

Bentonville City Council
Meeting Minutes
July 27, 2010

The City Council of Bentonville, Arkansas met in regular session, Tuesday, July 27, 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 Mary Baggett, Jim Grider, Ed Austin, Bill Burckart, Ryan Parks, Shane Perry, Chris Sooter and Jim Dotson. 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 Council Member Shane Perry.

Motion was made by Council Member Baggett, seconded by Council Member Parks to approve the minutes of the regular meeting minutes of July 13, 2010 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 except Item 1-D on three separate days and further move that they be read by title only. Motion carried (8-0).

Ia. City Attorney George Spence read by title only Ordinance #(2010-49) accepting a property line adjustment of Lot 22 Block 1 Railroad Addition 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 title only. Motion carried (8-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Grider, seconded by Council Member Baggett that the ordinance do pass. Motion carried (8-0).

Ib. Mayor Bob McCaslin declared a public hearing open at 6:05 p.m. to hear comments for and against this right of way and utility easement vacation located in Lot 5 of Central Park Addition. No one had any comments so Mayor McCaslin declared the public hearing closed at 6:06 p.m.

City Attorney George Spence read by title only Ordinance #(2010-50) vacating a right of way and utility easement in Lot 5, Central Park 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 title only. Motion carried (8-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council

Member Grider, seconded by Council Member Parks that the ordinance do pass. Motion carried (8-0).

- Ic. City Attorney George Spence read by title only Resolution #(07-27-10A) authorizing the mayor and city clerk to enter into an agreement for a general utility easement grant located in the Original Town of Bentonville.**

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

- Id. Appeal to a planning commission decision for a rezoning request by MOR-WISE Investments of Lots 1 and 2b in the Bryant Subdivision. Rezoning to C-1.**

Brian Bahr, Planning Manager, gave an update of the history of the item. Several residents off of McCullum Road voiced their concerns concerning the rezoning of this location. Some of those concerns were: Increased traffic, lighting, noise, environmental pollution, and the lowering of property values. Some of the residents were: Darlene of 901 NE McCullum Drive, Paul Esterer, Joe Robertson of 108 Ivy Place, Vanessa Muff of 703 McCullum, and Alan Shipman of 705 McCullum.

City Attorney George Spence read Ordinance #(2010-51) changing real estate in the City of Bentonville from its present classification to C-1 property. (MOR-WISE Investments LLC).

Motion was made by Council Member Austin, seconded by Council Member Grider to suspend the rules and place this item on its second reading by the title only. Motion carried (8-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Austin, seconded by Council Member Grider to place the ordinance on its third reading by its title only. Motion carried (7-1) with council Member Baggett voting no. Motion was made by Council Member Austin, seconded by Council Member Grider that the ordinance do pass. Motion carried (5-3) with Council Members Parks, Burckart, Austin, Grider and Perry voting yes and Council Members Dotson, Baggett and Sooter voting no.

- II. City Attorney George Spence read by title only Resolution #(07-27-10B) whereas the City of Bentonville recognizes the need to enhance the street tree canopy along city streets.**

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

- III. City Attorney George Spence read by title only Resolution #(07-27-10C) certifying the amount of liens to be placed on certain properties for the City of Bentonville's costs associated with mowing and weed removal on said properties.**

304 SW 3rd St. \$100.00

Lots 69, 70, 74, 75, 76,77,124, 125, 126 in Allencroft Subdivision \$900.00

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

- IV. City Attorney George Spence read by title only Resolution #(07-27-10D) setting public hearings concerning the placement and amount of liens to be secured against certain real property in the City of Bentonville, Arkansas, in order to recover city resources expended in removing unsightly and unsanitary conditions thereon.**

1705 SW D St.
3202, 3204, 3205 and 3206 Hanna Lane, Concord Subdivision
2301 Douglas St.
3912 NE Kensington Ave.
200 SW Regional Airport Blvd.
703 SW Castlewood St.
1002 SE 4th St.
702 SE "A" St.
913 N. Main St.
805 NW "B" St.
603 SE 10th St.

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

- V. City Attorney George Spence read by title only Resolution #(07-27-10E) authorizing the mayor and clerk to enter into a lease agreement with A T & T for the placement of cellular equipment in the area of the existing cell tower at Phillips Park.**

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

- VI. City Attorney George Spence read by title only Resolution #(07-27-10F) authorizing the mayor and clerk to enter into a mutual aid agreement with the Arkansas Municipal Power Association (AMPA).**

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

- VII. City Attorney George Spence read by title only Resolution #(07-27-10G) authorizing the mayor and clerk to enter into an amendment to the existing contract with Crafton, Tull and Sparks Engineers for stormwater mapping maintenance in an amount not to exceed \$25,000 as set forth in the agreement.**

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

- VIII. Award bid to Clinard Construction for the remodel of Utility Billing and former District Court area in an amount of \$275,029.00.**

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Motion was made by Council Member Austin, seconded by Council Member Burckart to award the bid to Clinard Construction for the remodel of the utility billing and former district court area at City Hall, 117 West Central in the amount of \$275,029.00. Motion carried (8-0).

IX. Council approval of Change Order #3 to Flintco, in the amount of \$12,653.00 for the Lawrence Plaza Project.

Motion was made by Council Member Baggett, seconded by Council Member Perry to approve Change Order #3 to Flintco in the amount of \$12,653.00 for the Lawrence Plaza Project. Motion carried (8-0).

X. Council approval of Change Order #1 to Crossland, in the amount of \$25,007.00 for the Memorial Park Tennis Court Project.

Motion was made by Council Member Grider, seconded by Council Member Perry to approve Change Order #1 to Crossland Construction in the amount of \$25,007.00 for the Memorial Park Tennis Court Project. Motion carried (8-0).

XI. City Attorney George Spence read by title only Resolution #(07-27-10H) authorizing the mayor and clerk to enter into an agreement with Barker Rinker Seacat for design services, construction documents and construction observation for the Bentonville Community Recreation Center in an amount not to exceed \$1,079,490.00 plus reimbursables.

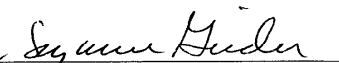
Motion was made by Council Member Grider, seconded by Council Member Dotson to adopt the resolution. Motion carried (8-0).

XII. City Attorney George Spence read by title only Resolution #(07-27-10I) authorizing the mayor and clerk to enter into an agreement with Crossland Construction for construction management services for the Bentonville Community Recreation Center in an amount not to exceed \$80,000 plus 4.5% of the costs of construction.

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

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


Bob McCaslin, Mayor


Suzanne Grider, City Clerk