

**Bentonville City Council**  
Meeting Minutes  
August 10, 2010

The City Council of Bentonville, Arkansas met in regular session, Tuesday, August 10, 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, Chris Sooter, Jim Dotson, Shane Perry. Absent were Ryan Parks and Bill Burckart. 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 Susan Ledbetter of First United Methodist Church.

Motion was made by Council Member Baggett, seconded by Council Member Dotson to approve the minutes of the regular meeting minutes of July 27, 2010 as written. Motion carried (6-0) of those present with Council Members Parks and Burckart 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 title only. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

**Ia. City Attorney George Spence read by title only Ordinance #(2010-52) accepting a property line adjustment of Lots 3 and 4 Bryant Addition, to the City of Bentonville, Arkansas. (MOR-WISE Investments, LLC).**

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 (6-0). 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 (6-0) of those present with Council Members Parks and Burckart absent.

**Ib. City Attorney George Spence read by title only Ordinance #(2010-53) changing real estate in the City of Bentonville from its present classification to R-2 Duplex and Patio Home. (Don and Jennifer Wallace – 102 Northwest 3<sup>rd</sup> St.).**

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 (6-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Grider, seconded by Council Member Sooter that the ordinance do pass. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

**Ic. City Attorney George Spence read by title only Ordinance #(2010-54) amending Chapter 15, Subdivision Code by deleting Section 1100.12 Site and Building Design Guidelines and Standards for the Downtown Redevelopment District.**

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 (6-0). City Attorney George Spence read the ordinance by title only. Motion was made by Council Member Perry, seconded by Council Member Baggett that the ordinance do pass. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

**Id. City Attorney George Spence read by title only Resolution #(08-10-10A) a resolution setting a public hearing with regard to vacating a 12 ft. alley requested by Walton 5 & 10, LLC located in Lots 109 and 112 of Bentonville Original Subdivision.**

Motion was made by Council Member Austin, seconded by Council Member Dotson to adopt the resolution. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

**II. Appointment of Toni Luetjen to the Advertising and Promotion Commission replacing Kim Eason's unexpired term. (Term expires 12-31-2013).**

Motion was made by Council Member Austin, seconded by Council Member Grider to appoint Ms. Toni Luetjen to the Advertising and Promotion Commission replacing Kim Eastson's unexpired term. Term expires 12-31-2013. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

**III. City Attorney George Spence read by title only Resolution #(08-10-10B) a resolution 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. 810 Turnbridge Drive**

**801 N. Walton Blvd.**

**1614 Robnhood Rd**

**2402 SE 15<sup>th</sup> St**

**3003 SW Fernwood Ave**

**303 S. Main St**

**303 NW H St**

**Lots 908, 910, 912 Arleta Gardens**

**Lots 1400, 1402, 1404, 1406 NE Benjamin Greens; Allencroft Subdivision**

**Lots 2901, 2903, 2905, 2907, 3001, 3307, 3401, 3403, 3405 SW Briar Creek Ave.**

Motion was made by Council Member Grider, seconded by Council Member Baggett to adopt the resolution. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

**IV. Award bid #10-39 to Stilwell Construction in the amount of \$21,309.00 for the materials and construction of a metal building at the Parks/Public Works facility for chemical storage. Parks/Public Works Maintenance budgeted \$30,000.00 for the storage building.**

Motion was made by Council Member Perry, seconded by Council Member Baggett to award Bid #10-39 to Stilwell Construction in the amount of \$21,309.00 for the materials and construction of a metal building at the Parks/Public Works facility for chemical storage. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

**V. City Attorney George Spence read by title only Resolution #(08-10-10C) declaring certain property belonging to the City of Bentonville, Arkansas as surplus property. (2002 Chevrolet dump truck – Wastewater Dept.).**

Motion was made by Council Member Grider, seconded by Council Member Baggett to adopt the resolution. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

**VI. Award bid # 10-45 to Truck Centers of Arkansas in the amount of \$53,107.00 for the purchase of a new 2011 Freightliner dump truck with a 12' dump bed. This is a replacement for Unit # 3030-07, the 8 year old dump truck currently being used at the Compost Facility.**

Motion was made by Council Member Grider, seconded by Council Member Sooter to award Bid #10-45 to Truck Centers of Arkansas in the amount of \$53,107.00 for the purchase of a new 2011 Freightliner dump truck with a 12' dump bed for the Wastewater Dept. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

**VII. Council approval of Change Order No. 1 and Final for reconciliation to the contract with Decco Contractors-Paving, Inc. on the NE "F" Street Drainage Project in the amount of plus \$4,116.00 and adding 6 days to the contract time.**

Motion was made by Council Member Sooter, seconded by Council Member Grider to approve Change Order No. 1 and Final reconciliation to the contract with Decco Contractors-Paving, Inc. on the Northeast "F" St. drainage project in an amount of plus \$4,116.00 and adding 6 days to the contract time. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

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**VIII. Council approval of Change Order #1 to the contract with Danny Robinson Construction on the Downtown Square Enhancement Project Phase 3 adding 54 calendar days to adjust for weather and non-weather delays.**

Mike Churchwell, Transportation Director, handed out to council a report of a timeline bringing the council up to date on the Downtown Square Project.

Motion was made by Council Member Grider, seconded by Council Member Austin to approve Change Order #1 to the contract with Danny Robinson Construction on the Downtown Square Enhancement project Phase 3 adding 54 calendar days to adjust for weather and non-weather delays. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

**IXa. Recommend Mayor and City Council award Bid to Warrior of Arkansas in the amount of \$62,700.00 for a John Deere Skid Loader w/ attachments. The money is being shifted from an O & M account to the Capital account.**

Motion was made by Council Member Austin, seconded by Council Member Grider to award bid to Warrior of Arkansas in the amount of \$62,700.00 for a John Deere Skid Loader with attachments for the electric department. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

**IXb. Budget adjustment in the amount of \$62,700.00 for the purchase of a John Deere Skid Loader w/ attachments.**

Motion was made by Council Member Austin, seconded by Council Member Grider to approve a budget adjustment in the amount of \$62,700 for the purchase of a John Deere Skid Loader with attachments for the electric department. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

**X. Council approval of Change Order #1 to Two State Sod in the amount of \$26,977.57 for the Orchards Park project.**

Motion was made by Council Member Baggett, seconded by Council Member Sooter to approve Change Order #1 to Two State Sod in the amount of \$26,977.57 for the Orchards park project. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

**XI. Council approval of a final reconciliation to the contract with Boulder Construction on the Orchards Park project.**

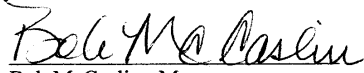
Motion was made by Council Member Perry, seconded by Council Member Baggett to approve the final reconciliation to the contract with Boulder Construction on the Orchards Park project. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

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**XII. Council approval of a bid award to NEC in the amount of \$85,473.00 for the construction of the trail for the park on Waverly Way.**

Motion was made by Council Member Grider, seconded by Council Member Baggett to award Bid #10-43 to NEC in the amount of \$85,473.00 for the construction of the trail for the park on Waverly Way. Motion carried (6-0) of those present with Council Members Parks and Burckart absent.

Motion was made by Council Member Grider, seconded by Council Member Baggett to adjourn the meeting. Motion carried (6-0) of those present.

  
Bob McCaslin, Mayor

  
Suzanne Grider, City Clerk