

Bentonville City Council

Meeting Minutes

August 11, 2009

The City Council of Bentonville, Arkansas met in regular session on Tuesday, August 11, 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, 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 Terry Baker of Christian Life Cathedral.

Motion was made by Council Member Baggett, seconded by Council Member Grider to approve the minutes of the July 28, 2009 meeting as written. Motion carried (8-0).

Mayor McCaslin welcomed Boy Scout Troop 222 to the City Council meeting and asked the members to state their name and what badge they are working on.

Stephen Webb – Scott Master
David Johnson
P.J. Checketts
Daniel Henning
Max Bernards
Reese Evans
Geoff Webb
Caleb Monson
Caleb Wise
Josh Eckert

All members but a few were working on their communications badge.

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 except Item #8 and further move that they be read by their title only. Motion carried (8-0).

- I. NACA Update – Ed Austin. (Monday Night Only).**
- II. Presentation by HDR Engineering, Inc. – Review of the Comprehensive Water and Wastewater Rate Studies. (Monday Night Only). See attached.**
- IIIa. City Attorney George Spence read by title only Ordinance #(2009-74) accepting a property line adjustment of Phase 1, Lot 14 Harris/BIDC 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 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 Crain that the ordinance do pass. Motion carried (8-0).

IIIb. City Attorney George Spence read by title only Ordinance #(2009-75) changing real estate in the City of Bentonville, Arkansas from its present classification to C-2. (Covington Trust).

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

IIIc. City Attorney George Spence read by title only Ordinance #(2009-76) changing real estate in the City of Bentonville, Arkansas from its present classification to C-3. (City of Bentonville Skate Park - Lot 44 Bentonville Original Subdivision).

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

IIId. City Attorney George Spence read by title only Ordinance #(2009-77) amending Chapter 14 Zoning Code, Sec. 601.16 Outdoor Vendors to exempt special events within the City of Bentonville.

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

IIIe. City Attorney George Spence read by title only Resolution #(08-11-09A) amending the Future Land Use Map of the City of Bentonville, Arkansas pursuant to Arkansas Code Annotated § 14-56-414.

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

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- III. Mayor Bob McCaslin declared a public hearing open at 6:08 p.m. for a public street vacation located in Bentonville Original Subdivision and Claypool's Addition. There being no comment, Mayor McCaslin declared the public hearing closed at 6:09 p.m.**

City Attorney George Spence read by title only Ordinance #(2009-78) vacating a public street located in Bentonville Original Subdivision and Claypool's Addition to the City of Bentonville, Arkansas, Benton County, 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 its title only. Motion carried (8-0). City Attorney George Spence read the ordinance by its title. Motion was made by Council Member Baggett seconded by Council Member Austin that the ordinance do pass. Motion carried (8-0).

- IIIg. Mayor Bob McCaslin declared a public hearing open at 6:10 p.m. for an alley vacation located in Bentonville Original Subdivision and Claypool's Addition. There being no comment, Mayor McCaslin declared the public hearing closed at 6:11 p.m.**

City Attorney George Spence read by title only Ordinance #(2009-79) vacating an alley located in Bentonville Original Subdivision and Claypool's Addition to the City of Bentonville, Arkansas, Benton County, 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 its title only. Motion carried (8-0). City Attorney George Spence read the ordinance by its title. Motion was made by Council Member Grider, seconded by Council Member Crain that the ordinance do pass. Motion carried (8-0).

- IV. City Attorney George Spence read by title only Resolution #(08-11-09B) authorizing the mayor and clerk to enter into an agreement with FTN & Associates for a flood study and map revision pertaining to a portion of McKissic Creek Tributary in an amount of \$20,000.**

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

- V. City Attorney George Spence read by title only Resolution #(08-11-09C) authorizing the mayor and clerk to enter into a real estate contract for the purchase of certain real estate located at 204 & 206 NW 2nd St. from Mary Jo Thompson in an amount of \$125,000 plus \$1,500 for relocation expenses and applicable closing costs.**

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

- VI. **City Attorney George Spence read by title only Resolution #(08-11-09D) authorizing the mayor and clerk to enter into an agreement with Crafton, Tull and Associates Engineers for services related to the engineering and construction of a right turn lane on Moberly Lane in the vicinity of the Highway 102 intersection, in an amount not to exceed \$30,280.**

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

- VII. **City Attorney George Spence read by title only Ordinance #(2009-80) repealing Ord. #2003-186 fixing rates for water to be furnished by the waterworks system of the City of Bentonville; pertaining to other matters relating thereto; and declaring an emergency.**

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 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 Baggett that the ordinance do pass. Motion carried (8-0). Motion was made by Council Member Austin, seconded by Council Member Sooter to approve the emergency clause. Motion carried (8-0).

- VIII. **First reading of an Ordinance repealing Ord. #2000-61 as amended; with respect to the establishment of rates for sewer services; with respect to the establishment of surcharges for unusual strength sewage; prescribing other matters relating thereto; and declaring an emergency.**

Motion was made by Council Member Perry, seconded by Council Member Austin to suspend the rules and place the ordinance on its second reading by its title only. Motion carried (8-0).

- IX. **City Attorney George Spence read by title only Resolution #(08-11-09E) setting a public hearing for August 25, 2009 at 6:00 p.m. concerning the City of Bentonville sewer service rates.**

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

- X. **Change Order No. 1 for the Downtown Elevated Water Storage Tank Rehabilitation Project in the amount of \$4,950.00 for additional repairs. Original contract amount is \$310,000. Change order will increase contract amount to \$314,950.00.**

Motion was made by Council Member Grider, seconded by Council Member Baggett to approve Change Order No. 1 for the Downtown Elevated Water Storage Tank Project to Utility Service Co., Inc. in the amount of \$4,950.00. Motion carried (8-0).

- XI. **Final Reconciliation Change Order addressing final quantities for the additional parking at the municipal airport terminal in the amount of \$17,503.62.**

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Motion was made by Council Member Austin, seconded by Council Member Crain to approve final change order to Ground Zero Construction, Inc. in the amount of \$17,503.62. Motion carried (8-0).

- XII. City Attorney George Spence read by title only Ordinance #(2009-81) authorizing the mayor and city clerk to enter into an agreement with the Bentonville/Bella Vista Trailblazers for elements of construction at Orchards Park, in an amount not to exceed \$576,787, 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 its title only. Motion carried (8-0). City Attorney George Spence read the ordinance by its title. Motion was made by Council Member Perry, seconded by Council Member Crain that the ordinance do pass. Motion carried (8-0).

- XIII. Change Order No. 2 to C.R. Crawford, LLC in the amount of \$1,760 for the addition of a sky light(s) in the North Trail Restrooms, bringing the total cost of the project to \$112,257.40.**

Motion was made by Council Member Austin, seconded by Council Member Perry to approve Change Order #2 to C.R. Crawford, LLC in the amount of \$1,760.00 for the additional of a sky light(s) in the North Trail Restrooms. Motion carried (8-0).

- XIV. City Attorney George Spence read by title only Resolution #(08-11-09F) expressing the City of Bentonville's support of a grant application to the Arkansas Department of Parks and Tourism for a feasibility study to determine the need for a multi-use convention/activity center.**

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

- XV. City Attorney George Spence read by title only Resolution #(08-11-09G) authorizing the mayor and clerk to enter into an agreement with H Designs for architectural services associated with a parks and recreation office and activity center located at the current location of old Fire Station No. 1, in an amount of \$60,000.**

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

- XVI. City Attorney George Spence read by title only Resolution #(08-11-09H) authorizing the mayor and clerk to enter into an amendment to the existing agreement with Northstar Engineering for additional services related to the parking lot facility at N.W. 2nd St. in an amount of \$4,200.00.**

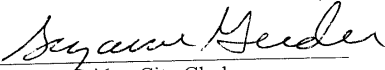
Motion was made by Council Member Baggett, seconded by Council Member Dotson to adopt the resolution. Motion carried (8-0).

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



Bob McCaslin, Mayor



Suzanne Grider, City Clerk