

Bentonville City Council
Meeting Minutes
May 24, 2016

The City Council of Bentonville, Arkansas, met in regular session Tuesday, May 24, 2016, 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.

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 about items on the agenda and there were none.

Thereafter, 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 May 10, 2016 meeting as presented, second by Alderman Smith. There was no discussion. Motion carried (8-0).

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 (8-0).

1. The Council met in Committee of the Whole on Monday night, May 23, 2016 at the Bentonville Community Center. Prior to meeting the Council toured the Melvin Ford Aquatic Center and the Bentonville Community Center grounds. In addition to reviewing the agenda preparatory to Tuesday's meeting, the

Council heard public comments related to the protection of structures thought by some to have historic significance.

2. Mayor McCaslin recognized Fire Chief Brent Boydston and presented him and members of the Fire Department staff with a proclamation declaring the week of May 15-21, 2016 as "Emergency Medical Services Week" in the City of Bentonville.
- 3a. Ordinance No. 2016-69: Ordinance accepting a lot split of Lot 205 of Bentonville Original Subdivision to the City of Bentonville, Arkansas.

[Applicant: Homes by Roth (Jeff Roth);
Location: West Central Avenue]

City Attorney Spence read the ordinance by title only.

Alderman Webb asked for an explanation of the lot split request. Troy Galloway, Community Development Director, stated it was standard to term the action requested a lot split but that it was really a replat of the lot for right-of-way/easement purposes.

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

- 3b. Ordinance No. 2016-70: Ordinance accepting a lot split of Lots 1 and 2 Market Addition of Bentonville Original Subdivision to the City of Bentonville, Arkansas.

[Applicant: North Arkansas Wholesale Company, Inc.;
Location: Southeast 8th Street]

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

- 3c. Ordinance No. 2016-71: Ordinance accepting a property line adjustment of Lots 12 and 13 Block 1 of Youngs Addition to the City of Bentonville, Arkansas.

[Applicant: Bentonville RD Development, LLC;
Location: Southeast 3rd Street and Southeast G Street]

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

- 3d. Ordinance No. 2016-72: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to PUD, planned unit development.

[Applicant: Jon Callis; Location: Southwest 2nd 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
(8-0).

4. Approval of artwork to wrap a utility box in Citizens Park to promote the "Grow with this Tree" program.

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

5. Resolution No. 5-24-16 A: Resolution setting a public hearing for June 14, 2006, at 6:00 p.m., regarding a petition filed by SW A Building, LLC requesting alley and right-of-way vacations within the City of Bentonville.

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

6. Approval of a budget adjustment in the amount of \$14,750 to increase the legal and professional services account of the Bentonville Municipal Airport budget.

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

7. Resolution No. 5-24-16 B: Resolution adopting a quality management plan for EPA funded projects for the City of Bentonville, Arkansas.

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 (8-0).

8. Resolution No. 5-24-16 C: Resolution expressing the willingness of the City of Bentonville to utilize Federal-Aid funds for the Southwest I and Highway 102 intersection improvements project.

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
(8-0).

9. Approval of a budget adjustment in the amount of \$5,650 to upgrade SQL software for the District Court.

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

10. Ordinance No. 2016-73: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Carroll Electric Cooperative Corporation for the relocation of electric services, waiving the requirement of competitive bidding and declaring an emergency.

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

Motion to declare an emergency to exist by Alderman Burckart,
second by Alderman Webb. There was no discussion. Motion
carried (8-0).

11. Approval of a budget adjustment and to accept a grant from the Walton Family Foundation in the amount of \$1,650,000 for

construction of pedestrian tunnels at the intersection of Southeast 8th Street and Southeast J Street.

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

12. Ordinance No. 2016-74: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with DBA AZZ Switchgear Systems for the purchase of certain relay panels for the City of Bentonville Electric Department and waiving the requirement of competitive bidding.

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 (8-0).

13. Resolution No. 5-24-16 D: Resolution expressing the willingness of the City of Bentonville to utilize Federal-Aid Transportation Alternatives program funds to construct a shared use path and bike/pedestrian tunnel under Highway 102.

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 (8-0).

14. Resolution No. 5-24-16 E: Resolution expressing the willingness of the City of Bentonville to utilize Federal-Aid Transportation Alternatives program funds to construct a side path along McCollum Road.

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

15. Resolution No. 5-24-16 F: Resolution expressing the willingness of the City of Bentonville to utilize Federal-Aid Recreation Trails funds to construct a single track trail at Citizens Park.

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

- 16a. Resolution No. 5-24-16 G: Resolution authorizing the Mayor and City Clerk to enter into an amended professional services agreement with McClelland Consulting Engineers, Inc. for engineering services associated with utility relocation caused by the Arkansas State Highway and Transportation Department's Bella Vista bypass project.

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
(8-0).

- 16b. Approval of a budget adjustment in the amount of \$45,623.19 to cover additional costs associated with an amended professional services agreement with McClelland Consulting Engineers, Inc. associated with the Bella Vista bypass project.

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

17. Ordinance No. 2016-75: Ordinance authorizing the Mayor and the City Clerk to purchase a Trimble Robotics total station for the City of Bentonville Water Department and waiving the requirement of competitive bidding.

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

18. Ordinance No. 2016-76: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the emergency repair of the City of Bentonville Water Department's 2009 International Vac-Con sewer truck, waiving the requirement of competitive bidding and declaring an emergency.

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).

19. Approval to award Bid No. 16-06 to Hansen's Tree Service in the amount of \$475 per hour for yard waste grinding services at the compost facility.

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

20. Ordinance No. 2016-77: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Mission Communications, LLC for certain alarm services for the City of Bentonville wastewater system 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 Webb.
There was no discussion. Motion carried (8-0).

Mayor McCaslin noted that Finance Director Denise Land had recently provided the tax receipt numbers adding that the numbers are good and ahead of last year, year to date.

Motion to adjourn by Alderman Burckart.

Alderman Smith asked if a response had been received from Houseal Lavigne about addressing preservation efforts of historic or cultural properties and how such structures might be protected.

Troy Galloway indicated he had already had the chance to raise the issue with the company. They indicated that such was not their specialty and that such a review would require an adjustment to the budget for the project. He added that as stated at the previous night's meeting, it would really be up to a grass roots movement to pursue the issue further, in accordance with the State Historic Preservation Office and its rules.


Alderman Smith asked if there had been any further consideration about changing the City's ordinance regarding moving a house. Mayor McCaslin stated that the law currently prohibited doing so and it would be his duty to enforce that law.

Alderman Smith moved that the City explore amendments to the house moving ordinance.

Alderman Burckart requested that a copy of the current ordinance be provided to the Council and City Attorney Spence indicated he would email out a copy to the Council.

Alderman Smith's motion died for lack of a second.

Alderman Sooter seconded the earlier motion to adjourn. Motion carried (8-0).



Linda Spence, City Clerk



Bob McCaslin, Mayor

