

Bentonville City Council
Meeting Minutes
April 13, 2010

The City Council of Bentonville, Arkansas met in regular session, Tuesday, April 13, 2010 at 6:00 p.m. in the Community Development Building, Planning Commission Meeting room, 305 SW A St., Bentonville, Arkansas. Present were Council Members Chris Sooter, Mary Baggett, Ed Austin, Shane Perry, James Dotson, Bill Burckart and Ryan Parks. Council Member Jim Grider was absent. Also present were Mayor Bob McCaslin, City Attorney George Spence, City Clerk Suzanne Grider, 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 Twila Farish of Word of Life Fellowship.

Motion was made by Council Member Baggett, seconded by Council Member Burckart to approve the minutes of the regular meeting minutes of March 23, 2010 as written. Motion carried (7-0) of those present with Council Member Grider absent.

Motion was made by Council Member Austin, seconded by Council Member Parks to suspend the rules regarding the reading of all ordinances and resolutions on three separate days and further move that they be read by title only. Motion carried (7-0) of those present with Council Member Grider absent.

I. Overview of 2009 Financials by Denise Land, Finance Director. (Monday Night Only).

IIa. City Attorney George Spence read by title only Ordinance #(2010-29) accepting a lot split of Railroad Addition to the City of Bentonville, Arkansas.

Motion was made by Council Member Austin, seconded by Council Member Parks to suspend the rules regarding the reading of this ordinance on three separate days and further move that this ordinance be read by title only. Motion carried (7-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Perry, seconded by Council Member Burckart that the ordinance do pass. Motion carried (7-0) of those present with Council Member Grider absent.

IIb. Mayor Bob McCaslin declared a public hearing open at 6:02 p.m. to hear comments for and against this street right of way vacation located at NE 5th St. No one had any comments so Mayor McCaslin declared the public hearing closed at 6:03 p.m.

City Attorney George Spence read by title only Ordinance #(2010-30) vacating a street right of way located at NE 5th St. between NE "B" St. and NE "A" St. to the City of Bentonville, Arkansas, Benton County, Arkansas.

April 13, 2010
City Council Minutes

Motion was made by Council Member Austin, seconded by Council Member Parks to suspend the rules regarding the reading of this ordinance on three separate days and further move that this ordinance be read by title only. Motion carried (7-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Austin, seconded by Council Member Baggett that the ordinance do pass. Motion carried (7-0) of those present with Council Member Grider absent.

III. City Attorney George Spence read by title only Ordinance #(2010-31) authorizing the mayor and the city clerk to enter into an agreement for the purchase of an excavator from Scott Construction Equipment, in an amount of \$70,500.00 plus applicable taxes, waiving the requirement of competitive bidding.

Motion was made by Council Member Austin, seconded by Council Member Parks to suspend the rules regarding the reading of this ordinance on three separate days and further move that this ordinance be read by title only. Motion carried (7-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Austin seconded by Council Member Baggett that the ordinance do pass. Motion carried (7-0) of those present with Council Member Grider absent.

IV. City Attorney George Spence read by title only Resolution #(04-13-10A) authorizing the mayor and clerk to enter into an offer and acceptance for certain real property from the Bentonville Public School District.

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

V. Award Bid #10-09 to Crossland Construction in the amount of \$1,495,306.76 for the construction of the Memorial Park Tennis Complex.

Motion was made by Council Member Baggett, seconded by Council Member Sooter to award Bid #10-09 to Crossland Construction Company in the amount of \$1,495,306.76 for the construction of the Memorial Park Tennis Complex. Motion carried (7-0) of those present with Council Member Grider absent.

VI. Change Order #1 to Flintco, in the amount of \$50,893.00 for the street and sidewalk improvements to Northeast 3rd St. and Northeast "A" Street adjacent to Lawrence Plaza funded through the Community Development Block grants.

Motion was made by Council Member Sooter, seconded by Council Member Baggett to approve Change Order #1 to Flintco in the amount of \$50,893.00 for the street and sidewalk improvements to Northeast 3rd St. and Northeast "A" Street adjacent to Lawrence Plaza funded through the Community Development Block grants. Motion carried (7-0) of those present with Council Member Grider absent.

VII. Council approval of a grant award from the Walton Family Foundation in the amount of \$217,135 to fund a bicycle and pedestrian planner position for the Parks and Recreation Department.

Motion was made by Council Member Baggett, seconded by Council Member Parks to approve the grant award from the Walton Family Foundation in the amount of \$217,135 to fund a bicycle and pedestrian planner position for the Parks and Recreation Department. Motion carried (7-0) of those present with Council Member Grider absent.

VIII. City Attorney George Spence read by title only Ordinance #(2010-32) authorizing the creation of a new position in the pay plan for the City of Bentonville, Arkansas.(Bike and Pedestrian Planner (Grade 35).

Motion was made by Council Member Austin, seconded by Council Member Parks to suspend the rules regarding the reading of this ordinance on three separate days and further move that this ordinance be read by title only. Motion carried (7-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Austin, seconded by Council Member Dotson that the ordinance do pass. Motion carried (7-0) of those present with Council Member Grider absent.

IX. City Attorney George Spence read by title only Ordinance #(2010-33) authorizing the Mayor and City Clerk to enter into a contract with Danny Robinson Construction for certain electric improvements in an amount of \$207,078.90, waiving the requirement of competitive bidding.

Motion was made by Council Member Austin, seconded by Council Member Parks to suspend the rules regarding the reading of this ordinance on three separate days and further move that this ordinance be read by title only. Motion carried (7-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Austin, seconded by Council Member Baggett that the ordinance do pass. Motion carried (7-0) of those present with Council Member Grider absent.

X. Award Bid #10-13 to Vermeer Midsouth in the amount of \$53,271.57 for a stump grinder for the electric department. Budgeted \$60,000.

Motion was made by Council Member Baggett, seconded by Council Member Burckart to award Bid #10-13 to Vermeer Midsouth in the amount of \$53,271.57 for a stump grinder for the electric department. Motion carried (7-0) of those present with Council Member Grider absent.

XI. Award Bid #10-18 to McCourt & Sons Equipment, Inc. in the amount of \$365,795.00 for the purchase of a new Scarab 16BD-540-RT compost windrow turner. This is a replacement of a 10 year old unit currently being used at the compost facility.

Motion was made by Council Member Baggett, seconded by Council Member Sooter to adopt award Bid #10-18 to McCourt & Sons Equipment, Inc. in the amount of \$365,795.00 for the purchase of a new Scarab 16BD-540-RT compost windrow turner for

April 13, 2010
City Council Minutes

the compost facility. Motion carried (7-0) of those present with Council Member Grider absent.

XII. Award Bid #10-21 to Cruse Uniform & Equipment and to METT-T for the purchase of itemized equipment for the police department in the amount of \$16,000.

Motion was made by Council Member Baggett, seconded by Council Member Parks to award Bid #10-21 to Cruse Uniform & Equipment and to METT-T for the purchase of itemized equipment for the police department in the amount of \$16,000. Motion carried (7-0) of those present with Council Member Grider absent.

XIII. City Attorney George Spence read by title only Resolution #(03-09-10C) authorizing the mayor and clerk to enter into an offer and acceptance for certain real property from the Bentonville Public School District.

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 Grider absent.

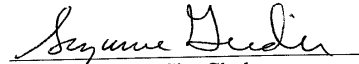
XIV. Motion to approve payment of Prior Year Cost Containment Adjustment to all qualifying City of Bentonville employees. (1 week's salary).

Motion was made by Council Member Sooter, seconded by Council Member Perry to approve the payment of a prior year cost containment adjustment to all qualifying City of Bentonville employees. Motion carried (6-1) of those present with Council Members Dotson, Austin, Baggett, Parks, Perry and Sooter voting yes, Council Member Burckart voting no, and Council Member Grider absent.

Mayor McCaslin introduced Mr. Ben Peters, who was just recently hired as the city engineer.

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


Bob McCaslin, Mayor


Suzanne Grider, City Clerk