

Bentonville City Council
Meeting Minutes
July 28, 2015

The City Council of Bentonville, Arkansas, met in regular session Tuesday, July 28, 2015, 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 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 Sanchez to approve the minutes of the July 14, 2015 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 Sanchez. There was no discussion. Motion carried (8-0).

1. Presentation of the Residential Yard of the Month award for the month of July.

Mayor McCaslin recognized Danielle Shasteen, Senior Planner, Community Development. Ms. Shasteen explained the award program with an accompanying power point presentation. The

award was presented by the Mayor to Michael and Lisa Clark who live at 108 Southeast 3rd Street.

2. Presentation of the Grow With Trees award.

Mayor McCaslin again recognized Danielle Shasteen. She gave an overview of the award and explained the requirements that must be met to receive the award. Ms. Shasteen recognized Steve Fisher and Nick Fisher with Dream Structures, the exclusive builder for Wildwood Phase V, as the first recipients of the Grow With Trees award.

- 3a. The ordinance regarding a lot split of Lots 3 and 4 of Schulz Addition to the City of Bentonville was tabled to a future meeting to allow the process for a utility easement vacation to proceed.
- 3b. Ordinance No. 2015-79: Ordinance accepting a property line adjustment of Lot 18 Block 1 of Smartts Addition to the City of Bentonville, Arkansas.

[Applicant: City of Bentonville;
Location: 402 South Main Street]

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).

- 3c. Ordinance No. 2015-80: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-2, duplex and patio home residential.

[Applicant: Sally Jones and Roger Jones;
Location: Oakwood Avenue (Lot 8 Morrison Heights 2)]

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).

- 3d. Ordinance No. 2015-81: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to D-E, downtown edge.

[Applicant: Emerald Isle Holding, LLC;
Location: Southwest B Street and Southwest 4th Street
(southwest corner of intersection)]

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

- 3e. Ordinance No. 2015-82: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to I-1, light industrial.

[Applicant: Mathias Shopping Centers, Inc. ;
Location: Southwest Regional Airport Boulevard and
Southwest Barron Road]

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

4. Approval to award Bid No. 15-34 to Frank Sharum Landscape Design in the amount of \$68,462 to allow for the purchase and delivery of 988 trees for the 2015 Tree Planting Blitz to be held on October 16, 2015.

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

5. Ordinance No. 2015-83: Ordinance vacating a utility easement located in part of Lot 18 of Blueberry Heights Subdivision to the City of Bentonville, Arkansas, Benton County, Arkansas.

Mayor McCaslin declared a public hearing open for comments.
There was no response so Mayor McCaslin declared the public
hearing closed.

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).

6. Resolution No. 7-28-15 A: Resolution setting a public hearing for August 11, 2015, at 6:00 p.m. on a petition filed by Bryan M. Harvey requesting an alley and street right-of-way vacation within the City of Bentonville, Arkansas.

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

Alderman Sanchez asked why a resolution was being presented and not an ordinance. Mr. Spence explained the reason that a resolution setting a public hearing was being presented to Council, not an ordinance, was due to an error in the legal description when the matter came before the Council previously. He added the corrected resolution would be published.

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

7. Resolution No. 7-28-15 B: Resolution authorizing the Mayor and City Clerk to assign a land lease agreement for a hangar site located at the Bentonville Municipal Airport.

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

8. Resolution No. 7-28-15 C: Resolution authorizing the Mayor and Clerk to enter into Supplemental Agreement No. 3 to the agreement for professional engineering services with Burns and McDonnell Engineering Company, Inc. related to the 8th Street project.

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).

Alderman Sanchez expressed his appreciation of Mike Churchwell, Transportation Director, for his work on the 8th Street project.

9. Resolution No. 7-28-15 D: Resolution authorizing the Mayor and Clerk to enter into an agreement with Natural State Stream Land Company for the purchase of stream bank mitigation credits for the City of Bentonville.

City Attorney Spence read the resolution by title only.

Alderman Burckart asked for an explanation concerning how a determination is made to a particular land bank being used and how the land bank credit price is determined. Mr. Churchwell stated that the City was required to mitigate with respect to some projects. The price of the credits was negotiated with the owner.

Alderman Burckart asked whether the City should be looking for credit property within City boundaries. Mr. Churchwell indicated any property to be used would need to be permitted through the Corps and other agencies, but that if any local landowners did so their property would certainly be considered. This particular credit property had been priced at \$50 per credit and the City was able to negotiate down to \$42 per credit saving about \$79,000. The money being used for this is CDBG funds specified for that part of town and Mr. Churchwell indicated those funds are pretty much exhausted by this purchase.

Alderman Burckart asked about the amount of land involved. Mr. Churchwell stated that this would make 13,475.8 credits available and about 200 acres are involved.

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

10. Approval of a budget adjustment in the amount of \$345,000 to purchase, equip and provide setup for 2016 Chevrolet Tahoes for the Police Department.

Alderman Burckart asked if the approval being sought was for planned 2016 CIP purchases. Police Chief Jon Simpson stated that this was approval to pre-order 2016 CIP items to be delivered in 2016. The early start was to avoid unavailability of the vehicles due to the number of orders. In 2015 there had been such an issue due to GM overselling its stock.

Alderman Burckart asked if this would result in trade-ins occurring earlier than otherwise planned. Chief Simpson said it would not significantly speed up the process as it will take time to place the vehicles in service due to the additional equipment which will need to be ordered and installed.

Chief Simpson stated that this would reduce the 2016 budget to the purchase of a couple of Impalas which do not have availability issues. Chief Simpson also noted that the Prosecutor's Office had provided funds for the purchase of a vehicle for a domestic violence officer.

Mayor McCaslin stated that Chief Simpson being proactive in this area was allowing 2015 prices to be locked in for vehicles to be placed in service in 2016.

Alderman Orman asked whether we should continue this practice in future years to take advantage of the change in model years. Chief Simpson stated that the reason for this request had to do with availability issues and not model year.

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

11. Resolution No. 7-28-15 E: Resolution declaring certain property belonging to the City of Bentonville Police Department as surplus property. [Two Remington 700 rifles]

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).

12. Approval to award Bid No. 15-36 to Asplundh Tree Expert Company at the rate of \$5.78 per lineal foot for tree branch removal within the path of overhead electric lines.

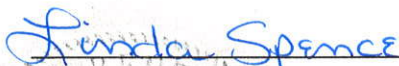
Motion to approve by Alderman Robinson, second by Alderman Orman. There was no discussion. Motion carried (8-0).

13. Resolution No. 7-28-15 F: Resolution authorizing the destruction of certain documents of the City of Bentonville.

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).

Alderman Burckart announced that a public hearing would be held on August 3, 2015, from 5:00 to 7:00 p.m., at the terminal building of the Municipal Airport to provide an update of the master plan for the airport and public comments.

Motion to adjourn by Alderman Smith, second by Alderman Burckart. Motion carried (8-0).



Linda Spence, City Clerk



Bob McCaslin, Mayor

