

Bentonville City Council

Meeting Minutes

January 26, 2021

The City Council of Bentonville, Arkansas, met in regular session Tuesday, January 26, 2021, at 6:00 p.m., at the Bentonville Community Center, 1101 Southwest Citizen's Circle, Bentonville, Arkansas.

Present were Council Members Cindy Acree, Octavio Sanchez, Holly Hook, Chris Sooter, Bill Burckart, Gayatri Agnew, and Aubrey Patterson. Also present were Mayor Stephanie Orman, City Attorney George Spence, City Clerk Kirby Romines, the press, city staff, and the audience. Council Member Tim Robinson attended remotely and participated by Zoom.

Due to the situation related to COVID-19, several members of the city staff and the public also attended remotely by Zoom. Mayor Orman reminded the council that all votes would be by roll call.

Several individuals joined via Zoom to speak to agenda items.

Mayor Orman called the meeting to order. The Mayor led everyone present in the Pledge of Allegiance followed by a moment of silence in support of our armed forces.

Motion was made by Council Member Sanchez to approve the minutes of the January 12, 2021 meeting as presented, second by Council Member Acree. There was no discussion. Motion carried (8-0).

Motion was made by Council Member Sooter to suspend the rules regarding the reading of all ordinances on three separate days and further that all ordinances and resolutions be read by title only, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

1. The Bentonville Public Library's needs assessment study presentation by MSR Design.

Hadi Dudley, the Bentonville Public Library Director, introduced Matt Krontorad from MSR, who gave the presentation.

Council Member Robinson asked what the usual split is between contributions from the city and funds raised within the community. Matt Krontorad explained that it depends on the city, but he can get recent examples to help answer. Hadi Dudley commented that the Library Foundation is committed to exploring fundraising opportunities and public fundraising.

Council Member Agnew asked for a summary of the research demographics. The MSR team said that the demographics summary would be in the report from the need's assessment.

Council engaged in a lengthy discussion about the logistics of what a future project could entail to meet the library's needs assessment and next steps.

Mayor Orman thanked Hadi Dudley, the MSR Design team, and the Library advisory board for their work.

2. Mayor Orman recognized those that joined via zoom to make a public comment regarding the Lake Bella Vista Dam/Park. Those who spoke for the dam removal were Mike Abb, Darrell Bowman, Bryan Brewer, Richard Dees, Randy Hamm, Sandy Ivy, Beth Keck, Ken Leonard, Adam Schaffer, and Greg Van Horn.

Travis Matlock, Electric Utility Director, gave an update on Lake Bella Vista Dam/Park.

Mayor Orman confirmed that the FEMA funds cannot be used for something else outside the trail expansion, parking lot improvements, and pedestrian bridge.

Council, Travis Matlock, and David Wright, the Bentonville Parks Director, engaged in a lengthy discussion regarding FEMA funding and potential costs for the Lake Bella Vista project.

Council Member Burckart gave the council background information on what has been brought to council in the past regarding Lake Bella Vista and provided several details from the permit.

City Attorney George Spence clarified statements made regarding the legalities of the appeal and the deed.

Council Member Agnew thanked Travis Matlock, David Wright, and Council Member Burckart for the update and background information and then asked where to go from here.

Travis Matlock explained that once the FEMA money is allocated, they will then take the project to council. From that point, it is up to the council what decision to make about the Lake Bella Vista project.

David Wright and the council engaged in a lengthy discussion regarding the Bella Vista Lake Task Force, public input sessions, and different concept plans resulting from those discussions.

Council Member Sooter asked Travis Matlock the timeline of when they should hear back about the FEMA funds. Travis Matlock said that he hopes in the next two months.

Council Member Agnew asked about the current liability and safety of the dam. David Wright explained that the city closed that specific area off to the public about a year ago, but that he will revisit the site to see if other changes could be made to help secure the site.

### 3. Planning:

- 3a. Ordinance No. 2021-14: Ordinance accepting a lot split of Lots 24-25, Block 17 of Deming's 2<sup>nd</sup> Addition to the City of Bentonville, Arkansas (Project No. LS20-0055).

[Applicant: Square District Properties, LLC;

Location: 510 NW D Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

- 3b. Ordinance No. 2021-15: Ordinance accepting a lot split of Lots 3-4 of Featherston Valley Subdivision to the City of Bentonville, Arkansas (Project No. LS20-0059).

[Applicant: Martin Elzey;

Location: Been Road & Featherston Road]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 3c. Ordinance No. 2021-16: Ordinance accepting a lot split of Lots 26-27 of Clark's Addition to the City of Bentonville, Arkansas (Project No. LS20-0062).

[Applicant: Miles Vanveckhoven;

Location: SW Glover Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 3d. Ordinance No. 2021-17: Ordinance accepting a lot split of Lot 13, Block 4 of Deming's Addition to the City of Bentonville, Arkansas (Project No. LS20-0066).

[Applicant: Austen Bailly;

Location: 411 NW A Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 3e. Ordinance No. 2021-18: Ordinance accepting a property line adjustment of Lot 16 of Lincoln & Rice Addition to the City of Bentonville, Arkansas (Project No. PLA20-0060).

[Applicant: Martin Bynum;

Location: 615 E Central Avenue]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 3f. Ordinance No. 2021-19: Ordinance accepting a final plat of Hawthorne Heights Subdivision Phase I to the City of Bentonville, Arkansas (Project No. FP20-0005).

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 3g. Ordinance No. 2021-20: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of C-1, Neighborhood Commercial to C-3, Mixed-Use Commercial (Project No. RZ20-0073).

[Applicant: Trailside Partners, LLC;

Location: E Central Avenue & NE J Street]

Council Member Hook asked if there were any traffic concerns with the specific interchange. Mayor Orman recognized Dan Weese, City Engineer, who said that they would redirect the traffic and specific improvements will be a part of this project in the future.

Council Member Acree asked Jon Simpson, Chief of Police, if they see many accidents at this specific intersection. Jon Simpson said that they see more issues on the north side of the intersection.

Mayor Orman stated that in large scale development, traffic issues would be addressed then.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

Mayor Orman thanked Council Member Hook for listening to the Planning Commission and recommended that it can be helpful for council members to listen before making decisions at the council meetings.

- 3h. Ordinance No. 2021-21: Ordinance accepting a lot split of Lot 9 of Out Lot 16 Subdivision to the City of Bentonville, Arkansas (Project No. PLA20-0058).

[Applicant: NE2 Properties, LLC;

Location: 502 NE 2nd Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

4. Resolution No. 1-26-21 A: A resolution endorsing the installation of artwork titled "This is Your Public Library" by artist Ziba Rajabiin and Bentonville Public Library patrons on public property at the Bentonville Public Library, 405 S. Main Street.

The artwork was funded by a grant from the Walton Family Foundation in association with the Library Needs Assessment Study. There is no cost to the city.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Acree, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

5. Ordinance No. 2021-22: Ordinance vacating Street Right of Way at 407 W. Central Street of Bentonville Original Subdivision to the City of Bentonville, Arkansas, Benton County Arkansas (VAC20-0032).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

6. Ordinance No. 2021-23: Ordinance vacating a Utility Easement located at 4100 N. Rainbow Farm Road to the City of Bentonville, Arkansas, Benton County Arkansas (Project No. VAC20-0033).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

7. Ordinance No. 2021-24: Ordinance vacating a Utility Easement located at 1005 Museum Way of Crystal Bridges Museum Addition to the City of Bentonville, Arkansas, Benton County Arkansas (Project No. VAC20-0034).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Hook. There was no discussion. Motion carried (8-0).

8. Ordinance No. 2021-25: Ordinance vacating Alley Right of Way at Petticoat Lane being a part of the original town of Bentonville to the City of Bentonville, Arkansas, Benton County Arkansas (Project No. VAC20-0032).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Acree, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

9. Resolution No. 1-26-21 B: A resolution setting a public hearing for February 9, 2021 for a Utility Easement Vacation requested for 3301 SW 2nd Street (VAC21-0001).

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Burckart, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

10. Ordinance No. 2021-26: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of uniforms for the Bentonville Police Department and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

11. Ordinance No. 2021-27: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of uniforms for the Bentonville Fire Department and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

12. Ordinance No. 2021-28: Ordinance adopting certain amendments to the 2021 Pay Plan for the City of Bentonville, Arkansas.

The 2021 pay plan incorporates all the budgeted pay adjustments, grade changes, title changes, and new positions.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).



13. Appointment of Holly Hook to the City of Bentonville's Tree and Landscape Committee. Ms. Hook will serve as an ex-officio member and be filling Jon Terlouw's unexpired term that will end 12/31/21.

Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

14. Appointment of Gayatri Agnew to the City of Bentonville's Public Arts Advisory Committee. Ms. Agnew will serve as an ex-officio member, with her term expiring 12/31/24.

Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (7-0), with Council Member Agnew abstaining.

15. Ordinance No. 2021-29: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Bentonville Youth Baseball for providing baseball officials for the City of Bentonville Parks and Recreation Department and waiving the requirement for competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

16. Ordinance No. 2021-30: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Bentonville Youth Softball Association for providing officials for the City of Bentonville Parks and Recreation Department and waiving the requirement for competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

17. Ordinance No. 2021-31: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with the Arkansas Unites States Specialty Sports Association for providing officials for the City of Bentonville Parks and Recreation Department and waiving the requirement for competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

18. Ordinance No. 2021-32: Ordinance authorizing the Mayor and the City Clerk to purchase ebooks for Bentonville Public Library from Overdrive, Inc. and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

Mayor Orman adjourned the meeting. Motion to adjure by Council Member Sanchez, second by Council Member Sooter.

Council members reported on committees and boards they participate in related to the city.

Mayor Orman reminded the council to turn in Statement of Financial Interests forms by January 31.

The next city council meeting will be on February 9, 2021.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

