

Bentonville City Council
Meeting Minutes
December 13, 2016

The City Council of Bentonville, Arkansas, met in regular session Tuesday, December 13, 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.

Mayor McCaslin recognized Alderman Skaggs. The Mayor noted that tonight was his last meeting in his long and distinguished service to the City and then read and presented to him a certificate in appreciation of his service.

Mayor McCaslin called the meeting to order at 6:02 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 November 22, 2016 meeting as presented, second by Alderman Skaggs. 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 Burckart. There was no discussion. Motion carried (8-0).

Alderman Burckart requested City Attorney Spence to recite the numbers of items from the agenda that could be part of a consent agenda. Attorney Spence stated that items 2, 3, 4, 8, 10a, 10b, 10c, 12b, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 could be passed all at once with a motion to approve if nobody wanted to discuss any of them.

Motion to move the stated items to a consent agenda and to approve the items on the consent agenda by Alderman Sanchez, second by Alderman Robinson.

Alderman Smith questioned waiving a competitive bid to purchase chlorine for City facilities, referencing Item 9 on the agenda. David Wright, Parks and Recreation Director, stated that Walden Chemical of Little Rock is the only authorized dealer of PPG chlorine in Arkansas.

There was no further discussion regarding consent agenda items. Motion carried (8-0).

[Clerk's note: Items are presented herein in the order they were considered by the Council, but the numbering of items remains as listed in the published agenda.]

Consent Agenda Items:

2. Reappointment of Jan Holland to the Bentonville Board of Adjustment for a five-year term beginning January 1, 2017 and expiring December 31, 2021.
3. Reappoint of Rustin Chrisco to the Bentonville Board of Adjustment for a five-year term beginning January 1, 2017 and expiring December 31, 2021.
4. Appointment of Tregg Brown to the Bentonville Planning Commission to fill the unexpired term of Debi Havner that expires July 1, 2018.
8. Appointment of Craig Gilbert and Michelle Malashock and reappointment of Courtney Schaefer to the Parks and Recreation Advisory Board.
- 10a. Change order to the utility agreement with the Arkansas State Highway Commission for construction of water line relocations associated with AHTD project no. CA0902 - Interstate 49 widening and interchange improvements, Highway 62/102 - Highway 72.

- 10b. Award Bid No. 2016-50 to Fochtman Enterprises, Inc. in the amount of \$110,170 for water line relocations associated with AHTD job no. CA0902 - Interstate 49 widening and interchange improvements, Highway 62/102 - Highway 72.
- 10c. Budget adjustment to front costs for award of contract to Fochtman Enterprises, Inc. in the amount of \$110,170.
- 12b. Budget adjustment in the amount of \$35,687 to cover costs for additional/remaining material testing for construction of the new City maintenance facility.
17. Award of Bid No. 16-38, a one-year blanket bid in the total amount of \$763,366.96 for electric material.
18. Award of Bid No. 16-39, a one-year blanket bid in the total amount of \$387,197 to purchase 3phase transformers.
19. Award of Bid No. 16-40, a one-year blanket bid in the amount of \$295,087 to purchase 1phase transformers.
20. Award of Bid No. 16-41, a one-year blanket bid in the amount of \$170,370 to purchase pole mount transformers.
21. Award of Bid No. 16-42, a one-year blanket bid in the amount of \$52,701 to purchase switchgears.
22. Award of Bid No. 16-43, a one-year blanket bid for water/sewer material in the amount of \$306,027.80.
23. Award Bid No. 16-44, a one-year blanket bid for street materials in the amount of \$214,025.
24. Award Bid No. 16-45, a one year blanket bid for janitorial supplies in the amount of \$47,261.50.
25. Award Bid No. 16-57 in the amount of \$74,655 for 750 underground wire.
26. Award Bid No. 16-47 in the amount of \$417,201 to purchase steel/wood poles and transmission materials for the electric relocation for 8th Street to Dis-Tran.

- 1a. Ordinance No. 2016-158: Ordinance accepting a lot split of Lot 9 Block 3 of Deming's Addition to the City of Bentonville, Arkansas.

[Applicant: John Alan Phillips, Trustee;
Location: Northwest A Street]

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

- 1b. Ordinance No. 2016-159: Ordinance accepting a lot split of Lots 6 and 7 Airport Road Addition to the City of Bentonville, Arkansas.

[Applicant: Airport Road, LLC;
Location: Southwest 28th Street.

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

- 1c. Ordinance No. 2016-160: Ordinance accepting a property line adjustment of Lot 20 Hardcastle Estates to the City of Bentonville, Arkansas.

[Applicant: Gregory and Hadi Dudley;
Location: 301 Southwest O Street]

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

- 1d. Ordinance No. 2016-161: Ordinance accepting a final plat of Amber Ridge North at Woods Creek to the City of Bentonville, Arkansas.

[Applicant: The Meadows at Woods Creek, Inc.;
Location: Woods Creek Road]

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

- 1e. Ordinance No. 2016-162: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of commercial to high density residential.

[Applicant: Honey Creek Land and Cattle, Dan Dykema;
Location: Southeast 34th 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).

- 1f. Ordinance No. 2016-163: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of R-1, single family residential to DN-2, downtown medium-density residential.

[Applicant: Kerry Laman;
Location: Southeast 5th Street]

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

- 1g. Ordinance No. 2016-164: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification of PUD, planned unit development to R-3, medium density residential.

[Applicant: KCG BV, LLC;
Location: Southwest Buckeye 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 (8-0).

5. Resolution No. 12-13-16 A: Resolution declaring a structure at 1204 Northeast Fillmore Street to be a nuisance and setting a public hearing.

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

6. Ordinance No. 2016-165: Ordinance adopting revisions to the personnel policy for the City of Bentonville, Arkansas.

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).

7. Ordinance No. 2016-166: Ordinance adopting certain amendments to the 2017 pay plan for the City of Bentonville, Arkansas.

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).

9. Ordinance No. 2016-167: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of chlorine for certain parks facilities and waiving the requirement of competitive bidding.

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

11. Resolution No. 12-13-16 B: Resolution authorizing the Mayor and City Clerk to enter into an amended lease agreement with Arkansas Affordable Homes, LLC.

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).

- 12a. Resolution No. 12-13-16 C: Resolution authorizing the Mayor and City Clerk to enter into an amended professional services agreement with GTS, Inc. for material testing services associated with construction of the City maintenance facility located on SW 28th Street.

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

Alderman Burckart asked how much more testing was anticipated. Mike Bender, Public Works Director, stated that there had been scheduling problems but this should be the last change and should bring the amount up to the \$113,000 amount.

Motion carried (8-0).

13. Ordinance No. 2016-168: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Mueller Systems for the purchase of leak detection hardware and waiving the requirement of competitive bidding.

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).

14. Resolution No. 12-13-16 D: Resolution declaring certain property belonging to the City of Bentonville, Arkansas as surplus property.

[2008 Ford F-450 ambulance to be sold to Beaver Lake Fire Department for \$25,000]

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

15. Resolution No. 12-13-16 E: Resolution authorizing the Mayor and City Clerk to enter into an agreement with Morrison Shipley Engineers for engineering and design services for the North Main sidewalk project.

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

16. Resolution No. 12-13-16 F: Resolution setting a public hearing on a petition filed by Terry and Stephanie Orman requesting a utility easement vacation for January 10, 2017.

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

27. Ordinance No. 2016-169: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of electric meters for the City of Bentonville from Mueller Systems and waiving the requirement of competitive bidding.

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

28. Ordinance No. 2016-170: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of water meters for the City of Bentonville from Mueller Systems 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.

Alderman Burckart asked whether this would finish up the swap out process or for additional purchases. Travis Matlock, Engineering Director, stated that the swap out process was completed and that this was for new meters installed. He added that Mueller was the sole source for the water meters.

Motion carried (8-0).

29. Ordinance No. 2016-171: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of Sensus water meters for the City of Bentonville from

HD Supply Waterworks 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 (8-0).

30. Ordinance No. 2016-172: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of ornamental lighting fixtures for the City of Bentonville and waiving the requirement of competitive bidding.

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

31. Resolution No. 12-13-16 G: Resolution authorizing the Mayor and Clerk to enter into an agreement with Osmose for pole restoration and engineering from the Bentonville Electric Department.

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).

32. Resolution No. 12-13-16 H: Resolution authorizing the Mayor and Clerk to execute a deed of release with the FAA for the release of certain property from the Bentonville Municipal Airport.

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


33. Resolution No. 12-13-16 I: Resolution authorizing the Mayor and Clerk to enter into a purchase/contribution agreement concerning certain real estate on and adjacent to the Bentonville Municipal Airport.

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

Mayor McCaslin noted that the next scheduled city council meeting
would be held Tuesday, January 10, 2017. He also reminded council
members they would need to go through the swearing in process.

Alderman Skaggs introduced Chad Goss, who would be replacing him
on the Council in January. He also stated that he greatly enjoyed
his service the last two years and was keeping his nameplate that
he brought with him from previous service dating back to 1984.

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



Linda Spence, City Clerk



Bob McCaslin, Mayor