

Bentonville City Council

Meeting Minutes

March 14, 2017

The City Council of Bentonville, Arkansas, met in regular session Tuesday, March 14, 2017, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

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

At 6:00 p.m., prior to calling the meeting to order, Mayor McCaslin invited public comments. There was no response so the Mayor declared the comment period closed. The Mayor then invited questions or comments from the Council and there were none.

Mayor McCaslin called the meeting to order. The Mayor then 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 Burckart to approve the minutes of the February 28, 2017 meeting as presented, second by Alderman Webb. There was no discussion. Motion carried (7-0), with Alderman Smith 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 Burckart. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

1. Presentation of annual Parks and Recreation report.

David Wright, Director of Parks and Recreation, passed out the annual Parks and Recreation report. He also presented an extensive power point presentation.

- 2a. Ordinance No. 2017-47: Ordinance accepting a lot split of Lot 1 Rohit Subdivision to the City of Bentonville, Arkansas.

[Applicant: Rohit Dharmadhikari;
Location: Southeast 33rd Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Sanchez, second by Alderman Robinson. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

- 2b. Ordinance No. 2017-48: Ordinance accepting a property line adjustment of Lot 16 Block 14 Deming's Second Addition to the City of Bentonville, Arkansas.

[Applicant: Martin Prado and Araceli Corona;
Location: 105 Northwest 5th Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Sanchez, second by Alderman Robinson. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

- 2c. Ordinance No. 2017-49: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of C-2, general commercial to I-1, light industrial.

[Applicant: 3B Storage, LLC;
Location: 3400 Southwest Municipal Drive]

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 (7-0), with Alderman Smith absent.

- 2d. Ordinance No. 2017-50: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of A-1, agricultural to C-2, general commercial.

[Applicant: Mercy Health Northwest Arkansas;
Location: Southwest I Street and Southwest 41st Street]

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 (7-0), with Alderman Smith absent.

3. Ordinance No. 2017-51: Ordinance authorizing the issuance of sales and use tax bonds, Series 2017 for the purpose of financing all or a portion of the cost of capital improvements; pledging collections of a 1.0% sales and use tax to pay the principal of and interest on the bonds; prescribing other matters relating thereto, and declaring an emergency.

City Attorney Spence read the ordinance by title only.
Motion to pass by Alderman Burckart, second by
Alderman Sanchez. There was no discussion. Motion carried
(7-0), with Alderman Smith absent.

City Attorney Spence read the emergency clause.

Motion to pass by Alderman Burckart, second by
Alderman Sooter. There was no discussion. Motion carried
(7-0), with Alderman Smith absent.

4. Ordinance No. 2017-52: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Cardknox for credit card processing 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 Robinson. There was no discussion. Motion carried
(7-0), with Alderman Smith absent.

5. Approval of a bid award to Rodden Landscape Company in the amount of \$45.00 per hour for one lead worker and \$35.00 per hour for one additional worker for mowing services.

Motion to approve by Alderman Burckart, second by
Alderman Robinson. There was no discussion. Motion carried
(7-0), with Alderman Smith absent.

6. Approval of the Bentonville Public Library's proposal to install "StoryWalk" in Train Station Park at 402 South Main Sreet.

Motion to approve by Alderman Sanchez, second by Alderman Burckart. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

7. Approval for the appointment of Matt McClure to the Bentonville Advertising and Promotion Commission, said term to expire December 31, 2017.

Motion to approve by Alderman Sooter, second by Alderman Robinson. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

8. Resolution No. 3-14-17 A: Resolution authorizing the Mayor and Clerk to enter into an agreement with Mercy Health Systems for firefighter physicals for the City of Bentonville.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Burckart. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

9. Resolution No. 3-14-17 B: Resolution expressing the willingness of the City of Bentonville to utilize state and street monies for the following city project: Bentonville overlay.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Robinson. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

10. Approval to award Bid No. 2017-08 to Luttrell Enterprises in an amount not to exceed \$68,069.20 for removal and disposal of litter, mowing and trimming of state highway right-of-ways within city limits.

Motion to approve by Alderman Sanchez, second by Alderman Orman. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

11. Approval of change order No. 2 for TriStar Contractors, LLC for an increase of \$18,902 and an additional thirty-eight calendar days for Phase 1 of the 8th Street water and sewer relocations project.

Motion to approve by Alderman Burckart, second by Alderman Sanchez. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

12. Street Department 2017 overlay program review.

Motion to adopt by Alderman Burckart, second by Alderman Sanchez. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

13. Approval of a reconciliation change order and incentive pay to finalize the Tributary II, Phase 1 project, in the amount of \$68,062.90

Motion to approve by Alderman Burckart, second by Alderman Robinson. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

14. Resolution No. 3-14-17 C: Resolution authorizing the Mayor and Clerk to enter into a master agreement and statement of work with CivicPlus for website services.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Burckart. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

15. Resolution No. 3-14-17 D: Resolution setting a public hearing for March 28, 2017 regarding a petition filed by Dwight Callaway requesting a utility easement vacation within the City of Bentonville.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Orman. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

16. Ordinance amending the local amendments to the National Electric Code, as adopted by Ordinance No. 2014-30, to improve safety for exterior electric disconnects.

City Attorney Spence read the ordinance by title only.

Alderman Burckart initiated a discussion about the need for the proposed change to be made by the ordinance. He asked whether the City's current code was in conformity with the National Electric Code. Travis Matlock, Engineering Director, indicated that the City had required an external disconnect since 2007 but that such disconnects were

sometimes defeated by a breaker box shutoff inside of buildings. Mr. Matlock added that long buildings would often have multiple disconnects at a distance from each other making an overall shutoff more difficult.

Mr. Matlock stated that the proposal was being made based on it being safest for the Fire Department and because the locking mechanism to be required was a minimal cost. Mr. Matlock added that the City's current electrical code was consistent with the national code.

Alderman Burckart asked whether the proposed change had been vetted with stakeholders and it was indicated by Mr. Matlock that it had not been.

Mr. Matlock stated again that the proposed change was for fire safety/life safety reasons.

Alderman Burckart stated that the City's current code was consistent with both the National Electrical Code and the National Fire Code. Alderman Burckart stated he was concerned that the true cost of the proposed change had not been considered and described the needed additional wiring the proposed change would require and stated that those costs did not seem to have been taken into account.

Mr. Matlock stated that the code does allow exceptions to be granted for special situations and that builders could come sit down with the departments and request such changes.

Fire Chief Brent Boydston added that the issue was firefighter safety and Mayor McCaslin echoed that concern.

Alderman Burckart indicated he wanted the matter to be tabled to a future meeting so that stakeholders in the construction industry could be notified and asked to comment about the proposed change and the costs it might entail.

Motion to table consideration of the ordinance to the next meeting by Alderman Burckart, second by Alderman Sanchez. Motion carried (7-0), with Alderman Smith absent.

17. Resolution No. 3-14-17 E: Resolution authorizing the Mayor and Clerk to enter into an agreement with Carroll Electric Cooperative Corporation for the raising of existing electric transmission lines.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

- 18a. Resolution No. 3-14-17 F: Resolution authorizing the Mayor and Clerk to enter into an agreement with CEI Engineering for services related to the McCollum Street side path trail.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Webb, second by Alderman Orman. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

- 18b. Approval of a budget adjustment in the amount of \$89,050 for design services for the McCollum Street side path trail.

Motion to approve by Alderman Webb, second by Alderman Robinson. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

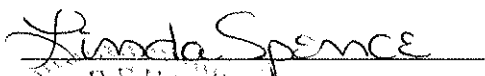
19. Approval of a change order and a budget adjustment in the amount of \$14,348.67 for renovations to the Melvin Ford Aquatic Center.

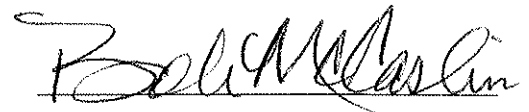
Motion to approve by Alderman Burckart, second by Alderman Robinson. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

City Attorney Spence noted that there would be a resumption of the discussion about ward redistricting at the second March meeting or one of the April meetings with follow-up possible at the May Committee of the Whole meeting.

Alderman Orman noted that the Highway Department had been contacted and was looking at the traffic problems at Rainbow curve.

Motion to adjourn by Alderman Burckart, second by Alderman Webb. Motion carried (7-0), with Alderman Smith absent.


Linda Spence, City Clerk


Bob McCaslin, Mayor

