

Bentonville City Council
Meeting Minutes
February 24, 2015

The City Council of Bentonville, Arkansas, met in regular session Tuesday, February 24, 2015, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Stephanie Orman, John Skaggs, Tim Robinson, Chris Sooter, James Smith, Bill Burckart, Octavio Sanchez and Jim Webb. Also present were Mayor Bob McCaslin, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

Mayor McCaslin called the meeting to order at 6:00 p.m. The Mayor led everyone present in the pledge of allegiance followed by a moment of silence in support of our armed forces.

Several Boy Scouts from the area were recognized by Mayor McCaslin.

Motion was made by Alderman Burckart to approve the minutes of the February 10, 2015 meeting as presented, second by Alderman Sanchez. There was no discussion. Motion carried (8-0).

1. Fire Chief Brent Boydston recognized Captain Matt Perkins of the Bentonville Fire Department for an act of heroism in saving a woman's life on February 1, 2015. Mayor McCaslin presented Captain Perkins a certificate of recognition.

Motion was made by Alderman 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 Alderman Smith. There was no discussion. Motion carried (8-0).

- 2a. Ordinance No. 2015-22: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to R-C2, central residential - moderate density.

[Applicant: Allan and Stephanie Pinkerton;
Location: Southwest D Street]

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

- 2b. Ordinance No. 2015-23: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-C2, central residential - moderate density.

[Applicant: Lance and Andrea Jobe;
Location: 706 Southeast 3rd Street]

City Attorney Spence read the ordinance by title only.
Motion to pass by Alderman Burckart, second by
Alderman Orman. There was no discussion. Motion carried
(8-0).

- 2c. Ordinance No. 2015-24: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-1, single family residential.

[Applicant: Charles Hargus; Location: 4806 Town Vu Road]

City Attorney Spence read the ordinance by title only.
Motion to pass by Alderman Sanchez; second by
Alderman Burckart. There was no discussion. Motion carried
(8-0).

- 2d. Ordinance No. 2015-25: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to DE, downtown edge.

[Applicant: Cindy Springs, LLC; Location: Northeast Blake Avenue and Northeast C Street]

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

3. Approval of a budget adjustment in the amount of \$100,000 in the form of a grant from the Walton Family Foundation for the City to hire a consultant to prepare a Bentonville comprehensive plan.

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

4. Approval for artwork to be painted on three storm drains as part of the regional UpStream Art Program.

Motion to approve by Alderman Sanchez, second by Alderman Smith. There was no discussion. Motion carried (8-0).

5. Approval for the appointment of Jan Holland to the City of Bentonville Board of Adjustment to fill unexpired term of Greg Matteri, term expiring December 31, 2016.

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

6. Ordinance No. 2015-26: Ordinance vacating an alley/right-of-way located within Original Town of Bentonville, Arkansas, Benton County, Arkansas.

Mayor McCaslin declared a public hearing open for comments.

The Mayor recognized Bentonville resident Steve Marquess. Mr. Marquess expressed his concerns about traffic congestion on Central Avenue and with closing alleys in the area. He stated that with downtown development closing alleys in this area a public safety issue was created.

The Mayor recognized Ramsey Ball. Mr. Ball stated he was the person trying to close the alley and that he recognized the alley was shown to be open on the title. He also stated the alley was not being used and that it looked like it was part of the yard.

Alderman Skaggs asked Mr. Marquess if he was familiar with what was to be closed. Mr. Marquess stated he was not, but felt that once it was closed it would remain closed.

Alderman Sanchez stated that he had visited the site and that while it was classified as a passageway it was not and that it was being used as part of a yard.

City Attorney Spence read the ordinance by title only.
Motion to pass by Alderman Sanchez.

Alderman Smith asked to hear from the Planning Department to identify the property. A visual was shown of the property and Mike Bender, Public Works Director, explained its location.

Mayor McCaslin asked Troy Galloway, Community Development Director, to explain whether it was unusual to find discrepancies in surveys. Mr. Galloway stated that it was very common, especially in old Bentonville, and that this particular alley served no useful purpose.

Second to the motion by Alderman Robinson. Motion carried (8-0).

7. Resolution No. 2-24-15 A: Resolution setting a public hearing for March 10, 2015, at 6:00 p.m., on a petition filed by Picture Real Estate Development requesting a street right-of-way be vacated.

City Attorney Spence read the resolution by title only.

Alderman Sanchez asked about the area being vacated and whether that would impact the width of the road.

Mr. Galloway stated it would not impact the roadway and also that it was not unusual to later vacate unused portions of a

right-of-way.

Motion to pass by Alderman Sooter, second by Alderman Sanchez. Motion carried (8-0).

8. Approval of a budget adjustment in the amount of \$1,545 for the Police Department to construct an exterior landscaped area to honor and memorialize former Police Chief James H. Allen.

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

9. Approval of a budget adjustment in the amount of \$83,400 for the Police Department to purchase a more compatible New World Systems software version that operates on the Microsoft .NET framework.

Motion to approve by Alderman Sanchez, second by Alderman Smith. There was no discussion. Motion carried (8-0).

10. Ordinance No. 2015-27: Ordinance authorizing the Mayor and the City Clerk to purchase an animal transport body for the City of Bentonville Police Department and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only.

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

11. Approval of a budget adjustment in the amount of \$45,000 for the Police Department to replace and equip a patrol vehicle.

Motion to approve by Alderman Smith, second by Alderman Sanchez. There was no discussion. Motion carried (8-0).

12. Approval of a budget adjustment in the amount of \$19,081 for the Police Department to repair the top mounted night scan light tower on the 2004 Pierce bomb truck.

Motion to approve by Alderman Smith, second by Alderman Sanchez. There was no discussion. Motion carried (8-0).

13. Approval of a budget adjustment in the amount of \$2,464 for the Police Department to repair a 2013 Tahoe traffic unit vehicle (unit 2010-26).

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

14. Resolution No. 2-24-15 B: Resolution authorizing the Mayor and City Clerk to enter into agreements for ambulance service with Centerton, Highfill and Benton County.

Alderman Sanchez asked whether the contract with the County was consistent with prior years. Chief Boydston stated that the County contract was based on a multi-year arrangement and that this was the final year of that agreement.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Burckart, second by Alderman Sooter. Motion carried (8-0).

15. Approval for appointment of Kim Seay to the Bentonville Public Library Advisory Board to fill unexpired term of Octavio Sanchez, term expiring on December 31, 2016.

Motion to approve by Alderman Smith, second by Alderman Sanchez. There was no discussion. Motion carried (8-0).

16. Approval of a budget adjustment in the amount of \$9,200 to the Bentonville Public Library in donations from private contributions to the Bentonville Library Foundation and Friends of the Bentonville Library.

Motion to approve by Alderman Sanchez, second by Alderman Smith. There was no discussion. Motion carried (8-0).

17. Approval to award Bid No. 15-08 in the amount of \$351,388 to Decco Construction for construction of Citizens Park parking lots.

Motion to approve by Alderman Smith, second by Alderman Sanchez. There was no discussion. Motion carried (8-0).

18. Resolution No. 2-24-15 C: Resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with Flintco, LLC for preconstruction management services for the development of the City maintenance facilities located on Southwest Airport Road.

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

19. Resolution No. 2-24-15 D: Resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with HDR Engineering, Inc. for a comprehensive water, sewer and electric rate study.

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

Mayor McCaslin stated that when the rate study was done, a Committee of the Whole meeting would likely be called so it could be presented to them. The Mayor stated that he anticipated the study would be done in late April.

20. Resolution No. 2-24-15 E: Resolution establishing procedures with regard to meetings.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Sooter.


Alderman Smith asked about whether there should be a Committee of the Whole meeting prior to the first meeting. Alderman Burckart added he thought State law provided for such. City Attorney Spence stated that the Code did provide for a Council to be able to organize itself but that it did not require it occur at or before the first meeting, and that the provision in the ordinance for a February Committee of the Whole meeting might be appropriate as at the first couple of meetings new members are still acclimating themselves to being present and participating in meetings.

Alderman Burckart indicated he wanted to clarify the portion of the resolution about people asking questions, suggesting it only meant that questions were not to be asked of individual members of the Council or individual city staff members. Mr. Spence stated that the intent of the provision was not to avoid people having the ability to raise questions, but instead was focused on avoiding those making comments seeking to enter into an exchange of views before the Council. He added that public comment time is for comments, not an opportunity to seek a back and forth discussion. Mr. Spence stated that the purpose was to try and keep comments to the subject matter.

Mr. Spence also indicated that the resolution was a beginning and that the Council could change it after a few months if it was not effective to the extent desired. Alderman Smith indicated he liked the provision (#9) where questions from the Council members were to be directed through the Chair and Mr. Spence indicated that he thought that could serve to temper emotions.

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

Motion was made by Alderman Robinson to adjourn the meeting, second by Alderman Sanchez. Motion carried (8-0).


Linda Spence, City Clerk


Bob McCaslin, Mayor