

Bentonville City Council
Meeting Minutes
October 13, 2015

The City Council of Bentonville, Arkansas, met in regular session Tuesday, October 13, 2015 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, Bill Burckart, Octavio Sanchez and Jim Webb, with James Smith absent. 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 recognized Police Chief Jon Simpson. Chief Simpson introduced Kyle Putman, who was sworn in as a police officer by the Mayor.

Mayor McCaslin indicated that five people had signed up for public comments but that the topic they had indicated was not on tonight's agenda, though it was expected it could be on the October 27th agenda. The Mayor asked the City Attorney to explain the public comments policy created by the Council earlier this year and the City Attorney gave an explanation.

Motion was made by Alderman Skaggs to allow three speakers to speak on an item not on the agenda prior to the meeting, second by Alderman Robinson. The motion passed (6-1), with Alderman Sooter voting no and Alderman Smith being absent. Darrell Bowman, Van Brahana and Ken Leonard were heard on the matter of the Lake Bella Vista dam project.

Mayor McCaslin recognized five Boy Scouts from Troop 333 that were present working on earning their Citizenship in the Community merit badges.

Mayor McCaslin called the meeting to order at 6:30 p.m. The Mayor led everyone present in the pledge of allegiance followed by a moment of silence in support of our armed forces. Mayor McCaslin also asked that those present keep the family of Ferold Arend, who had recently passed away, in their thoughts.

Motion was made by Alderman Sanchez to approve the minutes of the September 22, 2015 meeting as presented, second by Alderman Robinson. There was no discussion. Motion carried (7-0), with Alderman Smith 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 Robinson. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

1. Committee of the Whole meeting held on Monday, October 12, 2015 at 6:00 p.m.

At the Committee of the Whole meeting held on Monday, October 12, 2015, a presentation of the Water, Sewer and Electric Rate Study prepared by HDR was given by Tom Gould from HDR, including responding to questions from council members.

2. Mayor McCaslin presented a proclamation declaring the month of October 2015 as "Community Planning Month" in the City of Bentonville, in conjunction with the celebration of National Community Planning Month, to Troy Galloway, Community Development Director.
- 3a. Ordinance No. 2015-114: Ordinance accepting a lot split of Lots 14 and 15 Block 4 of Railroad Addition to the City of Bentonville, Arkansas.

[Applicant: TNG Properties, LLC - Neil Greenhaw;
Location: Southeast 2nd Street and Southeast B 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 (7-0), with Alderman Smith absent.

- 3b. Ordinance No. 2015-115: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to RC-2, central residential-moderate density, central commercial.

[Applicant: Lykin's Leasing, LLC;
Location: 504 Southwest E 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 (7-0), with Alderman Smith absent.

4. Approval to appoint Napoleon Dezaldivar to the Bentonville Public Art Advisory Committee for a three-year term expiring October 13, 2018.

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

5. Approval to appoint Jerrie Palmer to the Bentonville Public Art Advisory Committee for a three-year term expiring October 13, 2018.

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

6. Resolution No. 10-13-15 A: Resolution setting a public hearing for October 27, 2015, on a petition filed by Chris Hoyle, requesting a utility and drainage easement vacation within 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 (7-0), with Alderman Smith absent.

7. Approval for the reappointment of Brian Baldwin to the Airport Advisory Board for an additional three-year term to expire on September 30, 2018.

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

8. Resolution No. 10-13-15 B: Resolution authorizing the Mayor and Clerk to enter into an agreement with Traffic Engineering Consultants for a traffic signal time study and coordination plan.

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 (7-0), with Alderman Smith absent.

9. Resolution No. 10-13-15 C: Resolution declaring certain property belonging to the City of Bentonville, Arkansas as surplus property. (2001 Case backhoe)

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

10. Approval of a budget adjustment to add \$25,000 to the Street Department maintenance line item budget no. 020-3810-430-4450 due to excess snow and ice removal costs during the months of February and March of 2015.

Motion to approve by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

11. Resolution No. 10-13-15 D: Resolution authorizing the Mayor and City Clerk to enter into a utility agreement with the Arkansas State Highway Commission for engineering services and construction associated with the Arkansas State Highway Commission's project no. CA0004(45) -- Highway 265 improvements between Highway 264 and Pleasant Grove Road.

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 (7-0), with
Alderman Smith absent.

- 12a. Resolution No. 10-13-15 E: Resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with Garver for engineering services associated with the Arkansas State Highway Commission's project no. CA0004(45) -- Highway 265 improvements between Highway 264 and Pleasant Grove Road.

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 (7-0), with
Alderman Smith absent.

- 12b. Approval of a budget adjustment to front costs for engineering services associated with the utility agreement with the Arkansas State Highway Commission for project no. CA0004(45) - Highway 265 improvements between Highway 264 and Pleasant Grove Road.

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

13. Resolution No. 10-13-15 F: Resolution authorizing the Mayor and City Clerk to execute an easement to Southwestern Bell Telephone Company, d/b/a AT&T Arkansas, for facilities located in the northwest corner of City property located at 402 South Main Street, 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 (7-0), with
Alderman Smith absent.

14. Resolution No. 10-13-15 G: Resolution authorizing a property tax levy for the City of Bentonville, Arkansas for the year 2015 to be collected in the year 2016.

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 (7-0), with
Alderman Smith absent.

15. Ordinance amending the electric rate schedule.

City Attorney Spence read the ordinance by title only.

Motion to postpone consideration of the ordinance to the
October 27, 2015 meeting by Alderman Burckart, second by
Alderman Skaggs. There was no discussion. Motion carried
(5-2), with Alderman Sooter and Alderman Sanchez voting no
and with Alderman Smith absent.

16. Ordinance No. 2015-116: Ordinance authorizing the Mayor and
the City Clerk to enter into an agreement with Fayette Tree
and Trench, Inc. for certain improvements to the City of
Bentonville Electric Utility Facilities 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 Webb.
There was no discussion. Motion carried (7-0), with
Alderman Smith absent.

17. Resolution No. 10-13-15 H: Resolution authorizing the Mayor
and Clerk to enter into an agreement with Osrose for pole
testing and engineering for the Bentonville Electric
Department.

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 (7-0), with
Alderman Smith absent.

18. Ordinance No. 2015-117: Ordinance authorizing the Mayor and
the City Clerk to enter into an agreement with Modern Fence
and Supply Company for the purchase of gate systems for the
Bentonville Police Department 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 Robinson. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

19. Approval of a budget adjustment for the Police Department in the amount of \$10,988.88 to minor equipment. The adjustment reflects a grant of \$9,968 from the Arkansas Internet Crimes Against Children Task Force and grant income from the United States Secret Service in the amount of \$1,019.94.

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

20. Approval of a final reconciliation change order in the amount of \$1,588 to Decco for work on the Citizens Park parking lots project.

Motion to approve by Alderman Webb, second by Alderman Sanchez. There was no discussion. Motion carried (7-0), with Alderman Smith absent.

Mike Bender asked Council if it would require the presence of Tom Gould from HDR at the next meeting. It was decided that his presence was not required.

Motion to adjourn by Alderman Burckart, second by Alderman Robinson. Motion carried (7-0).



Linda Spence, City Clerk



Bob McCaslin, Mayor

