

Bentonville City Council  
Meeting Minutes  
June 24, 2014

The City Council of Bentonville, Arkansas, met in regular session Tuesday, June 24, 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, Roger Thomas, Bill Burckart, Burton Head and Jim Grider, with Shane Perry 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 Burckart to approve the minutes of the June 10, 2014 meeting as presented, second by Alderman Grider. There was no discussion. Motion carried (5-0), with Alderman Perry absent.

Mayor McCaslin called on City Attorney Spence to discuss a proposed revision to the agenda. City Attorney Spence stated that selection of the two new members to the Council had been placed at the end of the agenda as the new aldermen would not have the same information as the remainder of the Council and would therefore not be as prepared to vote on the matters.

Mr. Spence continued by stating that with Alderman Perry's absence, the Council had an insufficient number of members to suspend the rules, as was customary with the Council, which would mean that ordinances would have to be read on three separate days. Mr. Spence stated that with this hindrance to the usual process, the Council might want to consider amending the agenda to move the selection of the new aldermen, items 15 and 16, to the top of the agenda and, after selection of the aldermen and their being sworn in, they could join in the vote to suspend the rules allowing the City's business to proceed in the normal fashion. He added that if they felt like they did not have sufficient information to vote on a matter they could abstain.

Alderman Grider made a motion to move items 15 and 16 to the top of the agenda, second by Alderman Burckart. Motion carried (5-0), with Alderman Perry absent.

Mayor McCaslin stated that he was going to detail the process planned for selection of the new aldermen. He stated that each applicant would be called on to make a brief presentation to the Council about their qualifications and reasons for seeking the position. Following the presentations, he would ask for a nomination for the position and upon a second that individual would be voted on. He also noted that four votes, a majority of the remaining members of the Council, would be required to select a new alderman. He indicated that the Ward 3 position would be considered first, as it had been vacated first.

Mayor McCaslin next indicated that a late application had been received and told the Council it would be up to them to decide whether to consider it. A motion was made by Alderman Baggett to consider the late applicant, second by Alderman Burckart. Motion carried (4-1), with Alderman Grider voting no and Alderman Perry absent.

15. Selection of a new alderman for Ward 3, Position 1.

Mayor McCaslin next indicated that the Council would first hear from the applicants for the Ward 3 position. The Council heard brief presentations from Rudy Upshaw, James Smith and Dianna Lankford. Cephus Richard was called for, but not present.

Alderman Grider moved to appoint James Smith to the open Ward 3 position, second by Alderman Baggett. Motion carried (4-1), with Alderman Burckart voting no and Alderman Perry absent.

16. Selection of a new alderman for Ward 1, Position 2.

Mayor McCaslin indicated that the Council would next hear from the applicants for the Ward 1 position. The Council heard brief presentations from Michael Williams, John Skaggs, Stephanie Orman and Joe Haynie.

Alderman Baggett moved to appoint Joe Haynie to the open Ward 1 position, second by Alderman Grider. Motion failed (2-3), with Alderman Baggett and Alderman Grider voting yes and Alderman Perry absent.

Alderman Thomas moved to appoint Stephanie Orman to the open Ward 1 position, second by Alderman Burckart. Motion failed (3-2), with Alderman Thomas, Alderman Baggett and Alderman Burckart voting yes and Alderman Perry absent.

Alderman Head moved to appoint John Skaggs to the open Ward 1 position, second by Alderman Grider. Motion passed (4-1), with Alderman Head, Alderman Baggett, Alderman Burckart and Alderman Grider voting yes and Alderman Perry absent.

Alderman Burckart stated that he wanted to thank all the applicants for being willing to serve the community, which sentiment was echoed by Alderman Baggett and the remainder of the Council.

Mayor McCaslin asked James Smith and John Skaggs to come forward and administered to them the oath of office of an alderman for the City.

Motion was made by Alderman Grider to suspend the rules requiring that all ordinances be read 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 Perry absent.

- 1a. Ordinance No. 2014-67: Ordinance accepting a property line adjustment of Lot 12, Block 8 Demings Addition to the City of Bentonville, Arkansas.

[Applicant: Twana Cullum; Location: 306 Northwest C Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (6-0-1), with Alderman Smith abstaining and with Alderman Perry absent.

- 1b. Ordinance No. 2014-68: Ordinance accepting a lot split of Lots 9 and 10 Green Acres Subdivision to the City of Bentonville, Arkansas.

[Applicant: Mike Payne; Location: 1001 Northwest A Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (6-0-1), with Alderman Smith abstaining and with Alderman Perry absent.

- 1c. Ordinance No. 2014-69: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to R-2, duplex and patio home residential.

[Applicant: Palmco Properties, LLC; Location: Lots 56-59 Stone Meadow Subdivision]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (6-0-1), with Alderman Smith abstaining and with Alderman Perry absent.

- 1d. Ordinance No. 2014-70: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-2, duplex and patio home residential.

[Applicant: Palmco Properties, LLC; Location: Lots 80 and 81 Stone Meadow Subdivision]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Head. There was no discussion. Motion carried (6-0-1), with Alderman Smith abstaining and with Alderman Perry absent.

- 1e. Ordinance No. 2014-71: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-2, duplex and patio home residential.

[Applicant: Palmco Properties, LLC; Location: Lots 96-99 Stone Meadow Subdivision]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (6-0-1), with Alderman Smith abstaining and with Alderman Perry absent.

- 1f. Ordinance No. 2014-72: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-2, duplex and patio home residential.

[Applicant: Palmco Properties, LLC; Location: Lots 116 and 117 Stone Meadow Subdivision]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (6-0-1), with Alderman Smith abstaining and with Alderman Perry absent.

- 1g. Ordinance No. 2014-73: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-2, duplex and patio home residential.

[Applicant: Palmco Properties, LLC; Location: Lots 128, 129, 172 and 173 Stone Meadow Subdivision]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (6-0-1), with Alderman Smith abstaining and with Alderman Perry absent.

- 1h. Ordinance No. 2014-74: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-2, duplex and patio home residential.

[Applicant: Palmco Properties, LLC; Location: Lots 148, 149, 150 and 151 Stone Meadow Subdivision]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (6-0-1), with Alderman Smith abstaining and with Alderman Perry absent.

- 1i. Ordinance No. 2014-75: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-2, duplex and patio home residential

[Applicant: Palmco Properties, LLC; Location: Lots 182, 183, 228 and 229 Stone Meadow Subdivision]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (6-0-1), with Alderman Smith abstaining and with Alderman Perry absent.

- 1j. Ordinance No. 2014-76: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-2, duplex and patio home residential.

[Applicant: Palmco Properties, LLC; Location: Lots 236 and 237 Stone Meadow Subdivision]

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 (6-0-1), with Alderman Smith abstaining and with Alderman Perry absent.

- 1k. Ordinance No. 2014-77: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-2, duplex and patio home residential.

[Applicant: Palmco Properties, LLC; Location: Lots 258 and 259 Stone Meadow Subdivision]

11. Ordinance No. 2014-78: Ordinance accepting a final plat of White Oak Trails, Phase II, to the City of Bentonville, Arkansas.

[Applicant: 67 Development Corporation;  
Location: Southwest 2nd Street and Southwest White Oak Road]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Grider, second by Alderman Burckart. There was no discussion. Motion carried (6-0-1), with Alderman Smith abstaining and with Alderman Perry absent.

2. Approval to appoint Rod Sanders to the Planning Commission for a five-year term to expire July 1, 2019.

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

3. Approval to reappoint Amanda Webb to the City of Bentonville Advertising and Promotion Commission for a term to expire December 31, 2017.

Motion to approve by Alderman Grider, second by Alderman Baggett. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

4. Mayor McCaslin recognized David Wright, Parks and Recreation Director, to provide an update on the status of the new Community Center under construction. Mr. Wright then introduced Pat Carroll from Crossland Construction. Mr. Carroll gave a power point presentation, which included recently taken aerial photographs of the project, as well as various indoor/outdoor photographs, explaining the progress being made on the project.

Mr. Carroll also noted plans were being made for a topping-out ceremony on July 18, 2014. Mr. Wright added that there will be a beam signing opportunity as well as areas of the building open for observation.

Alderman Grider asked if the project was on schedule and on budget and it was stated that the project was progressing as scheduled.

5. Approval of a budget adjustment in the amount of \$1,500,000 to create a furniture, fixtures and equipment budget for the Community Center.

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

6. Approval of a budget adjustment in the amount of \$19,930 for soccer field renovations at Memorial Park.

Motion to approve by Alderman Grider, second by Alderman Baggett. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

7. Resolution No. 6-24-14 A: Resolution authorizing the Mayor and Clerk to enter into an agreement with Sandcreek Engineering for design, bid administration and construction observation services related to the parking lot project at the Elm Tree ball fields.

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

8. Approval to install three pieces of artwork on the North Bentonville Trail: a stained block-glass sculpture by Ed Pennebaker, a monumental sculpture by Nathan S. Pierce and a stone PAC-Man figure by Craig Gray.

Motion to approve by Alderman Grider, second by Alderman Baggett. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

9. Approval of change order No. 1 for Rosetta Construction, LLC for a total decrease of \$146,279 and an increase of twenty days of contract time for the Bella Vista bypass utility relocation project.

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

10. Ordinance No. 2014-79: Ordinance authorizing the Mayor and the City Clerk to purchase a phosphorus analyzer for the wastewater plant and waiving the requirement of competitive bidding.

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 (6-0-1), with Alderman Smith abstaining and with Alderman Perry absent.

11. Approval to award Bid No. 14-28, in the amount of \$332,906.88, for a six-month blanket bid to purchase electric materials on an as-needed basis to keep supply levels consistent throughout the remainder of the year.

Alderman Thomas indicated it was his understanding the amount being approved was already budgeted but that the City did not know until now how much would need to be spent for the remainder of the year. Mayor McCaslin asked Travis Matlock, Engineering Director, to explain the blanket bids. Mr. Matlock explained that with the volatility of the price of these commodities the prices would not hold for a full year, so blanket bids were let each six months. The money budgeted would not necessarily be fully spent as it was only actually spent if materials were needed for projects. Mr. Matlock indicated that for the first six months actual expenditures had been less than budgeted.

Alderman Burckart asked Mr. Matlock whether prices were going up or down. Mr. Matlock indicated that some commodities had gone up and some down, but that overall prices were consistent with what had been experienced the last six years.

Motion to approve bid by Alderman Burckart, second by Alderman Thomas. Motion carried (7-0), with Alderman Perry absent.

12. Approval to award Bid No. 14-29, in the amount of \$237,842, for a six-month blanket bid to purchase 3-phase transformers to be ordered on an as-needed basis to keep supply levels consistent throughout the remainder of the year.

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



13. Approval of Bid No. 14-30, in the amount of \$196,152, for a six-month blanket bid for water materials to be ordered as needed to keep supply levels consistent throughout the remainder of the year.

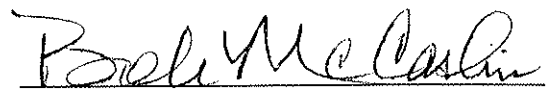
Motion to approve by Alderman Baggett, second by Alderman Grider. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

14. Approval of a bid award to Affiliated FM in the amount of \$179,320 for the City's property insurance from July 8, 2014 to July 1, 2015.

Motion to approve by Alderman Baggett, second by Alderman Grider. There was no discussion. Motion carried (7-0), with Alderman Perry absent.

Motion to adjourn the meeting by Alderman Burckart, second by Alderman Grider. There was no discussion. Motion carried (7-0).

  
Linda Spence, City Clerk

  
Bob McCaslin, Mayor