

Bentonville City Council
Meeting Minutes
May 26, 2009

The City Council of Bentonville, Arkansas met in regular session on Tuesday, May 26, 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, Chris Sooter, Ed Austin, Brad Crain, James Dotson, and Bill Burckart. Also present were Mayor Bob McCaslin, Mike Churchwell, filling in for Suzanne Grider as the City Clerk, 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 Council Member Shane Perry.

Motion was made by Council Member Grider, seconded by Council Member Sooter to approve the minutes of the May 12, 2009 meeting as written. Motion carried (8-0).

Motion was made by Council Member Austin, seconded by Council Member Crain 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 (8-0).

I. Planning:

Ia. City Attorney George Spence read by title only Ordinance #(2009-47) changing real estate in the City of Bentonville, Arkansas from its present classification to R-1. (KAL Investments, Inc.).

Motion was made by Council Member Austin, seconded by Council Member Crain 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 (8-0). City Attorney George Spence read the ordinance by its title. Motion was made by Council Member Austin, seconded by Council Member Grider that the ordinance do pass. Motion carried (8-0).

Ib. City Attorney George Spence read by title only Ordinance #(2009-48) accepting a property line adjustment of lot 1 Lazenby Subdivision to the City of Bentonville, Arkansas.

Motion was made by Council Member Austin, seconded by Council Member Crain 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 (8-0). City Attorney George Spence read the ordinance by its title only. Motion was made by Council Member Grider, seconded by Council Member Burckart that the ordinance do pass. Motion carried (8-0).

May 26, 2009
City Council Minutes

- 1c. City Attorney George Spence read by title only Ordinance #(2009-49) requiring the paving of driveways for new residential structures and amending Chapter 15 Subdivision Code, Section 1100.10 Driveway Design.**

Motion was made by Council Member Austin, seconded by Council Member Crain 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 (8-0). City Attorney George Spence read the ordinance by its title only. Motion was made by Council Member Burckart, seconded by Council Member Sooter that the ordinance do pass. Motion carried (8-0).

- 1d. City Attorney George Spence read by title only Ordinance #(2009-50) amending the Zoning Code to update the Table of Permitted Uses and Land Use Definitions and eliminating the C-4 Shopping Center Zoning District.**

Motion was made by Council Member Austin, seconded by Council Member Crain 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 (8-0). City Attorney George Spence read the ordinance by its title only. Motion was made by Council Member Grider, seconded by Council Member Baggett that the ordinance do pass. Motion carried (8-0).

- 1e. Mayor Bob McCaslin declared a public hearing open and then declared it closed due to no comments.**

City Attorney George Spence read by title only Ordinance by #(2009-51) vacating a 20 ft. drainage easement located in Lots 10,11,12 & 13 Harris BIDC Industrial Park to the City of Bentonville, Arkansas, Benton County, Arkansas.

Motion was made by Council Member Austin, seconded by Council Member Crain 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 (8-0). City Attorney George Spence read the ordinance by its title only. Motion was made by Council Member Grider, seconded by Council Member Baggett that the ordinance do pass. Motion carried (8-0).

- 1f. Mayor Bob McCaslin declared a public hearing opened and then declared it closed with no comments.**

City Attorney George Spence read by title only Ordinance by #(2009-52) vacating a 25 ft. utility easement located in Lots 10,11,12 & 13 Harris BIDC Industrial Park to the City of Bentonville, Arkansas, Benton County, Arkansas.

Motion was made by Council Member Austin, seconded by Council Member Crain to suspend the rules regarding the reading of this ordinance on three separate days and

May 26, 2009
City Council Minutes

further move that this ordinance be read by its title only. Motion carried (8-0). City Attorney George Spence read the ordinance by its title only. Motion was made by Council Member Grider, seconded by Council Member Crain that the ordinance do pass. Motion carried (8-0).

II. Mayor Bob McCaslin declared a public hearing opened and then declared it closed with no comments.

City Attorney George Spence read by title only Resolution #(05-26-09A) condemning a certain wood frame structure in the City of Bentonville, Arkansas and requiring its elimination pursuant to city ordinance. (105 SW 4th St.).

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

III. Award Bid #09-24 to Utility Service Company, Inc. of Perry, Georgia for the interior and exterior sandblasting and painting of the 500,000 gallon downtown elevated water storage tank, in the amount of \$310,000.

Motion was made by Council Austin, seconded by Council Member Grider to award Bid #09-24 to Utility Service Company, Inc. in the amount of \$310,000 to sandblast and paint the downtown water storage tank. Motion carried (8-0).

IV. Informational Item – Discussion of potential street project extending NW 5th west to North Walton Blvd.

No action was taken.

V. Discussion of potential street project doing an enhancement project on NW 2nd St. from Main to NW “A” Street to mirror what was done in the Downtown Square Enhancement Project Phase II last year.

No action was taken.

VI. Change Order No. 1 and Final reconciliation to the contract with Mobley Contractors, Inc. on the Opal Road Low Water Bridge project in the amount of \$18,287.00.

Motion was made by Council Member Austin, seconded by Council Member Grider to approve Change Order No. 1 and final reconciliation to the contract with Mobley Contractors, Inc. on the Opal Road Low Water Bridge project in the amount of \$18,287.00. Motion carried (8-0).

VII. Change Order to WESCO Distribution Inc. in the amount of \$30,943.00 for additional services related to the contract for the repair of 5-ABB 69kv circuit breakers at Substations C & D and Switching Station #1.

May 26, 2009
City Council Minutes

Motion was made by Council Member Grider, seconded by Council Member Austin to approve the change order to WESCO Distribution Inc. in the amount of \$30,943.00. Motion carried (8-0).

VIII. Award Bid #09-33 to High Voltage, Inc. in the amount of \$23,940.00 for the purchase of a cable fault locator. Budgeted \$30,000.

Motion was made by Council Member Grider, seconded by Council Member Sooter to award Bid #09-33 to High Voltage, Inc. in the amount of \$23,940.00 for the purchase of a cable fault locator. Motion carried (8-0).

IX. Budget adjustment in the amount of \$500,000 for the remodel of the recently purchased property at 2706 South Walton Blvd. which will be the new District Court Facility.

Motion was made by Council Member Austin, seconded by Baggett to approve a budget adjustment in the amount of \$500,000 for the remodel of the new District Court Facility building at 2706 South Walton Blvd. Motion carried (8-0).

X. City Attorney George Spence read by title only Resolution #(05-26-09B) authorizing the mayor and clerk to enter into an agreement with Core Architects for services related to the remodel of the new District Court Facility at 2706 S. Walton Blvd. in an amount not to exceed \$42,500 plus expenses.

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

XI. City Attorney George Spence read by title only Resolution #(05-26-09C) authorizing the mayor and clerk to enter into an agreement with Clinard Construction for construction management services in connection with the remodel of the new District Court Facility located at 2706 S. Walton Blvd. for approximately \$50,000 or 10% of the cost which is \$500,000.

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

XII. City Attorney George Spence read by title only Resolution #(05-26-09D) recommending adoption of the substantial amendment to the 2008 action plan for community development block grant – recovery funding (CDBG-R) to serve as the guide for utilizing CDBG recovery funds provided to the city by the Federal Housing and Urban Development Administration (HUD).

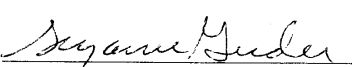
Motion was made by Council Member Grider, seconded by Council Member Burckart to adopt the resolution. Motion carried (8-0).

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

May 26, 2009
City Council Minutes



Bob McCaslin, Mayor



Suzanne Grider, City Clerk