

Bentonville City Council
Meeting Minutes
March 10, 2009

The City Council of Bentonville, Arkansas met in regular session on Tuesday, March 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 Mary Baggett, Jim Grider, Shane Perry, Brad Crain, James Dotson, and Bill Burckart. Council Members Chris Sooter and Ed Austin were absent. Also present were Mayor Bob McCaslin, City Clerk Suzanne Grider, City Attorney George Spence, 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 Galen Percy of Radiant Life Church.

Motion was made by Council Member Perry, seconded by Council Member Baggett to approve the minutes of the Feb. 24, 2009 meeting as written. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

Motion was made by Council Member Crain, 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 their title only. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

Ia. City Attorney George Spence read Ordinance #(2009-20) accepting a property line adjustment of Lot 2 Wal-Mart General Office Addition to the City of Bentonville, Arkansas.

Motion was made by Council Member Crain, 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 its title only. Motion carried (6-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Grider, seconded by Council Member Burckart that the ordinance do pass. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

Ib. City Attorney George Spence read Ordinance #(2009-21) amending Title 15 Subdivision Code to revise application deadlines for final plat applications.

Motion was made by Council Member Crain, 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 its title only. Motion carried (6-0). City Attorney George Spence read the ordinance by its title only. Motion was made by Council Member Burckart, seconded by Council Member Perry that the ordinance do pass. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

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Ic. City Attorney George Spence read Ordinance #(2009-22) adopting specifications for concrete segmental retaining wall systems and amending Chapter 15 Subdivision Code, Section 1100.7E Retaining Walls.

Motion was made by Council Member Crain, 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 its title only. Motion carried (6-0). City Attorney George Spence read the ordinance one time. Motion was made by Council Member Grider, seconded by Council Member Baggett that the ordinance do pass. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

Id. City Attorney George Spence read Ordinance #(2009-23) amending Section 401.11 Northwest Arkansas Regional (XNA) Airport Overlay District of Title 14 Zoning Code to revise use regulations.

Motion was made by Council Member Crain, 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 its title only. Motion carried (6-0). City Attorney George Spence read the ordinance one time. Motion was made by Council Member Grider, seconded by Council Member Perry that the ordinance do pass. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

II. City Attorney George Spence read Resolution #(03-10-09A) authorizing the mayor and clerk to enter into an agreement with Crafton, Tull and Associates Engineers for a survey project to update city GPS control monuments in an amount not to exceed \$30,000.

Motion was made by Council Member Burckart, seconded by Council Member Crain to adopt the resolution. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

III. Mayor Bob McCaslin declared a public hearing open at 6:07 p.m. to hear comments for and against this condemnation. Community Development Director Troy Galloway stated that progress is being made on this structure to take it down and remove it. The department is recommending that the council not act on this resolution at this time and we will give you a progress report in 30 days. Mayor McCaslin declared the public hearing closed at 6:10 p.m.

City Attorney George Spence read a Resolution condemning a certain wood frame structure in the City of Bentonville, Arkansas and requiring its elimination pursuant to city ordinance. (205 NW 5th St.).

Motion was made by Council Member Grider, seconded by Council Member Crain to table this item until the first meeting in April. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

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- IV. Mayor Bob McCaslin declared a public hearing open at 6:11 p.m. to hear comments for and against this condemnation. Clay Morgan addressed the city council and stated he was the executer of the property and has dropped the price on the property twice to try and sell it. He stated he is also looking at bids to get the home torn down. Mr. Morgan asked the council for a little more time to get this accomplished because he works 7 days a week at the Rogers Shelter. Mayor McCaslin declared the public hearing closed at 6:20 p.m.**

Staff Attorney Camille Thompson stated that even if the council approved the resolution Mr. Morgan has 30 days to show some work being done.

City Attorney George Spence read Resolution #(03-10-09B) condemning a certain wood frame structure in the City of Bentonville, Arkansas and requiring its elimination pursuant to city ordinance. (1608 Bella Vista Road).

Motion was made by Council Member Perry, seconded by Council Member Grider to adopt this resolution. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

- V. Presentation by McClelland Engineers for the SW "A" Street Improvements Project (South Walton to West Central Ave.) by Kevin Beaumont and Ryan Gill.**

- VI. City Attorney George Spence read Resolution #(03-10-09C) authorizing the mayor and clerk to enter into an amendment to the existing contract with McClelland Engineers for additional services related to the S.W. "A" Street project in an estimated amount of \$353,435.00.**

Motion was made by Council Member Grider, seconded by Council Member Baggett to adopt the resolution. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

- VII. City Attorney George Spence read Ordinance #(2009-24) authorizing the mayor and the city clerk to enter into an agreement for the purchase of Cabnet Rail Systems for camera iteris setup for the signalization equipment at certain intersections, from Temple Inc. in a total amount not to exceed \$57,282.00 plus taxes.**

Motion was made by Council Member Crain, 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 its title only. Motion carried (6-0). City Attorney George Spence read the ordinance by its title only. Motion was made by Council Member Grider, seconded by Council Member Perry that the ordinance do pass. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

- VIII. City Attorney George Spence read Resolution #(03-10-09D) authorizing the mayor and clerk to enter into an agreement with Garver Engineers for design services associated with the Highway 12 Improvement Project in an amount not to exceed \$882,315.94 plus reimbursables.**

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Motion was made by Council Member Burckart, seconded by Council Member Crain to adopt the resolution. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

IX. Presentation by Morrison-Shipley for the South Main Improvements Project.

- X. City Attorney George Spence read Resolution #(03-10-09E) authorizing the mayor and clerk to enter into an agreement with Morrison-Shipley Consulting Engineers for engineering services for the South Main Street Improvement Project in an amount not to exceed 12% of the final construction costs or \$240,000, whichever is greater.**

Motion was made by Council Member Perry, seconded by Council Member Crain to adopt the resolution. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

Consent Agenda: Items 11, 15, 16, 17, 20, 21, and 22.

- XI. Council approval of Change Order #11 & final for reconciliation to the contract with Mobley Contractors on the Downtown Square Enhancement Project Phase 2 in the amount of Zero dollars.
- XV. Approval of budget adjustment for \$1,500 grant from the Arkansas State Library to the Bentonville Public Library.
- XVI. Award bid # 09-15 to Landers Ford of Benton, AR for a 1-ton cab and chassis truck, in the amount of \$28,805.00. Budgeted amount \$35,000.00. This vehicle was not available on state bid.
- XVII. Award bid to Staffmark, Inc. for providing temporary employees to fill seasonal personnel positions in Parks - Public Works Maintenance.
- XX. Council approval of bid award to Walden Chemical, in the amount of 70,130.02 for the repair and painting of the Melvin Ford Swimming Pool(s), repair of the drain work and the installation of a new chlorination system.
- XXI. Council approval of bid award to Creative Design Pools, in the amount of 24,897.36 for the purchase and installation of a new cover for the Melvin Ford Aquatic Center Pool.
- XXII. Approval of Mayor McCaslin's recommendation to appoint Scott Eccleston to the Parks and Recreation Advisory Board. (Term to Expire 3/10/2009).

Motion was made by Council Member Grider, seconded by Council Member Burckart to approve the consent agenda as listed above. Motion carried (6-0) of those present with Council Members Austin and Sooter absent.

Resume Regular Agenda:

- XII. City Attorney George Spence read Ordinance #(2009-25) amending provisions of the National Electric Code, as adopted by Ordinance #2008-59 to provide for exterior electric disconnects.**

Motion was made by Council Member Crain, 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 its title only. Motion carried (6-0). City Attorney George Spence read the ordinance one time. Motion was made by Council

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Member Grider, seconded by Council Member Crain that the ordinance do pass. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

XIII. Presentation of Bentonville Public Library's 2008 Annual Report – Monday Night.

XIV. City Attorney George Spence read Resolution #(03-10-09F) adopting a policy manual for the Bentonville Public Library.

Motion was made by Council Member Grider, seconded by Council Member Baggett to adopt the resolution. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

XVIII. City Attorney George Spence read Resolution #(03-10-09G) adopting minimum requirements for aeronautical operations or activity at the City of Bentonville Municipal Airport.

Motion was made by Council Member Baggett, seconded by Council Member Grider to adopt the resolution. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

XIX. City Attorney George Spence read Resolution #(03-10-09H) authorizing the mayor and city clerk to enter into an agreement with Summit Aviation to operate a fixed base operation (FBO) at the Bentonville Municipal Airport.

Motion was made by Council Member Burckart, seconded by Council Member Grider to adopt the resolution. Motion carried (6-0) of those present with Council Members Sooter and Austin absent.

Motion was made by Council Member Grider, seconded by Council Member Burckart to adjourn the meeting. Motion carried (6-0).


Bob McCaslin, Mayor


Suzanne Grider, City Clerk