

II

**Bentonville City Council**  
Meeting Minutes  
January 30, 2009

The City Council of Bentonville, Arkansas met due to inclement weather on Friday, Jan. 30, 2009 at 3:00 p.m. at the Community Development Building, Planning Commission Chambers, 305 SW "A" Street, 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, Staff Attorney Camille Thompson, 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 Jeff Odom of Word of Life Church.

Motion was made by Council Member Austin, seconded by Council Member Baggett to approve the minutes of the regular meeting of Jan. 13, 2009, as written. Motion carried (8-0).

Motion was made by Council Member Austin, seconded by Council Member Baggett 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. Elect Chairperson to conduct Committee of the Whole Meetings.**

Motion was made by Council Member Grider, seconded by Council Member Crain to elect Ed Austin as the Chairperson to conduct the committee of the whole meetings. Motion carried (8-0).

**II. Impact Fee Study – Duane Guthrie of TischlerBise.**

Motion was made by Council Member Austin, seconded by Council Member Grider to table this item to be rescheduled at a later date. Motion carried (8-0).

**IIIa. Staff Attorney Camille Thompson read by title only Ordinance #(2009-8) changing real estate in the City of Bentonville, Arkansas, from its present classification to R-O. (Beau and Courtney Barrett).**

Motion was made by Council Member Austin, seconded by Council Member Baggett 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). Staff Attorney Camille Thompson 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).

**IIIb. Staff Attorney Camille Thompson read by title only Ordinance #(2009-9) accepting a lot split of CABO Addition, to the City of Bentonville, Arkansas. (304 NE J St.).**

Motion was made by Council Member Austin, seconded by Council Member Baggett 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). Staff Attorney Camille Thompson 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).

- IIIc. Mayor Bob McCaslin declared a public hearing open at 3:10 p.m. to hear comments for and against this utility easement vacation located in Lot 6 of Airport Center Subdivision. No one had any comments so Mayor McCaslin declared the public hearing closed at 3:11 p.m.**

**Staff Attorney Camille Thompson read by title only Ordinance #(2009-10) vacating a utility easement located in a part of Lot 6 of Airport Center Subdivision, to the City of Bentonville, Arkansas, Benton County, Arkansas.**

Motion was made by Council Member Austin, seconded by Council Member Baggett 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). Staff Attorney Camille Thompson read the ordinance by title only. Motion was made by Council Member Austin, seconded by Council Member Crain that the ordinance do pass. Motion carried (8-0).

- IV. Staff Attorney Camille Thompson read by title only Ordinance #(2009-11) amending Ord. #2008-84 to rename a previously approved subdivision. (From Park Addition to Tiger Trail Addition).**

Motion was made by Council Member Austin, seconded by Council Member Baggett 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). Staff Attorney Camille Thompson read the ordinance by title only. Motion was made by Council Member Crain, seconded by Council Member Austin that the ordinance do pass. Motion carried (8-0).

- V. Appointment of Jeffery Genova to the Board of Adjustment replacing Janet Atwood. Term to Expire: 1-1-2013.**

Motion was made by Council Member Baggett, seconded by Council Member Austin to appoint Jeffery Genova to the Board of Adjustment replacing Janet Atwood. Term to expire: 1-1-2013. Motion carried (8-0).

- VI. Staff Attorney Camille Thompson read by title only Resolution #(01-30-09A) declaring certain property belonging to the City of Bentonville, Arkansas as surplus property. ( Parks Playground Equipment).**

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

- VII. Approval to purchase a 1 ton crew cab with dump bed and trailer with a cost savings instead of a 1 ton trash truck for the public works maintenance department in the amount of approximately \$38,000 with the remaining balance of approximately \$42,000. The department requests permission to purchase equipment to maintain the athletic playing fields.**

Motion was made by Council Member Austin, seconded by Council Member Grider to approve the purchase of a 1 ton crew cab with dump bed and trailer with a cost savings instead of a 1 ton trash truck for the public works maintenance department in the amount of \$38,000 with the remaining balance to approximately \$42,000. The department also request to purchase equipment to maintain the athletic playing fields. Motion carried (8-0).

- VIII. Staff Attorney Camille Thompson read by title only Resolution #(01-30-09B) authorizing the destruction of certain documents of the City of Bentonville.**

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

- IX. Staff Attorney Camille Thompson read by title only Resolution #(01-30-09C) authorizing the mayor and clerk to enter into an agreement with the Arkansas Highway and Transportation Department for the transfer of real estate in the for highway purposes for the 28<sup>th</sup> Street and Olive Overpass Improvement project.**

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

- X. Budget adjustment for the Transportation Dept. in the amount of \$30,000 for the reconstruction of the Commerce Center alley. Work to be performed by the Street Dept.**

**Council Member Grider asked if this alley was ours in the beginning when it was built. Transportation Director Mike Churchwell stated yes it was dedicated to the City.**

**Council Member Bill Burckart asked if it was dedicated to the City why was it not built to City standards. Transportation Director Mike Churchwell stated he doesn't know if the standards were in place at the time of dedication.**

Motion was made by Council Member Grider, seconded by Council Member Sooter to approve a budget adjustment for the Transportation Department in the amount of \$30,000 for the reconstruction of the Commerce Center alley. Motion carried (8-0).

**XI. Change Order #9 to Mobley Contractors in the amount of \$137,132.08 for the Downtown Square Enhancement Project Phase 2 for additional field measured quantities.**

Transportation Director Mike Churchwell stated that this is not the final reconciliation change order but it should be coming soon. It should be less than \$5,000 in the end. We are 20% over the original contract price but the City added several items that were not included in the original contract. The City did provide trucks and haulers to haul off the waste.

Council Member Burckart asked what we can do to have better controls for these types of change orders. Transportation Director Mike Churchwell stated that the most significant items was the undercut.

Council Member Shane Perry asked how much of the 20% over did the undercut make up? Mr. Churchwell stated a significant portion of it.

Motion was made by Council Member Sooter, seconded by Council Member Grider to approve Change Order #9 to Mobley Contractors in the amount of \$137,132.08 for the Downtown Square Enhancement Project Phase 2. Motion carried (8-0).

**XII. Award Bid #09-03 to Decco Contractors-Paving, Inc. for the construction of the 8th Street West Project (SW "I" to SW Arrowhead) in the amount of \$3,469,942.45. The Engineers estimate for the project was \$3.9 Million. This project is funded out of bond proceeds.**

Motion was made by Council Member Grider, seconded by Council Member Brad Crain to Award Bid #09-03 to Decco Contractors-Paving, Inc. for the construction of the 8<sup>th</sup> Street West Project (SW "I" Street to SW Arrowhead) in the amount of \$3,469.942.45. Motion carried (8-0).

**XIII. Change Order #5 to McClinton Anchor for the Highway 72 Widening Project for upgrades to the traffic signal poles and mast arms going from the standard galvanized to decorative poles, mast arms and luminaries in an amount of \$94,582.00.**

Council Member Austin stated the city can spend \$96,000 better somewhere else.

Council Member Grider asked if the state would not pony up on the upgrades and Mr. Churchwell stated not on the decorative cost. Council Member Grider stated he would find it difficult to spend \$100,000 on upgraded light poles. Council Member Grider asked why doesn't the City do this throughout instead of just on Central.

Mayor McCaslin stated this is a one time opportunity on upgrading Central while they are working on it. It is five and one half intersections on Central.

**Council Member Crain stated that if you look at the long term. We have been beautifying the square and this will draw people in to our square.**

**Community Development Director Troy Galloway stated that the Tree and Landscape committee have discussed doing this for several months.**

**Council Member Mary Baggett stated we are looking at opening a world class museum in a few years. Would it be possible to table this item until we can see the presentation of the conceptual design.**

**Council Member Burckart stated we need to be careful it is not all about estetics. it is a quality of life issue with the way the economy is going. We need to look at master plans and get a better idea of what is needed.**

Motion was made by Council Member Sooter, seconded by Council Member Crain to approve Change Order #5 to McClinton Anchor for the Highway 72 Widening Project for upgrades to the traffic signal poles and mast arms going from the standard galvanized to decorative poles, mast arms and luminaries in an amount of \$94,582.00. Motion carried (6-2) with Council Members Crain, Burckart, Dotson, Baggett, Sooter and Perry voting yes and Council Members Austin and Grider voting no.

- XIV. Staff Attorney Camille Thompson read by title only Ordinance #(2009-12) authorizing the mayor and the city clerk to enter into an agreement with Excellence Ambulance for an ambulance conversion remount in an amount not to exceed \$57,527.00 for the City of Bentonville Fire Department, and waiving the requirement of competitive bidding.**

Motion was made by Council Member Austin, seconded by Council Member Baggett 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). Staff Attorney Camille Thompson read the ordinance by title only. Motion was made by Council Member Austin, seconded by Council Member Grider that the ordinance do pass. Motion carried (8-0).

- XV. Staff Attorney Camille Thompson read by title only Resolution #(01-30-09D) adopting certain standard operating guidelines for the City of Bentonville Fire Department.**

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

- XVI. Award Bid #09-07 to 2009 Olathe Ford for an ambulance chassis mount for the fire department in the amount of \$36,675.**

Motion was made by Council Member Austin, seconded by Council Member Grider to award Bid #09-07 to Olathe Ford for an ambulance chassis remount for the fire department in the amount of \$36,675.00. Motion carried (8-0).

**XVII. Award Bid #08-63 to Weise/CAT in the amount of \$40,133 for the Inventory Dept. to purchase a narrow aisle fork lift for the new warehouse.**

Motion was made by Council Member Grider, seconded by Council Member Sooter to award Bid #08-63 to Weise/CAT in the amount of \$40,133 for the Inventory Dept. to purchase a narrow aisle fork lift for the new warehouse. Motion carried (8-0).

**XVIII. Budget adjustment for the Inventory Department moving monies within the department for the narrow aisle fork lift.**

Motion was made by Council Member Baggett, seconded by Council Member Austin to approve the budget adjustment for the Inventory Department. Motion carried (8-0).

**XIX. Award Bid #09-08 to IBT, Incorporated in the amount of \$44,299.61 for rack shelving at the new warehouse.**

Motion was made by Council Member Grider, seconded by Council Member Crain to award Bid #09-08 to IBT, Incorporated in the amount of \$44,299.61 for rack shelving at the new warehouse. Motion carried (8-0).

**XX. Award Blanket Bid to Holophane for ornamental lighting for 2009 in a total cost of \$656,711.00.**

Motion was made by Council Member Sooter, seconded by Council Member Austin to award Blanket Bid to Holophane for ornamental lighting for 2009 in a total cost of \$656,711.00. Motion carried (8-0).

**XXI. 2009 Pay Plan Revisions.**

**Council Member Burckart asked if the pay grades were an employees maximum earning potential.**

**Human Resources Manager Ed Wheeler stated yes.**

**Council Member Burckart stated that the spreadsheets are confusing and they are not consistent. They do not have representation from the same cities. Some paygrades are raised 23% and others are downgraded 10%. This is not reliable data. Who picked the cities used?**

**Ed Wheeler stated the cities were chosen by department heads that were equal to or greater than our population.**

**Council Member Burckart stated that there is no standard format to go by on each position. Should we make pay grade changes on not enough data. I have been involved in salary surveys done and have never had one that wasn't consistent with the data.**

**Council Member Grider stated that he had visited with three other Human Resource managers concerning upgrades and downgrades and they stated they would freeze grades and let it catch up before they would downgrade anything. We had just upgrades these 2 years ago. Is that not correct? I would like to see the last salary survey done two years ago and also find out what it would cost to have one done outside objectively. We need some consistency in the data.**

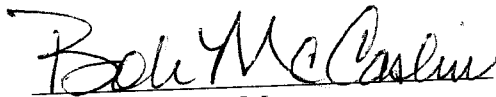
**Council Member Crain stated that he had had some of the same concerns with the study and had some conversations with employees. What we are trying to do is justify the position to fit the pay grades. There will not be any salary cuts.**

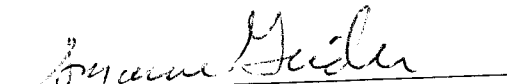
**Council Member Ed Austin stated that we have done the salary survey in house several times and no one of them have ever been done without someone being unhappy. However we did hire an outside firm a while back and it was pathetic. Maybe we should table this and look at it for a while.**

Motion was made by Council Member Austin, seconded by Council Member Grider to table this item. Motion carried (8-0).

**XXII. State of the City Report by Mayor Bob McCaslin.**

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

  
Bob McCaslin, Mayor

  
Suzanne Grider, City Clerk