

Bentonville City Council
Meeting Minutes
August 25, 2009

The City Council of Bentonville, Arkansas met in regular session on Tuesday, August 25, 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, Chris Sooter, Ed Austin, Brad Crain, James Dotson, and Bill Burckart. Council Member Shane Perry was 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 Bill Rogers of Word of Life Fellowship.

Motion was made by Council Member Baggett, seconded by Council Member Grider to approve the minutes of the Aug. 11, 2009 meeting as written. Motion carried (7-0) of those present with Council Member Perry 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 their title only. Motion carried (7-0) of those present with Council Member Perry absent.

I. City Attorney George Spence read by title only Ordinance #(2009-82) 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. (Ramon K. Carlson).

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 (7-0). City Attorney George Spence read the ordinance by its title. Motion was made by Council Member Austin, seconded by Council Member Sooter that the ordinance do pass. Motion carried (7-0) of those present with Council Member Perry absent.

II. City Attorney George Spence read by title only Ordinance #(2009-83) accepting a property line adjustment of Lot 9 Block 4 Braithwaite Park 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 (7-0). 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 (7-0) of those present with Council Member Perry absent.

- III. **Mayor Bob McCaslin declared a public hearing open at 6:02 p.m. to hear comments for and against this sewer rate ordinance.**

Mr. Kim Mason of 1001 NW "A" Street stated he is not asking for no increase but limit the increase to the rate of inflation for even drop it for seniors.

There being no further comments, Mayor McCaslin declared the public hearing closed at 6:04 p.m.

City Attorney George Spence read by title only Ordinance #(2009-84) repealing ordinance #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 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 (7-0). City Attorney George Spence read the ordinance by its title. Motion was made by Council Member Austin, seconded by Council Member Grider to move the amended ordinance back to its first reading. Motion carried (7-0). Motion was made by Council Member Austin, seconded by Council Member Sooter that the ordinance do pass. Motion was made by Council Member Grider, seconded by Council Member Baggett to approve the emergency clause. Motion carried (7-0) of those present with Council Member Perry absent.

- IV. **City Attorney George Spence read by title only Resolution #(08-25-09A) renaming SE 23rd St. to be SE Members Place per a request by property owners within the subdivision.**

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

- V. **(This item was removed from the agenda) A resolution renaming SE 25th St. to be SE Sams Club Drive per a request by property owners within the subdivision.**

- VI. **City Attorney George Spence read by title only Resolution #(08-25-09B) authorizing the mayor and clerk to enter into an amendment to the agreement with Morrison Shipley Engineers for additional services to include design of relocation and reconstruction of water and sewer lines along South Main Street in an amount of 12% of cost of construction plus reimbursables.**

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

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VII. Award Bid #09-46 to Siemens Energy, Inc. in the amount of \$50,282.79 for three 15KV breakers for the electric department.

Motion was made by Council Member Grider, seconded by Council Member Burckart to award Bid #09-46 to Siemens Energy, Inc. for the purchase of three 15 KV breakers in an amount of \$50,282.79 for the electric department. Motion carried (7-0) of those present with Council Member Perry absent.

VIII. City Attorney George Spence read by title only Ordinance #(2009-85) authorizing the mayor and the city clerk to enter into an agreement for the purchase of additional 15 KV Substation Breakers for the City of Bentonville Electric Department in an amount of \$83,805.00 from Siemens Energy, Inc., 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 (7-0). City Attorney George Spence read the ordinance by its title. Motion was made by Council Member Grider, seconded by Council Member Sooter that the ordinance do pass. Motion carried (7-0) of those present with Council Member Perry absent.

IX. City Attorney George Spence read by title only Ordinance #(2009-86) authorizing the mayor and the city clerk to enter into an agreement for the purchase of remote (2) terminal units for Substation A and Substation D for the City of Bentonville Electric Department in an amount of \$61,067, 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 (7-0). 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 (7-0) of those present with Council Member Perry absent.

X. City Attorney George Spence read by title only Resolution #(08-25-09C) whereas the City of Bentonville deems it necessary and proper to enter into a contract of obligation with the Arkansas Department of Environmental Quality as required by Arkansas Law to renew the permit for the compost facility.

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 Perry absent.

XI. (This item as removed from the agenda). A resolution authorizing the mayor and clerk to enter into an agreement with AT&T for plexar telephone services for the City of Bentonville.

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XII. City Attorney George Spence read by title only Resolution #(08-25-09D) authorizing the mayor and clerk to enter into an agreement with AT&T for DS3 Data Services for the City of Bentonville.

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

XIII. City Attorney George Spence read by title only Resolution #(08-25-09E) authorizing the mayor and clerk to enter into an agreement with AT&T for T-1 Data Service for the City of Bentonville.

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

XIV. City Attorney George Spence read by title only Resolution #(08-25-09F) authorizing the mayor and clerk to enter into an offer and acceptance for the purchase of real property from Clayton and Sheila Eversole in an amount of \$5,015,366.00 plus applicable closing cost for the realignment of Hwy. 112/SW I Street projects, along with park development.

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

XV. City Attorney George Spence read by title only Resolution #(08-25-09G) authorizing the mayor and clerk to enter into an offer and acceptance for the purchase of real property from HCL, LLC in the amount of \$1,550,000.00 for the Bentonville Airport to secure protection of the runway protection zone and the amount is fully eligible for FAA funding reimbursement.

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

Mayor McCaslin welcomed Boy Scout Troop 525 to the council meeting and asked them to introduce themselves. Ms. Auri Eves attended as Troop Leader.

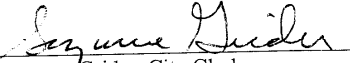
Phillip Naeger, Tyler Nelson, Derek Richard, and Andrew Eves were all working on their communication badge.

Mayor McCaslin also mentioned that the renovation to the front of City Hall is completed and also the painting of the downtown water tank is completed.

Motion was made by Council Member Grider, seconded by Council Member Austin to adjourn the meeting. Motion carried (7-0) of those present.

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Bob McCaslin, Mayor


Suzanne Grider, City Clerk