

Bentonville City Council

Meeting Minutes

July 28, 2020

The City Council of Bentonville, Arkansas, met in regular session Tuesday, July 28, 2020, at 6:00 p.m., at the Bentonville Community Center, 1101 Southwest Citizen's Circle, Bentonville, Arkansas.

Present were council members Cindy Acree, Aubrey Patterson, Bill Burckart, and Octavio Sanchez with Chris Sooter and Jonathan Terlouw absent. Also present were Mayor Stephanie Orman, City Attorney George Spence; the press, city staff and the audience. Council Members Tim Robinson and Chad Goss 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 Council that all votes would be by roll call.

Mayor Orman announced that public comments on agenda items would be taken as we came to the item. No one signed in to speak at the meeting in person, but several were joining via zoom asking to speak to an agenda item.

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 July 14, 2020 meeting as presented, second by Council Member Burckart. There was no discussion. Motion carried (6-0).

City Attorney Spence read the suspending of the rules regarding the reading of all ordinances on three separate days and further that all ordinances and resolutions be read by title only. Council Member

Burckart made the motion seconded by Council Member Sanchez. There was no discussion. Motion carried (6-0).

1. Bentonville Together Presentation by Dr. Todd Jenkins.

Mayor Orman introduced Dr. Todd Jenkins who made the presentation introducing the Bentonville Together initiative.

- 2a. Ordinance No. 2020-138: Ordinance accepting a lot split of Lots 1-3 of Zeher Addition, to the City of Bentonville, Arkansas. (Project No. LS20-0036)

[Applicant: Mike & Pamela Zeher;

Location: 10125 S Morningstar 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 (6-0).

- 2b. Ordinance No. 2020-139: Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of R-2, Duplex and Patio Home Residential to R-ZL, Residential Zero-Lot Line. (Project No. RZ20-0022)

[Applicant: ELB Land Holdings, LLC;

Location: 3310 & 3312 SW Hillstone Avenue, 3311 & 3313 SW Stonepoint 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 (6-0).

- 2c. Ordinance No. 2020-140: 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. RZ20-0028)

[Applicant: Desavado Living Trust;

Location: 404 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 (6-0).

- 2d. Ordinance No. 2020-141: Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of C-2, General Commercial & PUD, Planned Unit Development to R-3, Medium Density Residential, (Project No. RZ20-0023)

[Applicant: G&I Properties, LLC;

Location: 1507 & 1605 SW 14th 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 (6-0).

- 2e. Ordinance No. 2020-142: Ordinance changing real estate from R-ZL, Residential Zero-Lot Line to R-3, Medium Density Residential. (Project No. RZ20-0027)

[Applicant: Jamaal Parker & Buildup Development, LLC;

Location: SW Livingston Square]

Mayor Orman recognized Sarah Geurtz representing the Civil Engineering firm and Applicant Jamal Parker were in the meeting via zoom and offered to answer any questions.

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 (6-0).

- 2f. Ordinance No. 2020-143: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of PUD, Planned Unit Development to R-1, Single Family Residential. (Project No. RZ20-0025)

[Applicant: Osage Real Estate Holdings

Location: 4080 N Rainbow Farm 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 (6-0).

- 2g. Ordinance No. 2020-144: Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of A-1, Agricultural to C-2, General Commercial. (Project No. RZ20-0021)

[Applicant: 28th and I Street, LLC

Location: SW I Street and SW 28th 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 (6-0).

- 2h. Ordinance No. 2020-145: Ordinance accepting a lot split of Lots 21-22 of Eversole Addition to the City of Bentonville, Arkansas. (Project No. LS20-0033)

[Applicant: JHampton, LLC

Location: 3703 & 3705 SW H 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 (6-0).

3. Resolution No. 7-28-20A: A resolution supporting the installation of artwork titled "Flight" by artist Bob Doster and privately funded by Oz Art on public property at Lake Bentonville Park.

Mayor Orman recognized Elizabeth Miller, Collections Manager with Oz Art who was in the meeting via zoom and available to answer questions.

City Attorney Spence read the resolution by title only. Council Member Sanchez made the motion to pass the resolution and motion was second by Council Member Acree. Motion carried (6-0).

4. Reappointment of Nathan Lembke for a second three year term on the Tree and Landscape Advisory Committee. The term will expire on July 25, 2023.

Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (6-0).

5. Ordinance No. 2020-146: Ordinance vacating a utility easement located at Lot 301 of Windwood Subdivision Phase 6 to the City of Bentonville, Arkansas, Benton County Arkansas. (VAC20-0011)

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 Acree. There was no discussion. Motion carried (6-0).

6. Ordinance No. 2020-147: Ordinance vacating a utility easement located at Lot 2 of Silver Leaf Addition, to the City of Bentonville, Arkansas, Benton County, Arkansas. (VAC20-0017)

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 resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (6-0).

7. Resolution 7-28-20 B: Resolution setting a public hearing for August 11, 2020 for a Utility Easement Vacation requested for Lot 35 of Wildwood Phase VI Subdivision (VAC20-0013).

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 (6-0).

8. Resolution 7-28-20 C: Resolution setting a public hearing for August 11, 2020 for a Utility Easement Vacation requested for Lot 30 of Harmon Grove of Central Park Subdivision Phase 3 (VAC20-0018).

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 (6-0).

9. Resolution 7-28-20 D: Resolution setting a public hearing for August 11, 2020 for an Alley Right of Way Vacation behind Lots 1-6a west of Fillmore Street of W.A. Burks Addition (VAC20-0020).

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 (6-0).

10. Resolution 7-28-20 E: Resolution setting a public hearing for August 11, 2020 for an Alley Right of Way Vacation behind Lots 7-12 west of Fillmore Street of W.A. Burks Addition (VAC20-0019).

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 (6-0).

11. Resolution 7-14-20 F: Resolution authorizing the Mayor and City Clerk to enter into an agreement with Black Hills Energy Arkansas, Inc., for utility improvements and relocations related to the Water Tower Road expansion project.

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 (6-0).

12. City Council approval of destruction of certain District Court records. An Affidavit of Destruction of District Court Records specifies the records subject to destruction.

Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (6-0).

13. Approval to award bid for street light installation/repair to J. Williams Contractors.

Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (6-0).

- 14a. Resolution 7-28-20 G: Approval authorizing the Mayor and City Clerk to enter into a Guaranteed Maximum Price Amendment to the existing professional services agreement with CR Crawford Construction, LLC to provide construction management and general contractor services for the construction of the Public Works Maintenance Facility located at 2401 SW Aviation Street for an amount not to exceed \$2,797,473.00.

Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (6-0).

- 14b. Approval of a budget adjustment in the amount of 1,687,473.00 to cover construction costs for the Public Works Maintenance Facility located at 2401 SW Aviation Street.

Motion to approve by Council Member Sanchez, second by Council Member Robinson. There was no discussion. Motion carried (6-0).

- 15a. Resolution 7-28-20 H: Resolution authorizing the Mayor and the City Clerk to enter into a professional services agreement with Olsson, Inc. to provide professional services associated with the analysis of four primary basins of the City of Bentonville sanitary sewer collection system in an amount not to exceed \$1,164,900.00. The 2020 budget includes \$600,000.00 for this project. A grant from the Walton Family Foundation in an amount up to \$600,000.00 will be utilized to cover 50% of the cost of this project.

Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (6-0).

- 15b. Approval of a budget adjustment to recognize a grant from the Walton Family Foundation in an amount up to \$600,000.00 to cover

50% of the cost of the sanitary sewer collection system analysis project.

Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (6-0).

16. Resolution 7-28-20 I: Resolution authorizing the Mayor and Clerk to enter into amendment #2 for the professional services agreement with CEI Engineering Associates, Inc. for services associated with the design and construction of the utility relocations associated with ARDOT project BB0903 - I49 improvements at Hwy 71 B interchange for an additional amount of \$15,300.00 for a total contract amount not to exceed \$44,900.00

Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (6-0).

17. Approval of (1) a Change Order, and (2) a Budget Adjustment to reconcile and complete the Bentonville Police Department Criminal Investigations Center/Emergency Communication Center project.

Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (6-0).

18. Ordinance No. 2020-148: Adoption of an ordinance addressing Ordinance No. O-2020-137 and setting aside Section 4 thereof.

Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (6-0).

Motion to adjourn the meeting by Council Member Sanchez, second by Council Member Acree. Meeting adjourned.

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

Mayor Orman reminded Council Members that a video and survey for the Main St. project was released. She recognized Dennis Birge and team that have done a lot of work on this project with an anticipated start date on the project of February 2021.

Mayor Orman also reminded that the Census deadline is 90 days out. A template e-mail will be shared asking everyone to be counted. The outcome of the census is very important for

funding of projects. Mayor also has bookmarks promoting the Census for distribution.

Mayor Orman also mentioned that the Ward 3 & 4 meetings were paused due to COVID, but that these meetings would be taking place with dates to soon be announced. In person, as well as zoom attendance will take place.

There were no public comments.

George R. Spence, City Attorney Stephanie Orman
City Clerk *per Ord # 0-2020-119* Stephanie Orman, Mayor

