

Bentonville City Council

Meeting Minutes

June 22, 2021

The City Council of Bentonville, Arkansas, met in regular session Tuesday, June 22, 2021, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

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

Due to the situation related to COVID-19, several members of the city staff and the public attended remotely by Zoom.

Several individuals signed in to speak at the meeting in person, and several individuals joined via Zoom to speak to agenda items or answer questions if needed.

Mayor Orman called the meeting to order. Rylee Forcucci, a Girl Scout from Troop 5273, 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 June 8, 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).

Mayor Orman recognized Jake Harper, Director of Finance and Administration, to give an update on the bond sale. The bond sale was from 9:00 am - 10:30 am on Tuesday, June 22, and Jake explained that it was very successful. Some investors included Goldman Sachs, Arvest Bank, and more. Council Member Burckart congratulated city staff and thanked Jake and others for their hard work.

1. Ordinance No. 2021-128: Ordinance accepting the Annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards.

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).

2. Ordinance No. 2021-129: Ordinance accepting the Annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards.

Council Member Acree asked if the city had received the annexation from the county in time and mentioned a public safety issue. Mayor Orman explained that they have looked into the specifics of what the area would need, and at this time, they are covered for police, fire, and EMS. She also explained that the city did not ask the individuals to be annexed in but that the specific individuals have come to the city requesting to be annexed in. Council Member Hook mentioned the road conditions of the specific area and maintenance.

City Attorney George Spence explained how this specific annexation came to the City of Bentonville, what position the City of Bentonville is in, and answered specific questions regarding timelines and the general petition process.

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).

3. Planning:

- 3a. Ordinance No. 2021-130: ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Single Family Residential to DN-1, Downtown Low-Density Residential (Project No. RZ20-0062).

[Applicant: Barry Kinyon;

Location: 403 SW E Street]

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).

- 3b. Ordinance No. 2021-131: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-E, Residential Estate to R-1, Single Family Residential (Project No. RZ21-0032).

[Applicant: Chelsea Wilson;

Location: 1402 NW 12th 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).

- 3c.(1)Resolution No. 6-22-21 A: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Agricultural to Single Family Residential (Project No. RZ21-0034).

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

3c.(2) Ordinance No. 2021-132: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-1, Single Family Residential (Project No. RZ21-0034).

[Applicant: Nate Bachelor;

Location: 9207 South Morning Star Road]

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).

3d. Ordinance No. 2021-133: Ordinance accepting a property line adjustment of Lot 1 Creating Lot 22 to the City of Bentonville, Arkansas (Project No. PLA21-0019).

[Applicant: Mark Melton Construction, Inc., LLC;

Location: NW 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).

3e. Ordinance No. 2021-134: Ordinance accepting a lot split of Lots 1 & 2, East Side 1st Addition to the City of Bentonville, Arkansas (Project No. LS21-0027).

[Applicant: Pinnacle Villas LLC;

Location: 1004 & 1006 SE 3rd Street]

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).

4. Recognition by City Council of Alvin and Victoria Mizner, who reside at 1704 NE Chapel Hill Drive. The property's landscaping was nominated by a Bentonville resident and is the June Residential Landscaping of the Month award winner.

Ellen Norvell read the award and recognized Alvin and Victoria Mizner.

5. Utility Board

- 5a. Ordinance No. 2021-135: Ordinance amending Article 98-VI of the Municipal Code to include the 2021 Water Utilities Department specifications.

Council Member Burckart requested to have a meeting with all stakeholders to find how to offset costs that he says affect housing costs in Bentonville. Council Member Acree expressed the same concern for affordable housing issues. Mike Bender, Public Works Director, explained that that type of meeting would need to include more than water utilities, that their department is always looking into ways to lower costs and choose the most cost-effective options, but that they are of course open to having a discussion with council about this. Council Acree explained that a meeting needs to happen soon before passing the specific item in question.

Council Member Burckart, Mike Bender, and Preston Newbill, Water Utilities Manager, had a lengthy discussion regarding specifications and reasons for increased costs within the proposed amendment.

Council Member Patterson asked what would happen if council does not pass the item and if there was any discussion at the Utility Board meeting. Council Member Sanchez explained that there was not much discussion on this item. Council Member Burckart asked for a commitment to discuss the specific items in question and affordable housing issues.

Mayor Orman concluded that the council could pass the amendment and make amendments after the fact if needed.

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

6. Resolution No. 6-22-21 B: A resolution authorizing the Mayor and Clerk to enter into an agreement with Jackson, Brown, And Palculict (JBP) Architects to design an addition to the Fire Station 3.

Council Member Patterson asked if there is a need for any future additions at other stations. Fire Chief, Brent Boydston, stated that this is the only station that needed an addition.

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

7. Resolution No. 6-22-21 C: A resolution authorizing the Mayor and Clerk to enter into an agreement with Morrison Shipley for the civil engineering services for Station 3 building addition.

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

8. Resolution No. 6-22-21 D: A resolution authorizing the Mayor to enter into an agreement with Pollution Management, Inc., for engineering and project services for NW 5th and Bella Vista Drainage.

Mayor Orman recognized those in attendance for public comment. Josh Lawson asked if the drainage location in question includes their address. Dan Weese, City Engineer, explained the drainage issue at this specific location and said that they would go back to the location and look at the draining issue Josh Lawson mentioned.

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

9. Resolution No. 6-22-21 E: A resolution authorizing the Mayor to enter into an agreement with Pollution Management, Inc., for engineering and project services for SE 6th and Main St Lateral.
City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

10. Resolution No. 6-22-21 F: A resolution authorizing the Mayor to enter into an agreement with Pollution Management, Inc., for engineering and project services for SE Henry and F Street.
City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

11. Resolution No. 6-22-21 G: A resolution authorizing the Mayor to enter into an agreement with McClelland Consulting Engineers, Inc., for engineering and project services for NW 8th & F Drainage.
City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

12. Resolution No. 6-22-21 H: A resolution authorizing the Mayor to enter into an agreement with McClelland Consulting Engineers, Inc., for engineering and project services for SE D Lateral.
City Attorney Spence read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

13. Resolution No. 6-22-21 I: A resolution authorizing the Mayor to enter into an agreement with McClelland Consulting Engineers,

Inc., for engineering and project services for Water Tower Road PH3.

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

14. Resolution No. 6-22-21 J: A resolution authorizing the Mayor to enter into an agreement with Crafton, Tull & Associates, Inc., for engineering and project services for SW I & SW 41st intersection.

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

15. Resolution No. 6-22-21 K: A resolution authorizing the Mayor to enter into an agreement with CEI Engineering Associates, for engineering and project services for SW 3rd and C Laterals.

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

16. Resolution No. 6-22-21 L: A resolution authorizing the Mayor to enter into an agreement with CEI Engineering Associates for engineering and project services for SE C Laterals.

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

17. Resolution No. 6-22-21 M: A resolution authorizing the Mayor to enter into an agreement with CEI Engineering Associates for engineering and project services for NW 9th and D Street.

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

18. Resolution No. 6-22-21 N: A resolution authorizing the Mayor to enter into an agreement with Crafton, Tull & Associates, Inc., for engineering and project services for Moberly Ln - SE 14th to SE 8th.

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

- 19a. Resolution No. 6-22-21 O: A resolution authorizing the Mayor to enter into an amended agreement with Morrison Shipley Engineers for engineering and project services for Bentonville Sidewalk Improvements.

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

- 19b. Budget Adjustment to pay for the amended agreement with Morrison Shipley Engineers for engineering and project services for Bentonville Sidewalk Improvements.

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

20. Reconciliation change order for the NW 3rd Street and Walton Intersection Improvements project. The final contract amount is 33,142.19 less than the currently contracted amount of \$654,598.25. DECCO Contractors-Paving, Inc. is also requesting

additional contract time due to longer material lead times due to the COVID pandemic. The final contract amount after this reconciliation change order will be \$621,456.06.

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

21. Resolution No. 6-22-21 P: A resolution setting a public hearing for July 13, 2021, for a Utility Easement Vacation requested for 3913 NE Kensington (VAC21-0011).

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

22. Bid award #IFB-21-35 to American Soccer Company (Score Sports) for the purchase of soccer uniforms for the Fall 2021 and Spring 2022 soccer seasons per the attached unit price bid.

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

- 23a. Resolution No. 6-22-21 Q: A resolution authorizing the Mayor and Clerk to enter into an agreement with Hight Jackson and Associates to create a conceptual master plan and feasibility study for a future Adult Wellness Center in Bentonville.

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

- 23b. Budget adjustment recognizing \$40,000.00 in revenue via a Walton Family Foundation grant and allocating \$80,000.00 in expenses to fund a study for a potential Adult Wellness Center in Bentonville.

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

Council Member Burckart thanked all of those involved in the wellness center for adults.

24. Resolution No. 6-22-21 R: A resolution authorizing the Mayor and Clerk to enter into a real estate transaction with Crystal Bridges Museum of American Art for land near Crystal Bridges Trail and the Bentonville Community Center.

Council Member Hook asked for clarification from David Wright, Parks and Recreation Director, on the exact location, the layout of the land in question, and what the city's role is regarding upkeep.

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

25. Resolution No. 6-22-21 S: A resolution authorizing the Mayor and Clerk to enter into a real estate transaction with Crystal Bridges Museum of American Art for land near SE 5th Street and the Momentary.

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

26. Appointment of Lisa Kelley to Bentonville's Off-Street Parking District #3 Commission. Tom McCoy is resigning from his position upon the appointment of Ms. Kelley.

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

27a. Ordinance No. 2021-136: Ordinance amending the Pay Plan for the City of Bentonville, Arkansas.

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).

27b. Budget Adjustment to move funds from Airport Professional Services and Administration Professional Services to cover the cost of staffing changes for the Mayor's Office in relation to ending the 3rd Party Airport Manager contract and reassigning roles to current staff, and adding an additional staff member.

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

28a. Ordinance No. 2021-137: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the City of Bentonville's Building and Property Insurance and waiving the requirement of competitive bidding.

Council Member Agnew asked when the city examines or puts on bids for insurance. Jake Harper explained that they hire an insurance broker who then assists with getting the best insurance provider. Every several years the city takes the actual broker out to bid.

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).

28b. Budget Adjustment in relation to the 2021 Property Insurance. The Electric Department increased the estimated replacement costs for substations based upon recent construction estimates. This budget adjustment provides additional funds to pay for the increase in premiums related to that replacement cost increase. The total cost of property insurance is 373,275.00, with all but this amount of \$21,959.00 budgeted.

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

- 29a. Ordinance No. 2021-138: Ordinance amending certain sections of the Bentonville Municipal Code pertaining to Purchasing.

Council Member Burckart and Jake Harper, Director of Finance & Administration, discussed purchasing requirements, bid elements, and processes for under \$35,000. Council Member Burckart also mentioned that he wanted to make sure that bidding can be as inclusive as possible. Jake Harper recognized Gladys Shoemake, Purchasing Manager. She said that she is working to educate and provide the ability for more businesses to be involved in the bidding process with the City of Bentonville.

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).

- 29b. Resolution No. 6-22-21 T: A resolution authorizing the Mayor and Clerk and approving a Purchasing Policy.

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

30. Resolution No. 6-22-21 U: A resolution authorizing the Mayor and Clerk and approving a Fund Balance and Reserve Policy.

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

31. Resolution No. 6-22-21 V: A resolution authorizing the Mayor and Clerk and approving a Cash Management and Investment Policy.

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

32. Ordinance No. 2021-139: Ordinance authorizing the issuance of sales and use tax bonds for the purpose of financing and refinancing the cost of capital improvements; pledging a 1% sales and use tax to pay the principal of and interest on the bonds; prescribing other matters relating thereto; and declaring an emergency.

City Attorney George Spence mentioned that page 18 would be adjusted to read "no deposits will be made" instead of "deposits will be made."

Mayor Orman recognized J. Shepherd Russell, III, Kevin Faught, and the underwriters for their work on the bond. Kevin Faught also thanked the Mayor, Debbie Griffin, and Jake Harper for their hard work.

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).

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

Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Burckart, second by Council Member Sooter. Motion passed unanimously.

Melanie Hoskins, a member of the DEI Task Force, introduced the first annual inclusive multi-cultural event in partnership with the City of Bentonville and Downtown Bentonville Inc. The event will be held on August 21, 2021.

Mayor Orman thanked Melanie Hoskins for her passion and encouraged council to be involved in the event in some way. Council Member Agnew asked about vendors and who is technically putting on the event.


Melanie Hoskins and Andrew Heath, DBI Director, explained the vendor process and that Downtown Bentonville Inc. would host the event. Council Member Agnew asked if there is a report from the DEI Task Force listening sessions. Debbie Griffin, Community Relations and Economic Development Director, explained that a final report would soon come to council.

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

Council discussed the future of voting in-person vs. Zoom and Zoom allowance for public comments. Mayor Orman said they would continue offering zoom for the public and determine virtual voting for City Council members at a later date.

Mayor Orman reminded council of the Books and Bikes event on July 3, 2021.

The next Bentonville City Council meeting will be on July 13, 2021.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

