

Bentonville City Council
Meeting Minutes
January 13, 2009

The City Council of Bentonville, Arkansas met in regular session, Tuesday, Jan. 13, 2009 at 6:00 p.m. in the Community Development Building, Planning Commission Meeting room, 305 SW A St., Bentonville, Arkansas. Present were Council Members Chris Sooter, Mary Baggett, Jim Grider, Ed Austin, Shane Perry, Brad Crain, James Dotson, Bill Burckart. Also present were Mayor Bob McCaslin, City Attorney George Spence, City Clerk Suzanne Grider, the press, city staff, and the audience.

Mayor Bob McCaslin called the meeting to order and asked everyone to join him in saluting our nation's flag. After the pledge, there was a moment of silence for our military forces and the invocation was given by Council Member Shane Perry.

Motion was made by Council Member Baggett, seconded by Council Member Grider to approve the minutes of the regular meeting of Dec. 9, 2008, and special meeting minutes of Dec. 19, 2008 as written. Motion carried (8-0).

Motion was made by Council Member Austin, seconded by Council Member Grider to suspend the rules regarding the reading of all ordinances and resolutions on three separate days and further move that they be read by title only. Motion carried (8-0).

I. City Attorney George Spence read by title only Ordinance #(2009-1) 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. (City of Bentonville 32.28 acres.)

Motion was made by Council Member Austin, seconded by Council Member Grider to suspend the rules regarding the reading of this ordinance on three separate days and further move that this ordinance be read by title only. Motion carried (8-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Grider, seconded by Council Member Austin that the ordinance do pass. Motion carried (8-0).

II. City Attorney George Spence read by title only Ordinance #(2009-2) 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. (Duane Wrona)

Motion was made by Council Member Austin, seconded by Council Member Grider to suspend the rules regarding the reading of this ordinance on three separate days and further move that this ordinance be read by title only. Motion carried (8-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Grider, seconded by Council Member Crain that the ordinance do pass. Motion carried (8-0).

IIIa. City Attorney George Spence read by title only Ordinance #(2009-3) accepting a lot split of Carroll Electric Subdivision, to the City of Bentonville, Arkansas.

Motion was made by Council Member Austin, seconded by Council Member Grider to suspend the rules regarding the reading of this ordinance on three separate days and further move that this ordinance be read by title only. Motion carried (8-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Grider, seconded by Council Member Perry that the ordinance do pass. Motion carried (8-0).

IIIb. City Attorney George Spence read by title only Ordinance #(2009-4) accepting a final plat of Deer Valley Addition, to the City of Bentonville, Arkansas.

Motion was made by Council Member Austin, seconded by Council Member Grider to suspend the rules regarding the reading of this ordinance on three separate days and further move that this ordinance be read by title only. Motion carried (8-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Grider, seconded by Council Member Baggett that the ordinance do pass. Motion carried (8-0).

IIIc. City Attorney George Spence read by title only Ordinance #(2009-5) accepting a lot split of Lot 1 Kensington Phase II , to the City of Bentonville, Arkansas.

Motion was made by Council Member Austin, seconded by Council Member Grider to suspend the rules regarding the reading of this ordinance on three separate days and further move that this ordinance be read by title only. Motion carried (8-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Austin, seconded by Council Member Sooter that the ordinance do pass. Motion carried (8-0).

IIId. City Attorney George Spence read by title only Resolution #(01-13-09A) setting a public hearing for Jan. 27, 2009, for a utility easement vacation request in a part of Lot 6 of Airport Center Subdivision.

Motion was made by Council Member Grider, seconded by Council Member Baggett to adopt the resolution. Motion carried (8-0).

IV. City Attorney George Spence read by title only Ordinance #(2009-6) amending Ord. #2006-178 to amend the traffic calming guidebook by adding the use of in-street pedestrian crossing signs as a level 2 technique.

Motion was made by Council Member Austin, seconded by Council Member Grider to suspend the rules regarding the reading of this ordinance on three separate days and further move that this ordinance be read by title only. Motion carried (8-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council

Member Grider, seconded by Council Member Crain that the ordinance do pass. Motion carried (8-0).

- V. Approval to proceed with revising the land uses listed in the Table of Permitted Uses in Appendix A of the Zoning Code, revise and add land use definitions, eliminate obsolete uses, add modern uses, and revise supplementary regulations.**

Motion was made by Council Member Austin, seconded by Council Member Grider to give the approval to proceed with revising of the land uses of the Zoning Code. Motion carried (8-0).

- VI. City Attorney George Spence read by title only Resolution #(01-13-09B) declaring a certain residential structure in the City of Bentonville, Arkansas, a nuisance pursuant to the Bentonville Municipal Code, Section 11.24.10 and the setting of a public hearing for March 10, 2009. (205 NW 5th St.).**

Motion was made by Council Member Grider, seconded by Council Member Baggett to adopt the resolution. Motion carried (8-0).

- VII. City Attorney George Spence read by title only Resolution #(01-13-09C) declaring a certain residential structure in the City of Bentonville, Arkansas, a nuisance pursuant to the Bentonville Municipal Code, Section 11.24.10 and the setting of a public hearing for March 10, 2009. (1608 Bella Vista Road).**

Motion was made by Council Member Austin, seconded by Council Member Grider to adopt the resolution. Motion carried (8-0).

- VIII. Reappointment of Tadeu Dias, Todd Franke and Elise Kirkpatrick to the Parks and Recreation Advisory Board. Terms to expire: 12-31-2011.**

Motion was made by Council Member Austin, seconded by Council Member Baggett to approve the reappointments of Tadeu Dias, Todd Franke, and Elise Kirkpatrick to the Parks and Recreation Advisory Board. Motion carried (8-0).

- IX. Appointment of Judy Marquess to fill a vacant position on the Library Advisory Board. Term to expire: 12-31-2014.**

Motion was made by Council Member Baggett, seconded by Council Member Grider to approve the appointment of Judy Marquess to fill a vacant position on the Library Advisory Board. Term to Expire: 12-31-2014. Motion carried (8-0).

- X. Award Street Material Blanket Bid #08-60 to the following for a total cost of \$100,277.50. Recommending Item 1: SB2/Class 7 Base be awarded to Benton County Stone in the amount of \$51,250.00. Recommending Item 2: Chat/Class 67 and Item 3: B-Stone be awarded to McClinton-Anchor in the amount of \$30,640.00. Recommending Item 4: Premix be awarded to Hutchens Construction in the amount of \$18,387.50.**

Motion was made by Council Member Baggett, seconded by Council Member Perry to award Bid #08-60 to bidders listed above for a total of \$100,277.50. Motion carried (8-0).

- XI. Award Formal Bid # 08-57B to Frost Oil Company to purchase fuel for the year 2009 on a Blanket Price as follows: 87 Octane OPIS Rack Price plus Markup and Freight(.2557/gal.): #2 Red Dyed Diesel OPIS Rack Price plus Markup and Freight(.1199/gal.): SEE ATTACHED BID TABULATION & USEAGE REPORT.**

Motion was made by Council Member Austin, seconded by Council Member Baggett to award Bid #08-57B to Frost Oil Company for the 2009 blanket fuel purchase. Motion carried (8-0).

- XII. Award Formal Bid # 08-64 to HD Utility Supply in the amount of \$ 22,513.80 for 750 Primary Wire for McCollum Road and Tiger Blvd. Project. They are quoting OKONITE Brand with a delivery of 4-5 Weeks. Materials to be placed into Inventory until project begins.**

Motion was made by Council Member Baggett, seconded by Council Member Sooter to award Bid #08-64 to HD Utility Supply in the amount of \$22,513.80 for 750 Primary Wire for the McCollum Road and Tiger Blvd. Projects. Motion carried (8-0).

- XIII. Award the Six Month Formal Water Blanket Bid # 09-05 to the lowest bidder in the total amount of \$ 361,264.13. Award Water Products \$277,585.38. Award Ferguson Waterworks \$83,678.75. Please note the 161 items on the Blanket Bid will only be ordered on an as needed basis for inventory through June 30th, 2009. At that time we will put out for new bids for the remainder of the year. Terms and Conditions state that we only have to purchase what we actually need. The City of Bentonville is not obligated to purchase any stated quantities.**

Motion was made by Council Member Grider, seconded by Council Member Baggett to award Bid #09-05 to the lowest bidders in the total amount of \$361,264.13. Award Water Products \$277,585.38 and award Ferguson Waterworks \$83,678.75. Motion carried (8-0).

- XIV. Award Formal Janitorial Yearly Blanket Bid #08-56 to D&G Sales in the amount of \$ 30,276.44 and to Glore Company in the amount of \$ 31,559.06. Total Janitorial Blanket for the year 2009 is \$ 61,835.50. Materials to be purchased at the same unit cost from January 1, 2009 to December 31, 2009.**

Motion was made by Council Member Grider, seconded by Council Member Sooter to award Bid #08-56 to D & G Sales in the amount of \$30,276.44 and to Glore Company in the amount of \$31,559.06 for a total janitorial blanket bid for 2009 of \$61,835.50. Motion carried (8-0).

- XV. City Attorney George Spence read by title only Resolution #(01-13-09D) authorizing the mayor and clerk to enter into an amendment the existing contract with CEI**

Engineering for the SW “I” Street South project to include additional compensation for revisions to the right of way, utility easement and temporary construction easement documents in an amount not to exceed \$4,950.00.

Motion was made by Council Member Austin, seconded by Council Member Grider to adopt the resolution. Motion carried (8-0)

- XVI. City Attorney George Spence read by title only Resolution #(01-13-09E) authorizing the mayor and clerk to enter into an amendment of the agreement with Wal-Mart Stores, Inc. and Phil and Christina Lee on the 8th Street West project (SW “I” Street to SW Arrowhead) for the donation of additional right of way and easements pertinent to the addition of bus turnouts requested to be added into the design plans.**

Motion was made by Council Member Baggett, seconded by Council Member Austin to adopt the resolution. Motion carried (8-0).

- XVII. City Attorney George Spence read by title only Resolution #(01-13-09F) authorizing the mayor and clerk to enter into an agreement with Grubbs, Hoskyns, Barton & Wyatt, Inc. Consulting Engineers for materials testing services for the 8th St. West construction project in an amount not to exceed \$62,785.00.**

Motion was made by Council Member Austin, seconded by Council Member Grider to adopt the resolution. Motion carried (8-0).

- XVIII. Accept donation of metal building from DHL. Mike Bender explained how this came about and the potential uses for this building for the public works maintenance department.**

City Attorney George Spence read by title only Resolution #(01-13-09G) expressing the intent of the City of Bentonville, Arkansas, to accept donation of a steel structure from DHL Express.

Motion was made by Council Member Baggett, seconded by Council Member Grider to adopt the resolution. Motion carried (8-0).

- XIX. Approve change order for Criminal Investigation Division expansion project. These are a variety of needed changes including: Painting existing door frames, adding corner guards, adding solid surface window sills, upgrade paint in interrogation rooms, add one light fixture in conference, cut in a gun safe, install soffit on exterior door, and additional sheetrock and framing. The total cost of these items is \$9,461.25.**

Motion was made by Council Member Baggett, seconded by Council Member Grider to approve the change order for the Criminal Investigation Division expansion project in a total amount of \$9,461.25. Motion carried (8-0).

- XX. Request Council approval of Reconciliation Change Order, Final to the contract with ARCO Excavating, Inc. of Bentonville, AR in the amount of (\$104,470.50) for the Benton County 12-inch Water Line Project. The decrease reduces the contract total from \$395,688.77 to \$293,218.27.**

Motion was made by Council Member Austin, seconded by Council Member Grider to approve the change order and final to the contract with ARCO Excavating, Inc. in an amount of \$104,470.50 for the Benton County 12-inch water line project. Motion carried (8-0).

- XXI. City Attorney George Spence read by title only Resolution #(01-13-09H) authorizing the mayor and clerk to enter into an amendment to the existing contract with Crafton, Tull, and Associates for additional services related to the Benton County 40 Waterline Project in an amount not to exceed \$9,750.00 for a total contract amount of \$91,500.00.**

Motion was made by Council Member Baggett, seconded by Council Member Grider to adopt the resolution. Motion carried (8-0).

- XXII. City Attorney George Spence read by title only Ordinance #(2009-7) authorizing the mayor and city clerk to enter into an agreement for the City of Bentonville's vehicular insurance coverage, in an amount not to exceed .5% of insured value, plus \$100 per vehicle and \$200 per ambulance, and waiving the requirement of competitive bidding.**

Motion was made by Council Member Austin, seconded by Council Member Grider to suspend the rules regarding the reading of this ordinance on three separate days and further move that this ordinance be read by title only. Motion carried (8-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Grider, seconded by Council Member Sooter that the ordinance do pass. Motion carried (8-0).


Mayor McCaslin stated that on Jan. 27 he would be presenting his State of the City report and it will be held at the Bentonville Public Library. We will have a Committee of the Whole on Jan. 26. Tishler will give the report on the impact fee study.

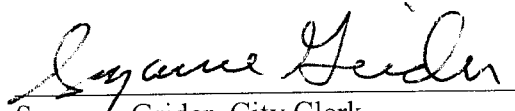
Council Member Ed Austin asked to have an item placed on the agenda of discussion of additional ball fields. Mayor McCaslin asked Council Member Austin to meet with Troy Galloway and Davis Wright to find out all that is going on with parks. Council Member Austin asked if they could come to the meeting and let us know what all is going on.

Mayor McCaslin also stated that this Thursday they would be opening bids on NACA's wastewater treatment facility. The EPA gave the permit their blessing.

Motion was made by Council Member Baggett, seconded by Council Member Grider to adjourn the meeting. Motion carried (8-0).

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Bob McCaslin, Mayor


Suzanne Grider, City Clerk