

Bentonville City Council  
Meeting Minutes  
February 25, 2014

The City Council of Bentonville, Arkansas, met in regular session Tuesday, February 25, 2014, at 6:00 p.m., at the Community Development Building, Planning Commission meeting room, 305 SW A Street, Bentonville, Arkansas.

Present were council members Mary Baggett, Chris Sooter, Roger Thomas, Bill Burckart, Burton Head and Jim Grider, with Shane Perry and Leah Williams absent. 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.

Motion was made by Alderman Baggett to approve the minutes of the February 11, 2014 meeting as written, second by Alderman Grider. There was no discussion. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

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 Grider. There was no discussion. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

1. Troy Galloway, Director of Community and Economic Development, introduced Nicci Tiner of Garver, LLC. Ms. Tiner presented an overview of the final report of the Bentonville Citywide Traffic Study, accompanied by a power point presentation.
2. Ordinance No. 2014-29: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to D-E, downtown edge.

[Applicant: Octopus Messaging, Inc.;  
Location: 908 East Central Avenue]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Sooter. There was no

discussion. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

3. Resolution No. 2-25-14 A: Resolution setting a public hearing for March 11, 2014, at 6:00 p.m. regarding a petition filed by the City of Bentonville to vacate a street right of way on H Street.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Grider, second by Alderman Baggett. There was no discussion. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

4. Resolution No. 2-25-14 B: Resolution authorizing the Mayor and Clerk to enter into an agreement with CEI Engineering Associates, Inc. for engineering services associated with multi-use trails on the west side of Walton Boulevard.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Grider, second by Alderman Sooter. There was no discussion. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

5. Approval of a budget adjustment in the amount of \$71,367.50 to be used for the survey and design of a 10 foot multi-use walking trail on the west side of North Walton Boulevard.

Alderman Thomas asked about the reimbursable amounts and how they would interplay with the contract price. Troy Galloway, Director of Community and Economic Development, stated that he thought the contract amount was sufficient considering the anticipated reimbursements, but that if problems arose it would be addressed back through the Finance Director.

Motion to approve by Alderman Grider, second by Alderman Sooter. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

6. Ordinance No. 2014-30: Ordinance adopting the 2011 National Electric Code, or latest edition, and local amendments.

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Baggett. There was no discussion. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

7. Ordinance No. 2014-31: Ordinance adopting the 2012 Arkansas State Fire Prevention Code, or latest edition, and the City of Bentonville local amendments.

City Attorney Spence read the ordinance by title only. There was no discussion. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

8. Resolution No. 2-25-14 C: Resolution authorizing the Mayor and Clerk to enter into an amendment to the contract with the Arkansas Highway and Transportation Department related to the Highway 102 interchange.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

9. Resolution No. 2-25-14 D: Resolution authorizing the Mayor and Clerk to enter into an offer and acceptance for the purchase of real property from the Phillip Lee Trust.

City Attorney Spence read the resolution by title only.

Alderman Thomas initiated a discussion about the cost of the property, asking what factors had gone into choosing the property. Brian Bahr, Economic Development Manager, indicated the property would allow for expansion of the City's street department far into the future and noted that the property was centrally located and already properly zoned. Mayor McCaslin added that the specific footprint for the proposed campus on the property had not been developed yet.

Alderman Burckart expressed that it seemed to be too high a price for the property for the intended use and that he thought the acreage was in excess of what he believed the City needed for its street department. He expressed concern that nothing was being presented regarding other options which might be less expensive. He asked about how this would fit into the overall master plan being developed and whether consideration had been given to moving the operations for the utilities out to the proposed property as well.

Mike Churchwell, Transportation Director, indicated the street department and utilities were currently on an approximately nine acre campus and that while they were making due, the current

crowded situation had them stepping over each other and resulted in problems of efficiency and safety. He asserted that the proposed move would establish a long-term home for the street department in an area which is well suited for the noise and traffic that go along with the operation.

The Mayor indicated the property would likely be put to some other uses, such as a wash station and for storage of equipment and supplies which currently are spread out to a number of locations around the City.

Alderman Thomas asked about whether other locations had been considered and Alderman Burckart asked whether smaller properties had been looked at. Mr. Bahr indicated some other properties had been considered, but that the other properties would involve costs that would not be associated with this property, leading to the conclusion that this property was the best alternative. Mr. Bahr discussed an example of perhaps purchasing an 18 acre tract and also moving the street department and all the utilities to it. Mr. Bahr indicated that it was believed the cost of such a move would be too high, even considering, as Alderman Burckart pointed out, that the property currently being used as such could be sold and converted to a use more in line with the neighborhoods surrounding it.

Alderman Thomas asked if there was a time crunch and whether additional time could be taken for staff and the Council to review other options.

Mr. Churchwell stated that in his role he had been looking for land for this purpose for years and noted the safety and efficiency concerns on the current location where the street department operates.

Alderman Thomas moved to table the proposal, second by Alderman Burckart.

City Attorney George Spence noted to the Council that by its terms the contract had to be approved and signed before the 28th or the Seller could withdraw from the deal.

Motion to table the proposal failed (2-4), with Alderman Thomas and Alderman Burckart voting yes and Alderman Perry and Alderman Williams absent.

Motion to approve the resolution by Alderman Baggett, second by Alderman Sooter. Motion passed (5-2) with Alderman Thomas and Alderman Burckart voting no, Alderman Perry and Alderman Williams absent, and Mayor McCaslin providing the fifth "yes" vote to pass the resolution.

10. Approval of a budget adjustment in the amount of \$5,500 to the Bentonville Public Library from the Northwest Arkansas Economic Development District for a General Improvement Fund grant to purchase furniture in connection with the Library's public computer services.

Motion to approve by Alderman Burckart, second by Alderman Grider. There was no discussion. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

11. Resolution No. 2-25-14 E: Resolution authorizing the Mayor and Clerk to enter into an agreement with Ozark Tennis Academy for a tennis program at Memorial Park.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Grider, second by Alderman Baggett. There was no discussion. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

12. Approval to award Bid No. 14-08 to Boulder Construction in the amount of \$75,584 to construct pathways at the Legacy Orchards at Orchards Park.

Alderman Thomas asked if this was a budgeted item and David Wright, Parks and Recreation Director, stated it was. Alderman Thomas asked what might drive the cost up on the project and Mr. Wright indicated he did not anticipate any overrun due to past experiences with this contractor.

Motion to approve by Alderman Sooter, second by Alderman Grider. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

13. Approval to award Bid No. 14-02 to Rosetta Construction in the amount of \$4,663,953 for the relocation of water, sewer and electric utilities associated with the Arkansas Highway and Transportation Department's Bella Vista bypass project.

Alderman Thomas asked if the City was required to do this and why the amount had not been budgeted. Mike Bender, Public Works

Director, explained that the City was required to relocate these utilities and pay the cost and that though the item had not been budgeted money had been set aside over several years to pay the cost from funded depreciation and other funds.

Motion to approve by Alderman Burckart, second by Alderman Grider. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

14. Approval of a budget adjustment to fund the relocation of water, sewer and electric utilities associated with the AHTD Bella Vista bypass project.

Motion to approve by Alderman Grider, second by Alderman Baggett. There was no discussion. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

15. Ordinance No. 2014-32: Ordinance to adopt revised Bentonville Electric Utility Department construction specifications.

City Attorney Spence read the ordinance by title only.

Alderman Thomas asked the purpose of the ordinance. Travis Matlock, Engineering Director, indicated that the reason was to include updates that had been added over the last couple of years as well as expanding the section regarding metering.

Motion to pass by Alderman Grider, second by Alderman Burckart. Motion carried (6-0), with Alderman Perry and Alderman Williams absent.

16. Ordinance No. 2014-33: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Altec for the purchase of telescoping boom (aerial trucks) for the City of Bentonville Electric Department and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only.

Alderman Burckart asked whether the staff was comfortable that the purchases would fall within the budget. Mr. Matlock indicated he anticipated no problem. Alderman Grider asked what the life of a truck of this nature was. Mr. Matlock stated it varied, but from ten to twelve years.

Motion to pass by Alderman Grider, second by Alderman Burckart.  
Motion carried (6-0), with Alderman Perry and Alderman Williams  
absent.

Mayor McCaslin reported on the tax receipts indicating that while off a  
bit, they are still within budget. He stated that the next set of  
receipts would likely be troublesome due to the adverse weather.

Motion was made to adjourn the meeting by Alderman Grider, second by  
Alderman Burckart. Motion carried (6-0), with Alderman Perry and  
Alderman Williams absent.

  
Linda Spence, City Clerk

  
Bob McCaslin, Mayor