

Bentonville City Council
Meeting Minutes
August 12, 2014

The City Council of Bentonville, Arkansas, met in regular session Tuesday, August 12, 2014, at 6:00 p.m., at the Community Development Building, 305 SW A Street, Bentonville, Arkansas.

Present were council members Mary Baggett, John Skaggs, Roger Thomas, Chris Sooter, James Smith, Burton Head and Jim Grider, with Bill Burckart 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 Baggett to approve the minutes of the July 22, 2014 meeting as presented, second by Alderman Grider. There was no discussion. Motion carried (7-0), with Alderman Burckart 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 Smith. There was no discussion. Motion carried (7-0), with Alderman Burckart absent.

1. Mayor McCaslin recognized Lieutenant Colonel Herb Hodde and Major Lionel Riley from the 188th Air National Guard. Major Riley expressed appreciation for the support of the City of Bentonville and the Bentonville community for the Air National Guard. He presented the Mayor with a framed photograph depicting an aircraft formerly flown by the 188th. The Mayor stated that the City was proud to support our troops and indicated the photo would be displayed in City Hall.
- 2a. Ordinance No. 2014-86: Ordinance accepting a lot split of Lot 1 Stuckey Subdivision to the City of Bentonville, Arkansas.

[Applicant: Andy and Karen Stuckey; Location: 407 North Main Street]

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 (7-0), with Alderman Burckart absent.

- 2b. Ordinance No. 2014-87: Ordinance accepting a property line adjustment of Lots 31 and 32 Fountain Plaza Subdivision to the City of Bentonville, Arkansas.

[Applicant: Dynamic Development, Inc.; Location: Southeast Plaza Avenue and Southeast Fountain Boulevard]

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

- 2c. Ordinance No. 2014-88: Ordinance accepting a final plat of College Place Subdivision Phase 9 to the City of Bentonville, Arkansas.

[Applicant: Landmarc Custom Homes; Location: Southeast 7th Street and Southeast Fullerton Street]

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 (7-0), with Alderman Burckart absent.

- 2d. Ordinance No. 2014-89: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to C-2, general commercial.

[Applicants: Allied Bank, Thomas and Judith Terell, Judith Phillips, Thomas and Nicole Reynolds, LB Granata, Inc.; Location: Braithwaite Park Addition (North Walton Boulevard and Northwest 14th Street)]

Motion to pass by Alderman Grider.

Alderman Thomas asked why approval by the Planning Commission had only been 5-2. Beau Thompson, City Planner, indicated that a couple of the Planning Commissioners had concerns as the property in question backs up to a residential area. They felt the residents had legitimate concerns about buffering with regard to light and sound. There were extensive discussions concerning that. It was thought that those concerns could be appropriately addressed in the large scale process.

Alderman Baggett asked if this was a step to revitalization of this area and Mr. Thompson agreed that it would be. It would provide goods and services to residents of that area without the need to cross Walton Boulevard.

Mayor McCaslin asked if anyone present had attended in order to address this issue and there was no response.

Second by Alderman Head. Motion carried (7-0), with Alderman Burckart absent.

- 2e. Ordinance No. 2014-90: Ordinance accepting a property line adjustment of Lots 12, 13, 14 and 15, Block 1, Braithwaite Park Addition to the City of Bentonville, Arkansas.

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

- 2f. Ordinance No. 2014-91: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to R-C2, central residential-moderate density.

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 (7-0), with Alderman Burckart absent.

3. Approval of a budget adjustment in the amount of \$25,000 to accept a donation from Walmart Stores, Inc. to purchase trees for the Make a Difference Day to be held on October 24, 2014.

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

Alderman Baggett urged all present to give their time to the planting of the trees.

4. Ordinance No. 2014-92: Ordinance vacating a utility easement located in Lot 151 Phase 4 Wildwood 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 Grider, second by Alderman Thomas. There was no discussion. Motion carried (7-0), with Alderman Burckart absent.

5. Ordinance No. 2014-93: Ordinance vacating a utility easement located in Lots 8 and 9 Phase 3 of Woods Creek South to the City of Bentonville, 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 Grider, second by Alderman Head. There was no discussion. Motion carried (7-0), with Alderman Burckart absent.

6. Ordinance No. 2014-94: Ordinance vacating a utility easement located in Lot 16 of the Bluffs Subdivision to the City of Bentonville, 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 Grider, second by Alderman Skaggs. There was no discussion. Motion carried (7-0), with Alderman Burckart absent.

7. Ordinance No. 2014-95: Ordinance vacating a utility easement located in Lot 1 Sunshine School Subdivision to the City of Bentonville, 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 Grider, second by Alderman Smith. There was no discussion. Motion carried (7-0), with Alderman Burckart absent.

8. Resolution No. 8-12-14 A: Resolution setting a public hearing for August 26, 2014, at 6:00 p.m., regarding a petition filed by John and Libby Walsh requesting a utility easement vacation within the City of Bentonville, Arkansas.

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

9. Resolution No. 8-12-14 B: Resolution setting a public hearing for August 26, 2014, at 6:00 p.m., regarding a petition filed by Mike Rudzik requesting a drainage easement within the City of Bentonville, Arkansas, be vacated.

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

10. Resolution No. 8-12-14 C: Resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with Morrison-Shipley Engineers, Inc. for engineering services associated with the Master Plan update for the Bentonville Municipal Airport.

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

11. Approval to appoint Chris Sooter as an ex-officio member to the Parks and Recreation Advisory Board beginning August 18, 2014.

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

12. Ordinance No. 2014-96: Ordinance establishing certain fees for the City of Bentonville Parks and Recreation Department and Community Center.

City Attorney Spence read the ordinance by title only.

Alderman Grider asked for information on how the fee schedule was developed. David Wright, Parks and Recreation Director, indicated the fees had been developed based on a budget for the Community Center of \$1.45 million. He indicated the fees would be expected to cover all costs of operations based on the projected budget. He further indicated he thought the budgeted figures developed were conservative, but that it would be necessary to monitor the actual costs once operations begin and consider adjustments as needed.

Mr. Wright indicated that for city residents, \$19 a month would allow use of the Community Center, the Downtown Activity Center, plus would provide a season pass for the Melvin Ford Aquatic Center.

Alderman Head asked if there would be a Silver Sneaker program and Mr. Wright indicated there would be.

Motion to pass by Alderman Sooter, second by Alderman Grider.
Motion carried (7-0), with Alderman Burckart absent.

13. Approval to award Bid No. 14-09 to General Solutions Group in the amount of \$99,076.80 to construct the final phase of the Downtown Trail.

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

14. Ordinance No. 2014-97: Ordinance authorizing the Mayor and City Clerk to enter into a settlement agreement with Southwestern Electric Power Company (SWEPCO), that SWEPCO will submit to FERC seeking approval in FERC Docket No. ER14-1249 relating to revisions to Bentonville's power supply agreement with SWEPCO - such revisions implementing the new market construct under Southwest Power Pool, Inc.'s integrated marketplace; and for other purposes.

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Baggett.

Alderman Thomas asked whether this was the first time the City had gone into an agreement like this with SWEPCO.

Travis Matlock, Engineering Director, stated that it was the first agreement for the integrated marketplace and that this was a new way of dealing with transmission power. Mr. Matlock indicated that this agreement provided for transmission power to be parceled out within the region. Entities that have generating capacity are being put under the control of one organization, the Southwest Power Pool. This allows for determination of the best use of generated power so that all participants get the best bang for their buck. SWEPCO acts as our agent in this regard.

In response to a question from Alderman Thomas, Mr. Matlock confirmed that under the new agreement the City continues to be a wholesale customer of SWEPCO.

Mr. Matlock further indicated that there are three cities in Arkansas set up in this fashion, Hope and Prescott being the other two. This will allow the City to get the best rates available.

In response to another question from Alderman Thomas, Mr. Matlock indicated he expected the change would not result in an increase or decrease for ratepayers.

Second by Alderman Sooter. Motion carried (7-0), with Alderman Burckart absent.

15. Ordinance No. 2014-98: Ordinance authorizing the Mayor and City Clerk to enter into a revised power supply agreement with Southwestern Electric Power Company (SWEPCO), such revisions implementing the new market construct under Southwest Power Pool, Inc.'s integrated marketplace; and for other purposes.

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 (7-0), with Alderman Burckart absent.

16. Approval of a budget adjustment in the amount of \$42,552 received from FEMA for damage that occurred as a result of a storm on August 8th, 2013.

Alderman Thomas asked whether this would be \$40,000 different from what was originally calculated. At the request of the Mayor, Ben Peters, City Engineer, explained that the reimbursement from FEMA was for 75 percent of the estimated cost of repair. The FEMA estimator priced it and the City was receiving the 75 percent of that estimate, which was to repair the damage done. However, the decision was made to make some improvements beyond just putting the road back the way it was, hoping to prevent similar damage from a future rain event. This resulted in the increased cost.

Motion to pass by Alderman Grider, second by Alderman Baggett. Motion carried (7-0), with Alderman Burckart absent.

17. Approval to award Bid No. 14-37 to Dean Crowder Construction in the amount of \$94,335 plus a 10 percent contingency, for a total amount of \$103,768.50, for reconstruction of the Stonehenge fire access road.

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