

Bentonville City Council
Meeting Minutes
February 11, 2020

The City Council of Bentonville, Arkansas, met in regular session Tuesday, February 11, 2020, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Tim Robinson, Chad Goss, Cindy Acree, Chris Sooter, Aubrey Patterson, Bill Burckart, Octavio Sanchez and Jonathan Terlouw. Also present were Mayor Stephanie Orman, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

At 6:00 p.m., prior to calling the meeting to order, Mayor Orman invited public comments with regard to agenda items. Robin Ramsey, James Clark and Keith Krusekopf were recognized and spoke regarding agenda item No. 5d. James Clark and Andrew Heath were recognized and spoke regarding agenda item No. 6. Caroline Eastman was recognized and spoke regarding agenda item No. 5f.

Mayor Orman called the meeting to order. A Boy Scout from Troop 450 led everyone present in the Pledge of Allegiance, which was 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 28, 2020 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).

[Agenda items 1 through 4 were addressed at the February 10, 2020 Committee of the Whole meeting.]

- 5a. Ordinance No. 2020-32: Ordinance accepting a property line adjustment of Lot 17 Block 3 of Spinnaker Ridge at Woods Creek Phase II to the City of Bentonville, Arkansas.
(Project No. LS19-46)

[Applicant: Brett and Ginger Bourquin;
Location: 7 Edgewater Lane]

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

- 5b. Ordinance No. 2020-33: Ordinance accepting a property line adjustment of Lot 16 Block 19 of Deming's 2nd Addition to the City of Bentonville, Arkansas. (Project No. PLA19-43)

[Applicant: Michael and Corrie Rusch;
Location: 308 Northwest 6th Street]

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

- 5c. Ordinance No. 2020-34: Ordinance accepting a property line adjustment of Lot 31 Block 10 of W.A. Burks Addition to the City of Bentonville, Arkansas. (Project No. PLA19-44)

[Applicant: Community Development Corporation of Bentonville/Bella Vista;
Location: Fillmore 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).

- 5d. An ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, single family residential to R-2, duplex and patio home residential.
(Project No. RZ19-50)

[Applicant: Muni Jampana;
Location: 3406 Southeast K Street]

City Attorney Spence read the ordinance by title only.
No motion was made.

City Attorney Spence later explained to the Council that it typically had three options on rezonings: to approve the rezoning, to deny it, or to send it back to the Planning Commission, and that this fourth course - the matter dying for lack of a motion -- would be the same as adopting a motion to deny.

- 5e. Ordinance No. 2020-35: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-3, medium density residential to DN-4, downtown mixed-use residential. (Project No. RZ20-02)

[Applicant: Rodney and Mary Sample;
Location: 527 Southeast 6th Street]

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

- 5f. Ordinance No. 2020-36: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of DN-2, downtown medium-density residential to PRD, planned residential development. (Project No. PRD19-06)

[Applicant: Roth Family, Inc.
Location: 806 Northwest A Street]

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

- 5g. Ordinance No. 2020-37: Ordinance accepting a lot split of Lot 14 Block 6 of Railroad Addition to the City of Bentonville, Arkansas. (Project No. 19-43)

[Applicant: Santosh and Elizabeth Kotyankar;
Location: 209 Southeast B Street]

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

- 5h. Ordinance No. 2020-38: Ordinance amending Chapter 14 Zoning Code of the Bentonville Municipal Code.

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).

6. Ordinance No. 2020-39: Ordinance amending Ordinance No. 2006-69 regulating noise pollution of Title 7 Public Peace, Safety and Morals.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Robinson, second by Council Member Sooter.

Council Member Sanchez made a motion to amend the ordinance to reflect that the commercial zone times and decibel levels remain as they are now, leaving the rest of the ordinance as proposed. There was no second.

There was no further discussion. Motion carried (7-1), with Council Member Sanchez voting no.

7. Approval for the relocation of the artwork titled "Sassy the Sasquatch" from its current location in Park Springs Park to an area near the parking lot at Northeast Cub Circle and Northeast A Street.

Motion to approve by Council Member Acree, second by Council Member Sanchez. There was no discussion. Motion carried (7-1), with Council Member Terlouw voting no.

8. Approval for the reappointment of Lee Culpepper to the Bentonville Advertising and Promotion Commission, said term to expire on December 31, 2024.

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

9. Approval for the appointment of Jonathan Terlouw to the City of Bentonville Tree and Landscape Committee, said term to expire on December 31, 2021.

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

10. Resolution No. 2-11-20 A: Resolution authorizing the Mayor and City Clerk to amend a professional services agreement with Hight-Jackson Associates, PA for services associated with design and construction of the public works maintenance facility located at 2401 Southwest Aviation Street.

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

11. Resolution No. 2-11-20 B: Resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with CR Crawford Construction, LLC for preconstruction services associated with design and construction of the public works maintenance facility located at 2401 Southwest Aviation Street.

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

12. Approval to award Bid No. 20-01 to Titan Lawn & Landscape in an amount not to exceed \$45,000 for the weekly finish mowing of City facilities, and that this agreement may be extended up to three years upon mutual agreement of both parties.

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

- 13a. Approval to award Bid No. 19-75 to Southard Construction Company, in the amount of \$424,804.20, for utility relocations associated with ARDOT project BB0903, interchange improvements at Interstate 49 and Highway 71B.

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

- 13b. Approval of a budget adjustment for the Water Department in the amount of \$48,490.20 to cover water utility relocations associated with ARDOT Project No. BB0903.

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

14. Resolution No. 2-11-20 C: Resolution authorizing the Mayor and Clerk to enter into an amendment to an existing contract with Sarah Gwin for teaching instructional swim lessons for the City of Bentonville Parks Department.

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

15. Resolution No. 2-11-20 D: Resolution setting a public hearing for February 25, 2020, on a petition filed by the City of Bentonville, requesting an alley right-of-way vacation at 540 Southeast A Street of Mauck-Black Subdivision.

City Attorney Spence read the resolution by title only.

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

16. Resolution No. 2-11-20 E: Resolution setting a public hearing for February 25, 2020, on a petition filed by Ozark Civil Engineering, requesting a utility easement vacation (VAC20-0002) at 3811 US 71 Highway of Lowe's Addition.

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

17. Ordinance No. 2020-40: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Axon Enterprises, Inc. for the purchase of law enforcement tasers 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 Burckart. There was no discussion. Motion carried (8-0).

18. Resolution No. 2-11-20 F: Resolution declaring certain property belonging to the City of Bentonville Police Department as surplus property. (two 2011 Chevrolet Police Tahoes)

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

19. Approval to award Bid No. 20-02 to Superior Auto Group, in the amount of \$207,093.64, to purchase four 2020 Chevrolet Tahoe police pursuit vehicles.

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

20. Resolution No. 2-11-20 G: Resolution authorizing the Mayor and City Clerk to consent to the assignment of a land lease agreement for an existing hangar foot print located at the Bentonville Municipal Airport.

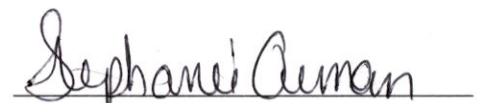
City Attorney Spence read the resolution by title only.
Motion to pass by Council Member Sanchez, second by Council Member Robinson.

Mayor Orman adjourned the meeting.

Council members reported on committees and boards they participate in related to the City. There were no public comments.

City Attorney Spence announced that the hearing in the Bella Vista Lake damn case had been reset to August 11th. Council Member Acree encouraged the City to develop a plan toward implementing underground power lines.


Linda Spence, City Clerk


Stephanie Orman, Mayor

