
Bentonville City Council
Meeting Minutes
November 12, 2013

The City Council of Bentonville, Arkansas, met in regular session Tuesday, November 12, 2013, at 6:00 p.m., at the Community Development Building, Planning Commission meeting room, 305 SW A Street, Bentonville, Arkansas.

Present were council members Mary Baggett, Chris Sooter, Roger Thomas, Shane Perry, Leah Williams, Bill Burckart, Burton Head and Jim Grider. 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 October 22, 2013 meeting as written, second by Alderman Grider. There was no discussion. Motion carried (8-0).

Mayor McCaslin called on Troy Galloway, Director of Community Development. Mr. Galloway recognized the nearly two hundred volunteers who planted one thousand trees on "Make a Difference Day" in Bentonville. Specifically recognized were Scott Eccleston, Director of Trails and Grounds at Crystal Bridges, David Green and Carlos Alvarez from Crossland Construction, and Mike Whitehead and Chad Evans from Arvest Bank.

Mayor McCaslin next recognized Police Chief Jon Simpson. Chief Simpson introduced Glynn Bertrand, Lee Cooper and Clint Ferrell who were sworn in as police officers by the Mayor.

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

- 1a. Ordinance No. 2013-100: Ordinance accepting a lot split of Lot 7 Deming's 2nd Addition to the City of Bentonville, Arkansas.

[Applicant: James Howard; Location: 504 Northeast A Street]

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

- 1b. Ordinance No. 2013-101: Ordinance accepting a lot split of Lot 14 Curtis Addition to the City of Bentonville, Arkansas.

[Applicant: Charles White; Location: 306 Northeast B 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 (8-0).

- 1c. Ordinance No. 2013-102: Ordinance accepting a lot split of Lots 9 and 10 Block 2 T.J. Holland's Addition to the City of Bentonville, Arkansas.

[Applicant: Dave Mars; Location: 302 Southwest B Street]

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 (8-0).

- 1d. Ordinance No. 2013-103: Ordinance accepting a lot split of Lots 1-4 Maxwell Subdivision to the City of Bentonville, Arkansas.

[Applicant: Michael Maxwell; Location: Southwest Regional Airport Boulevard]

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 (8-0).

- 1e. Ordinance No. 2013-104: Ordinance accepting a property line adjustment of Lots 8 and 9 of Rainbow Junction to the City of Bentonville, Arkansas.

[Applicant: SCL Rainbow Junction, LLC; Location: Southwest Winsted Lane]

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

- 1f. Ordinance No. 2013-105: Ordinance accepting a property line adjustment of Steele Addition to the City of Bentonville, Arkansas.

[Applicant: Tyler Steele; Location: Southwest O Street]

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 (8-0).

- 1g. Ordinance No. 2013-106: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present classification to RC-2, central residential moderate density.

[Applicant: C & L NWA Properties, LLC;
Location: 812 Northeast A Street]

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

- 1h. Resolution No. 11-12-13 A: Resolution recommending adoption of the City of Bentonville 2014 Community Development Block Grant (CDBG) Annual Action Plan to serve as the guide for utilizing CDBG funds provided to the City by the Federal Department of Housing and Urban Development (HUD).

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

2. Approval to accept a \$25,000 donation from Wal-Mart for trees for Make a Difference Day.

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

3. Ordinance No. 2013-107: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Sharum's Garden Center NWA and waiving the requirement of competitive bidding.

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

4. Approval of a grant award in the amount of \$70,500 to the City of Bentonville by the Endeavor Foundation to construct sidewalks on Southeast 6th Street between Main Street and Southeast E Street.

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

5. Resolution No. 11-12-13 B: Resolution setting a public hearing for November 26th, 2013 at 6:00 p.m. regarding a petition filed by SCL Rainbow Junction, LLC requesting a utility easement vacation between Lot 8 and Lot 9, Rainbow Junction Subdivision.

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

6. Resolution No. 11-12-13 C: Resolution authorizing the Mayor and Clerk to enter into a memorandum of understanding with Northwest Arkansas Regional Planning for stormwater education.

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 (8-0).

7. Approval to appoint Alan Ley to the Ozark Regional Transit Board of Directors to fill a position vacated by Debi Havner.

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

Mayor McCaslin expressed his thanks to Debi Havner for her service.

8. Resolution No. 11-12-13 D: Resolution setting public hearings concerning the placement and amount of liens to be secured against certain real property in the City of Bentonville, Arkansas, in order to recover City resources expended in removing unsightly and unsanitary conditions thereon. Public hearings to be held at 6:00 p.m., Tuesday, the 10th day of December, 2013, on Lots 126 through 137, 2900 SW Amberwood Avenue, Bentonville, Arkansas.

Motion to pass by Alderman Grider.

Alderman Thomas asked whether the amounts being charged against the properties were the amount of money it takes to do the work, whether the City was merely seeking reimbursement. City Attorney Spence responded that it was correct that the City was merely seeking reimbursement and that the amounts would be placed on the property owner's tax bills for collection.

Second by Alderman Baggett. Motion carried (8-0).

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9. Resolution No. 11-12-13 E: Resolution declaring certain property belonging to the City of Bentonville Police Department as surplus property.

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 (8-0).

Alderman Thomas commented that reading through the list of how it was being disposed of indicated to him that the City's employees were doing a good job to maximize the value of the trade-in surplus items. Mayor McCaslin indicated that was due to the good work of Chief Simpson and the City's purchasing agent, Kathy Bertschy.

10. Ordinance No. 2013-108: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Novatech for the purchase of certain remote terminal unit equipment for the City of Bentonville Electric Utilities Department and waiving the requirement of competitive bidding.

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 (8-0).

11. Resolution No. 11-12-13 F: Resolution declaring certain property belonging to the Electric Utilities Department of the City of Bentonville, Arkansas, as surplus property.

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

Alderman Burckart asked if there was a buyer for the surplus meters. Travis Matlock, Engineering Director, indicated that there was not a buyer despite efforts for a year and a half to find one. Mr. Matlock indicated that all electric systems were going through a similar upgrade resulting in the market being flooded. The plan now was to pursue what a scrap dealer might offer for the old meters.

12. Resolution No. 11-12-13 G: Resolution authorizing the Mayor and Clerk to enter into an agreement with New World Systems for a custom software interface for the Bentonville District Court.

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 (8-0).

13. Resolution No. 11-12-13 H: Resolution authorizing the Mayor and City Clerk to grant a utility easement on certain property owned by the City of Bentonville for water and sewer utility relocations caused by the Arkansas State Highway and Transportation Department's Bella Vista bypass project.

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

14. Approval to award Bid No. 13-41 to Seven Valleys Construction Company, Inc. in the amount of \$1,521,033 for the relocation of water and sewer utilities associated with the Arkansas State Highway 12 improvement project.

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

15. Approval to award Bid No. 13-51 to Modern Control Access, Inc. in the amount of \$22,825 for purchase and installation of 1,340 linear feet of chain link fencing at the compost facility.

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

16. Approval to award Bid No. 13-39B to Poly Corr, LLC in the amount of \$34,578 for purchase of a new 6,550 gallon chemical storage tank for the Wastewater Department.

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

17. Approval to award a blanket bid for Bid No. 13-52 to two vendors, Fort Bend Services, Inc. and Atlantic Coast Polymers, Inc., in the amount of \$43,200 to purchase different types of polymer from each of the vendors for sludge dewatering at the wastewater treatment plant as needed.

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

18. Budget discussion: Mayor McCaslin indicated that as in past years, budget discussion would take place after adjournment of the regular meeting and a short break was had.

Motion was made by Alderman Grider to adjourn the meeting, second by Alderman Sooter. Motion carried (8-0).


Linda Spence, City Clerk


Bob McCaslin, Mayor