

Bentonville City Council
Meeting Minutes
December 8, 2009

The City Council of Bentonville, Arkansas met in regular session on Tuesday, Dec. 8, 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 Ken Ferguson of Word of Life Fellowship.

Motion was made by Council Member Baggett, seconded by Council Member Sooter to approve the minutes of the Nov. 24, 2009 meeting as written. Motion carried (8-0).

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 that they be read by their title only. Motion carried (8-0).

I. Informational Item – Overview of development/building related activity for 2009 to date. See attached Power Point presentation by Troy Galloway, Community Development Director.

IIa. City Attorney George Spence read by title only Ordinance #(2009-118) accepting a property line adjustment of lot 179 Bentonville Original Subdivision 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 Grider, seconded by Council Member Baggett that the ordinance do pass. Motion carried (8-0).

III. City Attorney George Spence read by title only Ordinance #(2009-119) adopting the National Green Building Standard, 2008 Edition and establishing a voluntary program for residential green building certification.

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 Grider that the ordinance do pass.
Motion carried (8-0).

- IV. City Attorney George Spence read by title only Ordinance #(2009-120) creating a community development block grant advisory committee, that serves in an advisory role to city staff in the planning, implementing, and assessing of the Community Development Block Grant Program.**

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 Baggett that the ordinance do pass.
Motion carried (8-0).

- V. Appointment of Alan Lewis (Term Expiration 10/28/2012), Debi Havner (Term Expiration 10/28/2011), Travis Riggs (Term Expiration 10/28/2012), Jamie Yeager (Term Expiration 10/28/2011), and Chris Sooter (Term Expiration 10/28/2012) to the Community Development Block (CDBG) Grant Advisory Committee as required by Section 570.303 of the Community Development Block Grant Program, U. S. Department of Housing and Urban Development.**

Motion was made by Council Member Baggett, seconded by Council Member Grider to appoint the above listed members to the Community Development Block Grant Advisory Committee. Motion carried (8-0).

- VI. Mayor Bob McCaslin declared a public hearing open at 6:25 p.m. to hear comments for and against this condemnation located at 907 NE "A" Street. There being no comments, Mayor McCaslin declared the public hearing closed at 6:26 p.m.**

City Attorney George Spence read by title only Resolution #(12-08-09A) condemning a certain structure in the City of Bentonville, Arkansas and requiring its elimination pursuant to city ordinance. (907 NE "A" Street).

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

- VII. Mayor Bob McCaslin declared a public hearing open at 6:27 p.m. to hear comments for and against this condemnation located at 811 NE "A" Street. There being no comments, Mayor McCaslin declared the public hearing closed at 6:28 p.m.**

City Attorney George Spence read by title only Resolution #(12-08-09B) condemning a certain structure in the City of Bentonville, Arkansas and requiring its elimination pursuant to city ordinance. (811 NE "A" Street).

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

VIII. This item was pulled from the agenda per the mayor.

A resolution condemning a certain structure in the City of Bentonville, Arkansas and requiring its elimination pursuant to city ordinance. (2812 SW Regional Airport Boulevard).

IX. Request by Habitat for Humanity of the waiver of impact fees at the home at 703 NW 14th St. in Bentonville.

Motion was made by Council Member Austin, seconded by Council Member Grider to approve a request from Habitat for Humanity of the waiver of their impact fees at the home at 703 NW 14th St. Motion carried (8-0).

X. Award bid #09-56 to Decco Contractors for the construction of the Southwest "I" South project in the amount of \$15,566,080.56. The Engineers estimate for the project was \$18,313,840.98. Out of 6 bidders, 4 were below estimate and 2 were above estimate. See the attached letter of recommendation to award bid and bid tabulation information from CEI Engineers. This project is funded out of bond proceeds.

Motion was made by Council Member Grider, seconded by Council Member Baggett to award Bid #09-56 to DECCO Contractors Paving in the amount of \$15,566,080.56 for the construction of Southwest "I" Street project. Motion carried (8-0).

XI. City Attorney George Spence read by title only Resolution #(12-08-09C) authorizing the mayor and clerk to enter into an amendment to the existing agreement with the Sandcreek Engineering related to the East Central Avenue project pertaining to the scope and also affecting fees.

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

XIIa. City Attorney George Spence read by title only Resolution #(12-08-09D) authorizing the mayor and clerk to enter into a real estate contract for the purchase of certain real estate from Pamela Underwood located at 403 SE 3rd St. in Bentonville, Ark. in an amount of \$122,200.00.

Motion was made by Council Member Grider, seconded by Council Member Sooter to adopt the resolution. Motion carried (7-1) with Council Member Parks voting no.

XIIb. Budget adjustment in the amount of \$122,200.00 for the purchase of property at 403 SE 3rd St. from Pamela Underwood located at 403 SE 3rd St. in Bentonville, Ark.

Motion was made by Council Member Austin, seconded by Council Member Grider to approve a budget adjustment in the amount of \$122,200.00 for the purchase of property at 403 SE 3rd St. from Pamela Underwood. Motion carried (7-1) with Council Member Parks voting no.

- XIII. Reconciliation Change Order #1 & Final for reconciliation to the contract with Summit Construction, Inc. on the NW "D"/NW 5th Drainage Project in the amount of plus \$9,174.25. See the attached change order for explanation. Please note this project came in under budget.**

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

- XIV. City Attorney George Spence read by title only Resolution #(12-08-09E) authorizing the mayor and clerk to enter into an agreement with Materials Testing of Arkansas for materials testing services related to the SW "I" St. project, in an amount of \$100,660.84, per the consulting agreement.**

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

- XV. City Attorney George Spence read by title only Resolution #(12-08-09F) authorizing the mayor and clerk to enter into a Contract of Obligation with the Arkansas Department of Environmental Quality in the amount of \$428,422.00 for the renewal of the compost facility permit.**

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

- XVI. Appointment of Mike Bender as primary member and Mike Roberts as alternative member to serve as the City of Bentonville representatives on the Benton County Regional Solid Waste Management Board for 2010.**

Motion was made by Council Member Baggett, seconded by Council Member Burckart to approve Mike Bender and Mike Roberts to serve as the City of Bentonville's representatives on the Benton County Regional Solid Waste Management Board for 2010. Motion carried (8-0).

- XVII. City Attorney George Spence read by title only Ordinance #(2009-121) authorizing the mayor and clerk to enter into an agreement for the purchase of certain lighting fixtures for City of Bentonville parks facilities at Orchards Park, in an amount not to exceed \$70,487.72, 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 Burckart that the ordinance do pass. Motion carried (8-0).

- XVIII. Award Bid #09-69 to Keeling Company in the amount of \$23,695.00 for the purchase of irrigation materials for Orchards Park.**

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Motion was made by Council Member Sooter, seconded by Council Member Burckart to award Bid #09-69 to Keeling Company in the amount of \$23,695.00 for the purchase of irrigation material for Orchard's Park. Motion carried (8-0).

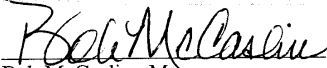
XIX. Award Bid #09-67 to Red Line Contractors in the amount of \$25,124.00 for the demolition of the old Fire Station #1 located at 215 SW "A" Street in Bentonville, Arkansas.

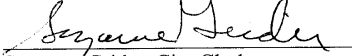
Motion was made by Council Member Grider, seconded by Council Member Baggett to award Bid #09-67 to Red Line Contractors in the amount of \$25,124.00 for the demolition of the old Fire Station #1 located at 215 SW "A" Street in Bentonville, Arkansas. Motion carried (8-0).

XX. City Attorney George Spence read by title only Ordinance #(2009-122) authorizing the mayor and clerk to enter into an agreement for the City of Bentonville's vehicular insurance coverage, in an amount not to exceed .5% of insured value, plus \$100 per vehicle and \$200 per ambulance consistent with last year's agreement, 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 Baggett, seconded by Council Member Grider that the ordinance do pass. Motion carried (8-0).

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


Bob McCaslin, Mayor


Suzanne Grider, City Clerk