

Bentonville City Council
Meeting Minutes
February 10, 2009

The City Council of Bentonville, Arkansas met due to inclement weather on Tuesday, Feb. 10, 2009 at 6:00 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, James Dotson, Bill Burckart. Council Member Brad Crain was absent. Also present were Mayor Bob McCaslin, City Clerk Suzanne Grider, Staff Attorney Camille Thompson, 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 Terry Baker of Christian Life Cathedral.

Mayor McCaslin welcomed Boy Scout Troop #333 who is with us tonight. Mayor McCaslin asked the group to introduce themselves and what badges they are working on.

Jamie Grace – Troop Leader

Nathan Grace – Stated he was working on his Citizenship and Communication Badges

Marcus Hern – Stated he was working on his Citizenship and Communication Badges.

Harrison Neal – Stated he was working on his Citizenship and Communication Badges.

Derrick Miller – Stated he was working on his Citizenship and Communication Badges.

Motion was made by Council Member Austin, seconded by Council Member Baggett to approve the minutes of the rescheduled meeting due to inclement weather on Jan. 30, 2009, as written. Motion carried (7-0) of those present with Council Member Crain absent.

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 (7-0) of those present with Council Member Crain absent.

I. Presentation and Update on the 8th Street Project (Hwy. 71 – SW I Street) by Burns and McDonnell Consulting Engineers

Ron Schikevitz and Greg Knauer presented an update on the 8th St. project. No action was taken.

IIa. Staff Attorney Camille Thompson read by title only Ordinance #(2009-13) changing real estate in the City of Bentonville, Arkansas, from its present classification to RZL. (Palmco Properties).

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 (7-0). Staff

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Attorney Camille Thompson read the ordinance by title only. Motion was made by Council Member Austin, seconded by Council Member Dotson that the ordinance do pass. Motion carried (7-0) of those present with Council Member Crain absent.

III. Approve the donation of the Armory Property.

Motion was made by Council Member Sooter, seconded by Council Member Grider to approve the donation of the Armory Property. Motion carried (7-0) of those present with Council Member Crain absent.

IV. Staff Attorney Camille Thompson read by title only Resolution #(02-10-09A) authorizing the mayor and city clerk to enter into a lease agreement with the Military Department of Arkansas for least of certain lots in the Harris/BIDC Industrial Park Phase I. (Lots 10,11,12,13).

Motion was made by Council Member Grider, seconded by Council Member Perry to adopt the resolution. Motion carried (7-0) of those present with Council Member Crain absent.

V. Staff Attorney Camille Thompson read by title only Resolution #(02-10-09B) renaming SW Chucker Avenue to SW Artillery Road and SW Hunter Road to SW Minuteman Avenue in recognition of the Northwest Arkansas Armed Forces Reserve Center.

Motion was made by Council Member Austin, seconded by Council Member Grider to adopt the resolution. Motion carried (7-0) of those present with Council Member Crain absent.

VI. Appointment of David Hutchens to replace Paul Nelson and Abby Hobbs to replace Jason Mulls on the Bentonville Advertising and Promotion Commission. David Hutchens term to expire: 12-31-2012 and Abby Hobbs term to expire: 12-31-2011.

Motion was made by Council Member Baggett, seconded by Council Member Grider to appoint David Hutchens to replace Paul Nelson and Abby Hobbs to replace Jason Mulls on the Bentonville Advertising and Promotion Commission. David Hutchens term to expire: 12-31-2012 and Abby Hobbs term to expire: 12-31-2011. Motion carried (7-0) of those present with Council Member Crain absent.

VII. Staff Attorney Camille Thompson read by title only Resolution #(02-10-09C) authorizing the mayor and city clerk to enter into an agreement with the Bentonville/Bella Vista Chamber of Commerce for economic development services.

Mr. Ed Clifford stated that he had set up a quarterly reporting procedure to the city council. Mr. Clifford added that he will be working closely with Downtown Bentonville Inc., Benton County, Crystal Bridges and the Advertising and Promotion Commission in recruiting business to Bentonville.

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Motion was made by Council Member Baggett, seconded by Council Member Austin to adopt the resolution. Motion carried (7-0) of those present with Council Member Crain absent.

VIII. FYI - Sandcreek Consulting Engineers to do a short presentation of the conceptual design of the East Central project (J Street to Square).

Brian Sartain and Dan Cole gave a presentation of the conceptual design of the East Central project from J Street to the Square.

Council Members were concerned about overhead and underground capacity of utilities. If any needed to be upgraded so that in the future they would not have to tear up these improvements. Mr. Churchwell stated that Mike Hughes or Paul Kellenbarger could tell ups approximately what it would cost to change to underground electric. Mike Bender stated that it is low density housing there at this time. The capacity should be okay and he said he did not have any concerns with it in the near future.

IX. Staff Attorney Camille Thompson read by title only Resolution #(02-10-09C) authorizing the mayor and clerk to enter into an agreement with Sandcreek Engineering and Landscape Architects, Inc. for the engineering services associated with the east central improvements project. (J Street to Square).

Council Member Sooter asked how long will the process take? Mike Churchwell stated you do design and then right of way. 12 to 18 months to finish it.

Motion was made by Council Member Perry, seconded by Council Member Grider to adopt the resolution. Motion carried (7-0) of those present with Council Member Crain absent.

X. Award Bid #09-02 to Mobley Contractors for the reconstruction of the low water bridge on Opal Road in the amount of \$126,589.00. The Engineers estimate was \$165,962.50. See the attached letter of recommendation to award bid and other supporting document. This project is funded out of bond proceeds.

Motion was made by Council Member Baggett, seconded by Council Member Sooter to award Bid #09-02 to Mobley Contractors for the reconstruction of the low water bridge on Opal Road in the amount of \$126,589.00. Motion carried (7-0) of those present with Council Member Crain absent.

XI. Award bid 09-09 for furniture for the Criminal Investigation Division building expansion project in the amount of \$35,729.00. The CID expansion project is being funded from the Series 1 bond issue.

Motion was made by Council Member Baggett, seconded by Council Member Burckart to award Bid #09-09 to Moser Corporation for furniture for the Criminal Investigation Division building expansion project in an amount of \$35,729.00. Motion carried (7-0) of those present with Council Member Crain absent.

XII. Tabled at January 30, 2009 City Council Meeting – 2009 Pay Plan Revisions.

Motion was made by Council Member Grider, seconded by Council Member Sooter to table this item until the Feb. 24th City Council meeting. Motion carried (7-0) of those present with Council Member Crain absent.

XIII. Staff Attorney Camille Thompson read by title only Ordinance #(2009-14) 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. (Tolbert Edwards, et al).

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 (7-0). 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 (7-0) of those present with Council Member Crain absent.

Council Member Austin asked about city council pay that the city council had set back in March or April 2008. We as a body on the off election year decided to set salaries for the in coming council of 2009. We did that in March or April 2008. The ordinance that was passed that night only gave a cost of living retroactive to Jan. 1, 2008 and we had added a raise in salary to \$7,200.00 by a motion by Rod Sanders. Mr. Austin stated he has a news story that showed that also. We voted on two ordinances. One for the COLA for elected officials and the other on the changes to the pay plan. I thought one of those took care of the salary increase for elected officials.

Also, Mr. Austin stated he wanted to thank all of you for re-electing him as the Chairman of the council. I have been here since 1986. We went from having an ailing Mayor Hoback in 1986 to problems with Mayor O'Neal. We have been through problems with our wastewater plant which was failing. We had to spend millions of dollars to de-water our plant. We also would truck it and put it on farmers fields to get rid of it. Then we purchased a state of the art compost facility which helped some with the waste. When Mayor Bertschy came in and began a study to find out why we were having no houses built in Bentonville. Bill Burckart built one of the first RZL housing developments in Bentonville. Then the city hired a city planner, Brenda Anderson. She had new ideas and was able to build on any support she was given. The city had a housing explosion after that. The XNA Regional airport came in and the city built a sewer line out to it. The city then negotiated a long term contract with Bella Vista for water. We already had an agreement with Rogers but we decided to add a second line. With the heavy use of Bella Vista we decided to build our own line to Beaver Water in the last few years to help alleviate the problems we were causing Rogers with their water tank. In all this time many surveys were done and asked citizens for the ideas and opinions. Our part-time City Attorney is an elected position and it became difficult when that attorney would be the attorney for other cities locally. He was busy and not always available for counsel which caused problems. The city decided to hire a staff attorney that would be full time and everyone in the city would have access to this attorney for questions. This brought on a


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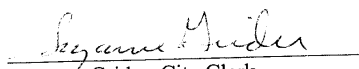
level of expertise that was greatly needed when we hired Camille Thompson. It has worked out well and we appreciate you abilities. During our growth we have had a huge amount of volunteer annexations in to our city which has put a lot of stress on our water and sewer systems. The city looked at many ways to try to keep up with the infrastructure of new growth and decided to implement impact fees. With these fees, we have built and expanded the new police station. We have built several fire stations, the technical services building, and the 3rd floor offices at city hall. Years ago when I came on the council we had four committees the city council broke into for meetings. They were street, public safety, utilities and finance. With all the meetings we had some reports that were repeated. I recommend that we continue operating as we do now without the committees. We are fortunate to have expertise in planning with Troy Galloway and with our Comptroller Denise Land. I just wanted to take a minute to share this with all the new members to show them some history of where we have been.

Troy Galloway announced that he would like to invite all of you to some planning training on Tuesday Feb. 17 at 12:00 noon for lunch and the training will follow from 1-4 p.m. in the Planning Commission Chambers at 305 SW "A" Street. Mr. Jim von Tungeln will be the speaker. Please let us know if you can attend so that we can order lunch.

Council Member Grider stated he would like to look at the possibility of having a retreat with council members and the mayor to set down and talk about ideas, get to know one another, and where we will be going from here forward. Have the council, mayor and press.

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


Bob McCaslin, Mayor


Suzanne Grider, City Clerk