

Bentonville City Council
Meeting Minutes
August 9, 2016

The City Council of Bentonville, Arkansas, met in regular session Tuesday, August 9, 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.

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 Sanchez to approve the minutes of the July 26, 2016 meeting as presented, second by Alderman Webb. 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 Webb. There was no discussion. Motion carried (8-0).

1. Ordinance No. 2016-102: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards.

[Hudson and Patricia Vanderhoff]

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).

- 2a. Ordinance No. 2016-103: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to C-3, central commercial and R-4, high density residential.

[Applicant: Eversole Revocable Trust;
Location: Southwest I Street and Southwest Regional Airport Boulevard]

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).

Alderman Burckart stated that he wanted the Council to be aware that the airport has its own zoning classifications to address concerns with safety and noise. He further stated that the Council may see those zones being referenced as future matters concerning the airport come forward.

- 2b. Ordinance No. 2016-104: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to I-1, light industrial.

[Applicant: Havermeyer Holdings, LLC;
Location: Southeast J 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).

- 2c. Ordinance No. 2016-105: Ordinance accepting a lot split of Lots 1 and 2 Little Osage Addition to the City of Bentonville, Arkansas.

[Applicant: Little Osage Farms, LLC;
Location: Southwest Elington Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Sanchez, second by Alderman Orman. There was no discussion. Motion carried (7-0-1), with Alderman Burckart abstaining.

- 2d. Ordinance No. 2016-106: Ordinance accepting a final plat of Cornerstone Ridge Subdivision Phase 5 to the City of Bentonville, Arkansas.

[Applicant: Rolling Acres Properties, LLC;
Location: Southwest Rainbow Farms Road and
Southwest Morningstar Road]

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).

3. Approval of a donation in the amount of \$26,250 from Walmart Stores, Inc. for the purchase of trees for the 4th Annual Tree Planting Blitz to be held in October.

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

4. Approval of a bid award to Spring Creek Nursery in the amount of \$57,532 for the purchase and delivery of 675 trees in twelve varieties for the 4th Annual Tree Planting Blitz.

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

5. Resolution No. 8-9-16 A: Resolution authorizing the Mayor and City Clerk to enter an easement grant dedicating a 20 foot electric easement on Lot 97 of Bentonville Original to the City of Bentonville, Arkansas.

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 (8-0).

6. Approval of the 2016-2022 Capital Improvement Program as prepared by Tischler Bise.

Mayor McCaslin indicated that he had sent out an email to the Council about adding the impact fee items back to the agenda as the Tischler Bise report had come in late Friday and been sent out to the Council on Monday. He indicated all aldermen were in favor of moving forward, except Alderman Smith, so it was added back to the agenda.

Alderman Burckart stated that he was in favor of adopting Items 8 and 9 from the agenda (the ordinances suspending the existing water and sewer impact fees). He then stated he had some questions on the new study.

Alderman Burckart stated that based on the City sales tax and the City's portion of the County sales tax, the City would collect \$1,928 taxes on a \$230,000 home and that there would be \$1.4 million in sales taxes received in year one which were not considered in the study. He raised the question whether the Council should move forward to adopt the new fees with the study being flawed in that way.

Alderman Robinson stated that the City had hired experts with regard to calculating such fees and questioned why we would deviate from their advice.

Alderman Burckart stated his concern was that only impact fees had been looked at without considering financing the proposed improvements through bonds.

Denise Land, Finance Director, stated that financing through bonds would require a vote of the taxpayers. She added that the current bonds would pay off in 2020 at the current rate of payment.

Alderman Sanchez stated that when the impact fees first came before the Council, he agreed that the fees were too high. He further stated that his concerns had been addressed by the staff and that the fees as currently proposed would be an overall reduction.

Alderman Burckart stated that the impact fees were like charging City residents \$100 as a bike fee for trails and then allowing nonresidents to use the trails without paying the fee. He also questioned whether the costs being covered by the impact fees should be solely on the back of new residential construction.

Mayor McCaslin noted that impact fees do not completely cover costs, but instead help defray costs allowing the City to maintain a high quality of service.

Alderman Sanchez stated that the impact fees were based solely on growth and that if there was no growth there would be no money. He described the impact fees as an "entry fee."

Troy Galloway, Planning Director, stated that impact fees were to cover new growth's fair share of capital projects required because of growth and that they have never been intended to cover those projects 100 percent. He added that \$28 million in impact fees had been collected and used over the years to maintain the City's high level of service and questioned where that money would have come from otherwise. He noted that the total fees would be \$600 more or less if the Council approved all the proposed changes.

Mr. Galloway stated that the fees would help maintain capital investment in the community, that the fees target growth, and that it was his view that the existing fees had not slowed growth in the City at all and, in fact, had likely promoted growth by creating an atmosphere where the City could maintain a high level of services. He concluded by stating that the proposed parks fee was only applied to residential because that is where the nexus can be drawn.

Alderman Burckart asked about the limit on sales tax rebates and no conclusion was reached as to that question.

Alderman Burckart reiterated that he was disappointed no other alternatives were presented.

Alderman Orman stated that the direction to go with the fees is down and that this proposal accomplished that.

Alderman Robinson stated that he agreed the Council should continue to look at the fees in connection with the ongoing planning for the City.

Alderman Smith asked that Blake Bornkessel be recognized as he had showed up late to make a public comment.

Mr. Bornkessel stated that he wanted to discuss the water and sewer fees. He stated he was an expert of such fees. He indicated he was surprised those fees were being removed and that rate increases would be needed to make up for those removals. He also stated that he recommended the whole process be re-examined and that he did not think the analysis by the City's experts was done properly.

Motion to approve by Alderman Sanchez, second by Alderman Robinson. Motion carried (7-1), with Alderman Burckart voting no.

7. Impact fee analysis report. There was no discussion and no vote.
8. Ordinance No. 2016-107: Ordinance suspending sewer impact/capacity fees in the City of Bentonville, Arkansas, 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).

City Attorney Spence read the emergency clause. Motion to approve by Alderman Sanchez, second by Alderman Burckart. There was no discussion. Motion carried (8-0).

9. Ordinance No. 2016-108: Ordinance suspending water impact/capacity fees in the City of Bentonville, Arkansas, and declaring an emergency.

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

City Attorney Spence read the emergency clause. Motion to
approve by Alderman Sanchez, second by Alderman Burckart.
There was no discussion. Motion carried (8-0).

10. Ordinance No. 2016-109: Ordinance amending fire/EMS impact
fees in the City of Bentonville, Arkansas, and declaring an
emergency.

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 (7-1), with
Alderman Burckart voting no.

City Attorney Spence read the emergency clause. Motion to
approve by Alderman Sanchez, second by Alderman Robinson.
There was no discussion. Motion carried (6-2), with
Alderman Smith and Alderman Burckart voting no.

11. Ordinance No. 2016-110: Ordinance amending parks impact fees
in the City of Bentonville, Arkansas, and declaring an
emergency.

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
(6-2), with Alderman Smith and Alderman Burckart voting no.

City Attorney Spence read the emergency clause. Motion to
approve by Alderman Sanchez, second by Alderman Robinson.
There was no discussion. Motion carried (6-2), with
Alderman Smith and Alderman Burckart voting no.

12. Ordinance No. 2016-111: Ordinance reinstating library impact
fees in the City of Bentonville, Arkansas, and declaring an
emergency.

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 (6-2), with Alderman Smith and Alderman Burckart voting no.

City Attorney Spence read the emergency clause. Motion to approve by Alderman Sanchez, second by Alderman Robinson. There was no discussion. Motion carried (7-1), with Alderman Burckart voting no.

13. Ordinance No. 2016-112: Ordinance reinstating police impact fees in the City of Bentonville, Arkansas, and declaring an emergency.

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 (7-1), with Alderman Burckart voting no.


City Attorney Spence read the emergency clause. Motion to approve by Alderman Sanchez, second by Alderman Robinson. There was no discussion. Motion carried (7-1), with Alderman Burckart voting no.

Mayor McCaslin indicated that the Council would have a Committee of the Whole meeting on August 22nd.

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



Linda Spence, City Clerk



Bob McCaslin, Mayor

