

Bentonville City Council
Meeting Minutes
November 10, 2009

The City Council of Bentonville, Arkansas met in regular session on Tuesday, Nov. 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, Chris Sooter, Ed Austin, Ryan Parks, 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 Mark Lindstrom of Bentonville Nazarene Church.

Mayor McCaslin welcomed a boy scout troop to the council meeting and asked them to introduce themselves and what badge they are working on. Those attending were: Scout Master Jamie Grace, John Mattice, Cody Hansen, Austin Irlenborn, Quinten Neal, John Elliott, Braden Irlenborn, Nathan Grace, McKaden Packard, Markus Hearne, Jason Bruno, chance Jeffery, and Harrison Neal. All members were working on their communication or citizenship in the community badges.

Motion was made by Council Member Baggett, seconded by Council Member Sooter to approve the minutes of the Oct. 27, 2009 meeting as written. Motion carried (8-0).

Motion was made by Council Member Austin, seconded by Council Member Dotson to suspend the rules regarding the reading of all ordinances and resolutions on three separate days and that they be read by their title only. Motion carried (8-0).

I. Presentation by the Martin Luther King Organizing Committee. (Tuesday Night).

President, J. L. Colbert, of the Martin Luther King Planning Committee, presented the City of Bentonville with a certificate of accommodation for honoring Martin Luther King Jr. by renaming a street after him.

II. FYI – Presentation by Stephen Luoni, University of Arkansas, of his NWA Rail Transit Concept Plan. (Monday Night).

Mr. Stephen Luoni, Director of the University of Arkansas Community Design Center where he is chair in Architecture and Urban Studies, gave a condensed report on the NWA Rail Transit Concept Plan.

III. This item was removed. FYI – Overview of Development and building related activity for 2009 by Troy Galloway, Community Development Director. (Monday Night).

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- IVa. City Attorney George Spence read by title only Ordinance #(2009-107) accepting a lot split of Lots 177 and 178, Bentonville Original Subdivision, to the City of Bentonville, Arkansas.**

Motion was made by Council Member Austin, seconded by Council Member Dotson 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 Burckart that the ordinance do pass. Motion carried (7-1) with Council Member Perry abstaining.

- IVb. City Attorney George Spence read by title only Ordinance #(2009-108) accepting a property line adjustment of Lot 13 Block 8 Gilmore's Addition to the City of Bentonville, Arkansas.**

Motion was made by Council Member Austin, seconded by Council Member Dotson 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 Baggett that the ordinance do pass. Motion carried (8-0).

- IVc. City Attorney George Spence read by title only Ordinance #(2009-109) accepting a property line adjustment of Lot 180 Bentonville Original Subdivision to the City of Bentonville, Arkansas.**

Motion was made by Council Member Austin, seconded by Council Member Dotson 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 Burckart that the ordinance do pass. Motion carried (8-0).

- IVd. City Attorney George Spence read by title only Ordinance #(2009-110) accepting a plat of "D" Street Addition to the City of Bentonville, Arkansas.**

Motion was made by Council Member Austin, seconded by Council Member Burckart 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 Baggett that the ordinance do pass.

- IVe. City Attorney George Spence read by title only Ordinance #(2009-111) amending Chapter 14 Zoning Code to adopt regulations for the DC, Downtown Core District and the DE, Downtown Edge District and amending the Zoning Map.**

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Motion was made by Council Member Austin, seconded by Council Member Dotson 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 Burckart, seconded by Council Member Grider that the ordinance do pass.

IVf. Community Development Block Grant (CDBG) 2010 Draft Action Plan Summary.

Motion was made by Council Member Grider, seconded by Council Member Sooter to adopt the Community Development Block Grant 2010 Draft Action Plan Summary as submitted. Motion carried (8-0).

IVg. Mayor McCaslin declared a public hearing open at 6:10 p.m. to hear comments for and against this alley vacation located in Bentonville Original Subdivision. No one had any comments so Mayor McCaslin declared the public hearing closed at 6:11 p.m.

City Attorney George Spence read by title only Ordinance #(2009-112) vacating an alley located in Bentonville Original Subdivision to the City of Bentonville, Arkansas, Benton County, Arkansas.

Motion was made by Council Member Austin, seconded by Council Member Dotson 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 Burckart that the ordinance do pass.

IVh. Mayor McCaslin declared a public hearing open at 6:12 p.m. to hear comments for and against this public right of way vacation located along SW Aviation Street by the Municipal Airport. No one had any comments so Mayor McCaslin declared the public hearing closed at 6:13 p.m.

City Attorney George Spence read by title only Ordinance #(2009-113) a public right of way located along SW Aviation Street adjacent to the City of Bentonville Municipal Airport to the City of Bentonville, Arkansas, Benton County, Arkansas.

Motion was made by Council Member Austin, seconded by Council Member Dotson 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 Burckart, seconded by Council Member Grider that the ordinance do pass.

IVI. City Attorney George Spence read by title only Resolution #(11-10-09A) setting a public hearing for Nov. 24, 2009, for a public access easement vacation request by Avis A. Bailey, David and Ramah Slone, and Sam's West, Inc., located within Lots 1, 2, 3, 4, 8, 9, and 10 of Superior Square Addition.

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

V. Discussion of Freedom Sidewalk Grant by Philip Pumphrey, Executive Director of Ozark Regional Transit. (Tuesday Night Only).

Mr. Pumphrey thanked the city council members for their support through the years and explained to the city council his request for an 80/20 matching grant for sidewalk construction near bus stops.

VI. City Attorney George Spence read by title only Resolution #(11-10-09B) authorizing the mayor and city clerk to enter into an agreement of understanding with Ozark Regional Transit for an 80/20 matching grant for sidewalk construction near bus stops. \$129,000 is available to construct sidewalks in Bentonville. Cost of this request \$25,800.00.

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

VII. City Attorney George Spence read by title only Resolution #(11-10-09C) authorizing the mayor and city clerk to grant a general utility easement for city utilities and franchises.

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

VIII. Mayor McCaslin declared a public hearing open at 6:15 p.m. to hear comments for and against this waterline easement vacation belonging to the City of Bentonville. No one had any comments so Mayor McCaslin declared the public hearing closed at 6:16 p.m.

City Attorney George Spence read by title only Ordinance #(2009-114) vacating a waterline easement belonging to the City of Bentonville.

Motion was made by Council Member Austin, seconded by Council Member Dotson 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).

IX. City Attorney George Spence read by title only Ordinance #(2009-115) authorizing the mayor and the city clerk to enter into an agreement for the purchase of battery backup systems for the signalization equipment at certain intersections in the City of Bentonville, in an amount not to exceed \$40,512.00 plus applicable taxes, waiving the requirement of competitive bidding.

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Motion was made by Council Member Austin, seconded by Council Member Dotson 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 Baggett that the ordinance do pass. Motion carried (8-0).

X. Appointment of Jim Dotson to replace position vacated by Brad Crain on the Bentonville Advertising and Promotion Commission.

Motion was made by Council Member Grider, seconded by Council Member Sooter to approve the appointment of Jim Dotson to the Bentonville Advertising and Promotion Commission. Motion carried (8-0).

XI. Reappointment of Kim Eason to the Bentonville Advertising and Promotion Commission. Term to expire on 12/31/2013.

Motion was made by Council Member Grider, seconded by Council Member Austin to approve the reappointment of Kim Eason to the Bentonville Advertising and Promotion Commission. Term to Expire: 12-31-2013. Motion carried (8-0).

XII. Accept bid from Turn-Key Mobile, Inc. for the Ruggedized Laptop Computers and Accessories with the noted quantity changes. Bond money will be used on this project.

Motion was made by Council Member Austin, seconded by Council Member Grider to award Bid #09-60 to Turn-Key Mobile, Inc. for ruggedized laptop computers and accessories for the police department in an amount of \$449,030. Motion carried (8-0).

XIII. Budget Discussion.

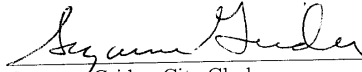
Denise Land summarized the budget. Ms. Land stated that based on the 2009 Sales Tax compared to 2008, she is not comfortable with budgeting growth. Franchise fees have been a flat line revenue and some are going down. Impact fees have decreased. We asked department heads to look at what they had to have and did not put in COLAs or raises. In the 2009 budget we basically flat lined the 2008 one. The year 2008 was very up and down. We didn't increase the sales tax revenue at all. Ms. Land stated after reviewing the bottom line that there is approximately \$665,800 left over plus the 10% cushion. 8.2 million. 7.5 in 2008. We have about 14.3 million. We are holding 15% to 18%. The city is very fortunate to be in the shape that we are in. Council Member Burckart wanted to thank the citizens, our taxpayers, for allowing us to do this. The city council began discussion on capital items on Monday night and resumed on Tuesday night. City Council Members reviewed vehicles policy for the police department, asked if the greenhouse request for the parks department was necessary at this time. Council Member Burckart asked what the operating cost and maintenance of the greenhouse would be. Mayor McCaslin stated he felt the greenhouse was a math problem. In the long term high standards is what the citizens want. Council Member Grider just wanted

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to make sure that no employees job would be in jeopardy while we are spending on greenhouses. Mayor McCaslin stated that no employee needs to worry about their job. Also, the mayor stated we have had a policy for the last two years concerning city positions, that if someone leaves we do not automatically replace that position. No services have diminished. Council Member Austin asked about the fence at the cemetery. Mike Bender, Public Works Director, stated that the overlay is in this year's budget, but the fence is in the 2011 CIP. Council Member Austin asked to take a look in March after all the money is calculated and see if we can get a fence equivalent to the one Wal-Mart put up at the fair grounds. Mr. Bender stated the estimate for that fence is \$110,000. The mayor asked to wait until April so Denise will have the numbers. Council Member Austin also stated next year we need to review elected officials salary sometime in April before the next election. Council Member Austin stated he was thinking of Nov. 26, when we need to have the vehicles on the state bid list ordered. Mayor McCaslin stated yes. Council Member Austin stated he is not opposed to voting on the budget at this time. Council Member Burckart stated he has not had enough time to absorb the whole budget and would like to wait. Council Member Grider stated could they not have all the paperwork ready to send for the vehicles requested on state bid and then send it after it is approved at the next meeting. Council Member Perry stated that if we need to we could call a special meeting at lunch some day. Mayor McCaslin stated that anyone who has any questions on the budget please call the department who put it together and they will get you the answers. This is a very simple way to present the budget.

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


Bob McCaslin, Mayor


Suzann Grider, City Clerk