (PAAC). The position was vacated by Lauren Haynes, who is relocating outside of Bentonville. Ms. Garcia-Maestas is a curator at The Momentary who has been involved in over a dozen large-scale public art projects. Her first term, completing the unfulfilled term of Position 6, will expire on Oct. 31, 2023.

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

6. Utility Board:

- 6a. Bid award for the On-Call overhead electric construction services to BBC Electrical Services, Inc. per the attached bid tab. Approved by the Utility Board 5-0.

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

- 6b. Resolution No. 4-27-21 D: A resolution authorizing the Mayor and Clerk to enter into an agreement with SWEPCO and AEP related to point of delivery for electric service to the City of Bentonville.

City Attorney Spence 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).

- 6c. Resolution No. 4-27-21 E: A resolution authorizing the Mayor and Clerk to enter into an agreement with SWEPCO and AEP related to point of delivery for electric service to the City of Bentonville.

City Attorney Spence 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).

- 6d. Ordinance No. 2021-99: Ordinance adding personnel positions to the Pay Plan for the City of Bentonville, Arkansas.

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. Resolution No. 4-27-21 F: A resolution authorizing the Mayor and Clerk to enter into an agreement extending the refuse collection agreement between the City of Bentonville and Allied Services, LLC dba Republic Services of Bella Vista.

City Attorney Spence 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).

8. Ordinance No. 2021-100: Ordinance vacating street right of way located at SE P Street between SE 5th Street and SE 8th Street to the City of Bentonville, Arkansas, Benton County, Arkansas (VAC21-0005).

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).

9. Resolution No. 4-27-21 G: A resolution setting a public hearing for May 11, 2021, for a Utility Easement Vacation requested for 705 SE Yale Street of College Place Subdivision (VAC21-0006).

City Attorney Spence 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).

10. Resolution No. 4-27-21 H: A resolution authorizing the Mayor and City Clerk to execute all documents necessary to apply to the FAA for an Airport Improvement Program grant and a grant pursuant to the American Rescue Plan Act of 2021 for widening of Runway 18/36 (Design only) Project at Bentonville Municipal Airport.

Council Member Hook asked if the item had been to the Airport Advisory Board and if the use of the funds falls within the FAA guidelines. Dennis Birge, Transportation Director, stated that it has been approved by the Airport Advisory Board and that the percentage of population use does not affect this particular instance. Since this improves the safety of the airport, it is a good application for a grant.

Council Member Acree asked about the traffic at the airport. Dennis Birge said that there has been a steady increase. They receive 105 contacts per day, up from an increase of 40% from 2016 with 88 contacts per day.

City Attorney Spence 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).

11. Bid award #IFB-21-05 to Luttrell Enterprises for mowing at the City of Bentonville Municipal Airport. The contract is for a one-year term, renewable annually upon agreement and budget approval for a total maximum term of three years.

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

12. Reconciliation change order for the 2020 Street Cut contract. The final project cost is \$82,456.30 less than the currently

contracted amount of \$235,060.00. The final contract amount is \$152,603.70.

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

- 13a. Ordinance No. 2021-101: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with the City of Centerton for Animal Services 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).

- 13b. Budget Adjustment related to a Waiver of Bid Request. This is a two-part item to allow for the approval of a New Animal Services Agreement with the City of Centerton and also make funding available to continue our current animal shelter services for the remainder of 2021. This 18-month contract will allow for uninterrupted animal services while the City of Bentonville Animal Shelter is being constructed and brought into operation. It should be noted that the per animal fee (\$100.00 per animal) is specified within the police department's 2021 Budget. However, the monthly service fee of \$8,333.00, as stated in the 2018 agreement, was not budgeted for 2021 and has now been revised in the new Animal Services Contract to a lower cost of \$7,000.00 per month. The current agreement with the City of Centerton was for three years and expires May 1, 2021. The Budget Adjustment will be in the amount of \$56,000.00 in order to complete the remaining eight months of this year.

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

14. Resolution No. 4-27-21 I: A resolution accepting a donation from the Ray and Betty Mattingly Living Trust.

Council Member Hook asked if there are any expectations with the gift. Mayor Orman recognized Ali Worley, Animal Services Manager, who said that there are no expectations. Animal Services will have donation levels with different benefits, but those are still being finalized.

City Attorney Spence 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. A proclamation recognizing National Therapy Animal Day and acknowledging the contributions therapy animals and their human companions bring to help comfort and heal those in need.

Mayor Orman thanked those in the audience who brought the notice of the proclamation for their work and dedication to therapy animals in Bentonville.

Council Member Patterson asked what the community can do to support therapy animal work in the city. They said the community could show their support by helping advocate for therapy animal work and knowing the benefits that animal-assisted therapies provide.

16. Bid Award to Mid America Golf and Landscape, Inc. DBA Mid America Sports Construction through the participation in the Sourcewell Cooperative (Co-Op) Contract, 060518-AST for field renovations at Merchants Park for a total amount not to exceed \$287,014.00. The field renovation work will include resurfacing and grading of existing ballfield infields. Use of a Co-Op is allowed pursuant to Arkansas State Statute 19-11-249; Purchasing performed an evaluation of the 060518-AST contract, determining that the solicitation was in line with both Arkansas State Statute and City Purchasing procedures. This is a budgeted item in the 2021 Budget.

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

17. Bid Award to Superior Auto Group for a 2021 Chevrolet Tahoe SSV with necessary upfitting. Invitation to bid IBF-21-24.

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

- 18a. Bid Award to Banner Fire Equipment Inc. for the purchase of one E-One Fire Apparatus (Truck 2 Replacement) through participation in the HGAC Cooperative (Co-op) contract, FS 12-19 JA15. Use of a Co-op is allowed pursuant to Arkansas State Statute 19-11-249; Purchasing performed an evaluation of FS 12-19 JA15, determining that the solicitation was in line with both Arkansas State Statutes.

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

- 18b. Ordinance No. 2021-102: Ordinance authorizing the Mayor and the City Clerk to purchase certain unpublished equipment for the City of Bentonville Fire Department, 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).

- 19a. Resolution No. 4-27-21 J: A resolution authorizing the Mayor and Clerk to enter into an offer and acceptance for the purchase of real property from Helping Hands.

Council Member Burckart asked if this specific location was the only option since he has found land less expensive per square foot. Fire Chief Brent Boydston explained that the specific property is the best fit for their needs.

City Attorney Spence 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).

- 19b. Budget Adjustment in the amount of \$400,000.00 to purchase 2.2 +/- acres from Helping Hands for the construction of the fire training facility.

Council Member Patterson asked what the plan is if the property cannot get rezoned. Debbie Griffin, Community Relations Economic Development Director, said that they have discussed this with Tyler Overstreet, Planning Services Manager, who said he did not think it would be an issue.

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

20. Motion to select Crews and Associates/Raymond James as Underwriters in relation to the bond issues associated to the 2021 Bond Election.

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

- 21a. Ordinance No. 2021-103: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Garney Construction for leak repair on the city's 48-inch water transmission main, waiving the requirement of competitive bidding, and declaring an emergency.

Council Member Burckart asked if this leak correlates with the meter leak issue that the council and the city have been aware of. Preston Newbill, Water Utilities Manager, said they do not think so since it has only been occurring for maybe three weeks.

Council Member Agnew asked if the Utility Board was still made aware in emergencies like this. Preston Newbill said that they

let the Utility Board know and that it was brought to their attention for discussion before bringing it to the council.

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).

21b. Budget Adjustment requested by Staff for City Council approval in the amount of \$175,000.00 to cover costs associated with the emergency repair contract with Garney Construction.

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

Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Burckart, second by Council Member Acree. Motion carried (8-0).

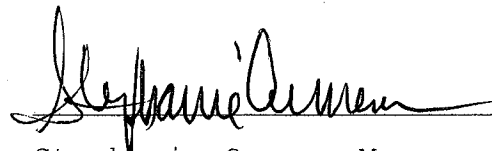
Mayor Orman recognized Jake Harper, Director of Finance and Administration, to give an update on the bond issue. Jake Harper explained that all departments are engaged for the first series of the bond. Jake Harper recognized Kevin Faught with Stephens to give an update on the first series timeline.

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

The next Bentonville City Council meeting will be on May 11, 2021.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

