

Bentonville City Council

Meeting Minutes

September 14, 2021

The City Council of Bentonville, Arkansas, met in regular session Tuesday, September 14, 2021, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Cindy Acree, Octavio Sanchez, Holly Hook, Aubrey Patterson, Bill Burckart, Gayatri Agnew, and Chris Sooter. 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.

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. Several girl scouts from Troop 5273 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 Acree to approve the minutes of the August 24, 2021, meeting as presented, second by Council Member Sanchez. 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. Welcoming Week Proclamation presentation.
  
2. Constitution Week Proclamation presentation.
  
3. Electric Cost of Service Study presented by UFS Inc President, Mark Beauchamp. This item was Presented to the Utility Board at the August 24, 2021, meeting.

Council engaged in a lengthy discussion regarding the details of the rates depending on the type of customer (i.e., commercial versus residential).

Council Member Acree asked what assumptions in the usage and workforce shift have they used in the study. Mark Beauchamp explained the details of the projected data usage and the growth rate utilized. Council Member Burckart also asked if they factored in infrastructure density, and Mark Beauchamp explained that it is factored into the growth rate. Council Member Patterson asked about how this would affect solar customers, and Mark Beauchamp explained the minimum impact it would have on the current solar customers.

Council Member Agnew asked a clarifying question regarding the medium commercial service and the percentage of the adjustments.

Mark Beauchamp and Council Member Burckart discussed several questions regarding the fundamental data used in the study. Travis Matlock, Engineering Director, mentioned that they are presenting this early so that the council and other stakeholders have enough time to review, ask questions, and discuss the results and recommendations.

Mayor Orman thanked Travis Matlock and Mark Beauchamp for the thorough and detailed presentation.

4. Submission of the annual audit to City Council.

5. Planning:

5a. Ordinance No. 2021-179: Ordinance accepting a lot split of Lot 1 of Romi Subdivision to the City of Bentonville, Arkansas (Project No. LS21-0040).

[Applicant: Romi Investments, LLC;

Location: 1080 SE 14TH ST]

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).

5b. Ordinance No. 2021-180: Ordinance accepting a lot split of Lot 11 of Dean Maxwell First Addition to the City of Bentonville, Arkansas (Project No. LS21-0042).

[Applicant: Abraham Thaddeus Grindle and Kobika Arani

Kajenthira;

Location: 710 NW 5th 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).

5c. Ordinance No. 2021-181: Ordinance accepting a property line adjustment of Lots 1 & 2 of 102 West Apartments Addition to the City of Bentonville, Arkansas (Project No. PLA21-0026).

[Applicant: G & I Properties, 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 Acree. There was no discussion. Motion carried (8-0).

5d(1).Resolution No. 9-14-21 A: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Residential Estate to Medium-Density Two Family and Townhome Residential (Project No. RZ21-0044).

Patty Vanderhoff and Hudson Vanderhoff spoke against the item. However, Will Kellstrom, who represented the applicant, spoke in favor of the item.

Council Member Patterson asked Ellen Norvell, Community Development Director, if the Planning Commission had any public comments for the item as it was not listed in the agenda. Hudson Vanderhoff said there were about ten people present in opposition at the public hearing.

Council engaged in a lengthy discussion regarding the location and topography of the applicant's land, the surrounding traffic, and the differences in the proposed and Future Land Use zoning.

Mayor Orman asked what issue had happened in the application and hearing process that was previously mentioned in a public comment. Ellen Norvell explained that there was an issue with the first notice, so the applicant corrected them, and there was a notice of a public hearing, and the public hearing occurred. City Attorney George Spence asked for more detail and confirmed that the process was complete and corrected based on what was explained.

City Attorney Spence read the resolution by title only. Motion to approve by Council Member Burckart, second by Council Member Sanchez. There was no further discussion. There was a tie, so Mayor Orman broke the tie by voting yes. Motion carried (5-4), with Council Member Hook, Council Member Acree, Council Member Agnew, and Council Member Patterson voting no.

5d(2).Ordinance No. 2021-182: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning

classification of A-1, Agricultural to R-2, Medium Density Two Family and Townhome Residential (Project No. RZ21-0044).

[Applicant: Deer Creek, LLC;

Location: W Hwy 72 & SW Tater Black 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 (6-2) with Council Member Hook and Council Member Acree voting no.

5e(1).Resolution No. 9-14-21 B: A resolution amending the City of Bentonville Future Land Use Map for a specific area from High-Density Residential to Low-Density Residential and General Commercial (Project No. RZ21-0046).

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).

5e(2).Ordinance No. 2021-183: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-1, Low Density Single Family Residential & C-1 Neighborhood Commercial (Project No. RZ21-0046).

[Applicant: Patsy H. Simmons Revocable Trust;

Location: 2805 E Central Avenue]

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).

5f. Ordinance No. 2021-184: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to

DN-2, Downtown Medium-Density Residential (Project No. RZ21-0049).

[Applicant: Lucy Diane Upchurch;

Location: 202 Lake 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).

- 5g. Ordinance No. 2021-185: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential (Project No. RZ21-0050).

[Applicant: Robert E. Carr and Kathryn Carr;

Location: 501 NW B 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).

- 5h. Ordinance No. 2021-186: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of PUD, Planned Unit Development to R-3, Medium-High Density Multifamily Residential (Project No. RZ21-0052).

[Applicant: Bentonville 12, Ltd;

Location: 407 SW Ranch 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).

Council Member Patterson requested that the addresses and applicants be included on the Bentonville City Council agenda. Ellen Norvell

explained that they had removed them recently because some properties have address changes. Council requested that the addresses be included on the agenda overview so the council can reference it more quickly and keep track of the items better.

6. Staff requests approval of an administrative assistant to provide support to both the Community Development and Administration Departments.

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

7. Utility Board:

- 7a. Resolution No. 9-14-21 C: A resolution authorizing the Mayor and Clerk to enter into an amendment to the agreement with Ampirical related to Substation "I" engineering services.

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

- 7b. Budget adjustment using \$322,209.00 from reserves to pay for amendment with Ampirical. Approved by Utility Board 5-0.

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

- 7c. Resolution No. 9-14-21 D: A resolution authorizing the Mayor and City Clerk to enter into Professional Services Agreement with Raftelis Financial Consultants, Inc. for a wastewater rate analysis and financial plan.

Council Member Burckart mentioned that he does not think he would feel comfortable moving forward with this item, knowing there are issues in water leakage.

Mike Bender, Public Works Director, said they have five meetings scheduled with the council and Utility Board and several other steps that will help gather information and analyze any findings.

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

8. Staff recommends City Council approval of Change Order No. 1 and Final Reconciliation of the Guaranteed Maximum Price Contract with C.R. Crawford Construction, LLC for construction services associated with the new Public Works Maintenance Facility recognizing a decrease of \$10,374.00, reducing the contract total from \$2,797,473.00 to \$2,787,099.00.

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

9. Ordinance No. 2021-187: Ordinance vacating a utility/drainage easement located at Lot 41 of Kensington Subdivision Phase 2 to the City of Bentonville, Arkansas, Benton County Arkansas (VAC21-0020).

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

10. Resolution No. 9-14-21 E: A resolution setting a public hearing for September 28, 2021, for Alley Right of Way Vacations requested for 407 SE G Street of Young's Addition (VAC21-0021).



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

11. Resolution No. 9-14-21 F: A resolution setting a public hearing for September 28, 2021, for a Utility/Drainage Easement Vacation requested for 2606 NW 6th Street of Cross Creek PH II (VAC21-0022).

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).

12. Resolution No. 9-14-21 G: A resolution setting a public hearing for September 28, 2021, for a Utility Easement Vacation requested for 4503 SW Marble Cove of Cornerstone Ridge Phase 4 (VAC21-0023).

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).

13. Resolution No. 9-14-21 H: A resolution authorizing the Mayor and Clerk to enter into an agreement with Crafton, Tull and Associates for services related to the law enforcement training facility.

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).

14. Request approval for a budget adjustment to increase the newspaper publications budget for both the City Clerk and the Purchasing Department.

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

15. Request approval of a budget adjustment for the 2021 property tax for the Administrative Services Building. Future years will be tax-exempt, but the 1st year of occupancy is taxable.

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

16. Resolution No. 9-14-21 I: A resolution declaring certain property belonging to the City of Bentonville, Arkansas as surplus property.

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).

17. Resolution No. 9-14-21 J: A resolution authorizing the Mayor and the City Clerk to enter an agreement with the Bentonville Library Foundation for the purchase of the Train Depot.

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).

18. Resolution No. 9-14-21 K: A resolution authorizing the Mayor and the City Clerk to enter a Memorandum of Understanding with the Bentonville Library Foundation and Bentonville History Museum to promote and sustain the well-being and preservation of the Train Depot.

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

Hadi Dudley, the Library Director, mentioned that the date she provided for the council's agenda packet on item five is incorrect. She said it should read that it will be completed "within a reasonable amount of time" in place of January 2022.

19. Resolution No. 9-14-21 L: A resolution authorizing the Mayor and the City Clerk to enter an agreement with Meyer, Scherer & Rockcastle, Ltd for the renovation and expansion of Bentonville Public Library.

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

20. Resolution No. 9-14-21 M: A resolution authorizing the Mayor and the City Clerk to enter an agreement with Flintco, LLC for preconstruction services for the Bentonville Public Library expansion.

City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (7-0), with Council Member Acree not voting.

21. Approval of a budget adjustment in the amount of \$6,000.00 reallocating funds in Bentonville Public Library's part-time salaries to full-time salaries.

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

- 22a. Resolution No. 9-14-21 N: A resolution authorizing the Mayor and Clerk to enter into a Real Estate Contract with Coughlin Nonexempt Martial Trust and Coughlin Generational Trust.

Council Member Burckart mentioned that he would be abstaining from the vote based on a previous inquiry on the property. He did ask what the city plans to do with the amount of property since it is for the Bentonville Parks and Recreation Department. David Wright, Parks and Recreation Director, explained that they would purchase the property to be able to use it for construction in the future. However, they will assess the property that is left and decide whether to keep it for future use or resell it.

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 (7-0), with Council Member Burckart abstaining.

22b. Budget Adjustment recognizing expenses for Real Estate Transaction with Coughlin Nonexempt Marital Trust and Coughlin Generational Trust, in the amount of \$145,946.00 for the purchase of 1.31 acres at the future intersection of SW 28th and SW Bright Road, as well as an 11,625 square foot trail easement along SW Featherston Road.

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 Sanchez, second by Council Member Burckart. Motion passed unanimously.

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


Council Member Agnew asked about bike path closures, where citizens can know what is open or not and when they will fix them. David Wright said that if bike lane closures occur, there will be signs available for detours, press releases, and their website.

Council Member Hook asked about online attendance options for the Adult Wellness Community Input Sessions.

The next Bentonville City Council meeting will be on September 28, 2021.

  
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Kirby Romines, City Clerk

  
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Stephanie Orman, Mayor