

BENTON CITY COUNCIL

REGULAR SESSION

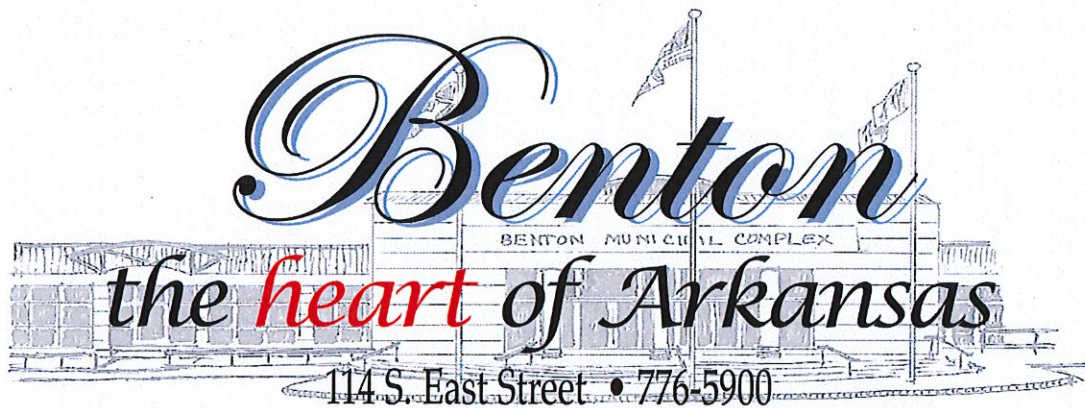
SEPTEMBER 23, 2019

7:00 PM

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AGENDA MEETING

6:30 PM



BENTON MUNICIPAL COMPLEX
114 SOUTH EAST STREET
COUNCIL CHAMBERS

TOM FARMER, MAYOR

BENTON CITY COUNCIL
September 23, 2019
7:00 PM
AGENDA

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|--------------|--|--|
| I. | Call to Order | Mayor Farmer |
| II. | Invocation | Pastor Emil Woerner |
| III. | Pledge of Allegiance | Council Member Lee |
| IV. | Roll Call | City Clerk |
| V. | Approval of Minutes | August 26, 2019
<i>Regular Meeting</i> |
| VI. | Service Awards
<i>Patrick Baker 20 years of service</i>
<i>Jackie Wood 20 years of service</i> | Mayor Farmer |
| VII. | Swearing-In Ceremony
<i>Charles Anderson Jesus Feliberty-Casiano Stacy Jones</i>
<i>Joseph McKinley Tierra Coffey</i> | Judge Arnold |
| VIII. | Proclamation
<i>Go Pink for the Cure Day</i> | Mayor Farmer |
| IX. | Proclamation
<i>Syble Womack 100th Birthday</i> | Mayor Farmer |
| X. | Proclamation
<i>African American Community Recognition</i> | Mayor Farmer |
| XI. | COMMITTEE REPORTS & MOTIONS | |
| 1. | Finance Committee | Council Member Cash |
| | A.) ORDINANCE NO. 67 OF 2019
<i>AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE PURCHASE OF A VOICE OVER IP PHONE SYSTEM FOR THE CITY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | B.) ORDINANCE NO. 68 OF 2019
<i>AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE PUBLIC SAFETY FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE FIRE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | C.) ORDINANCE NO. 69 OF 2019
<i>AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE MONETARY TRANSFER OF BUDGETED FUNDS WITHIN THE FIRE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |

D.) ORDINANCE NO. 70 OF 2019

AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE PURCHASE OF A NEW SPEAKER SYSTEM FOR CITY EVENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

2. Community Services/Animal Control Council Member Reed

A.) ORDINANCE NO. 71 OF 2019

AN ORDINANCE REZONING CERTAIN LAND IN THE CITY OF BENTON, SALINE COUNTY ARKANSAS, DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

B.) ORDINANCE NO. 72 OF 2019

AN ORDINANCE PROVIDING FOR A CONDITIONAL USE FOR A CHURCH AT THE CORNER OF ALCOA ROAD AND BOONE ROAD; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

C.) ORDINANCE NO. 73 OF 2019

AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; ACCEPTING GRANT FUNDS FROM THE HISTORIC PRESERVATION PROGRAM AND AUTHORIZING EXPENDITURE OF SAME; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

3. Street & Drainage Committee Council Member Hamm

4. Personnel/Health & Safety Committee Council Member Donnor

A.) RESOLUTION NO. 67 OF 2019

A RESOLUTION ADOPTING AN AMENDMENT TO BENTON UTILITIES EMPLOYEE PENSION PLAN AND TRUST

B.) RESOLUTION NO. 68 OF 2019

A RESOLUTION RECOGNIZING THE SERVICES OF BATTALION CHIEF GREG FORD TO THE CITIZENS OF BENTON AND AWARDING HIM HIS BADGE AND HELMET IN RECOGNITION OF THOSE SERVICES

5. Parks Committee Council Member Hart

A.) RESOLUTION NO. 69 OF 2019

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH ARKANSAS HOOPS ACADEMY, LLC FOR PROVIDING CERTAIN RECREATIONAL SERVICES TO THE YOUTH OF BENTON; AND FOR OTHER PURPOSES

B.) RESOLUTION NO. 70 OF 2019

A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID FOR THE REPLACEMENT OF FENCING AT TYNDALL PARK; AND FOR OTHER PURPOSES

C.) RESOLUTION NO. 71 OF 2019

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH R&S LANDSCAPING FOR PROVIDING LAWN CARE SERVICES TO THE CITY; AND FOR OTHER PURPOSES

D.) ORDINANCE NO. 74 OF 2019

AN ORDINANCE AMENDING ORDINANCE 42 OF 2003; MODIFYING CERTAIN REGULATIONS CONTAINED THEREIN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

6. Public Utilities Commission Council Member Herzfeld

7. A & P Commission Council Member Baptist

XII. Unfinished Business

XIII. New Business

XIV. Old Business

XV. Public Comments

XVI. Announcements

XVII. Adjourn

MINUTES OF THE BENTON CITY COUNCIL
Regular Session
August 26, 2019
Benton Municipal Complex

The Benton City Council was called to order at 7:00 pm.

Pastor Emerson gave the invocation.

Council Member Hamm led the pledge of allegiance.

Roll was called.

The following persons were in attendance:

Council Member Frank Baptist	Council Member Jocelyn Cash
Council Member Evelyn Reed	Council Member Bill Donnor
Council Member Jeff Morrow	Council Member Judd Hart
Council Member James Herzfeld	Council Member Steve Lee
Council Member Jeff Hamm	Brent Houston, City Attorney
Cindy Stracener, City Clerk	Tom Farmer, Mayor

When roll was called nine (9) council members were present. Council Member Kerry Murphy has resigned and the council has not approved the resolution yet for the position to be filled by Steve Brown. A quorum was declared.

The Mayor requested approval for the July 22, 2019 city council meeting minutes. Council Member Hart made a motion to approve the minutes, seconded by Council Member Herzfeld. The Mayor called for a voice vote on the approval of the minutes. All council members present replied in the affirmative. The minutes for the June 22, 2019 council meeting were approved with 9 affirmative votes and 1 resignation.

The Mayor requested approval for the August 6, 2019 special called meeting of the city council minutes. Council Member Morrow made a motion to approve the minutes, seconded by Council Member Hart. The Mayor called for a voice vote on the approval of the minutes. All council members present replied in the affirmative. The minutes for the August 6, 2019 council meeting were approved with 9 affirmative votes and 1 resignation.

Michele Gibson was recognized for 20 years of service with the city.

Council Member Lee made a motion to accept the report from the city treasurer concerning the 2017 and 2018 audited financial reports. See attached. Seconded by Council Member Herzfeld. The Mayor called for a voice vote; all council member present replied in the affirmative. Motion was approved with 9 affirmative votes and 1 resignation.

The next item on the agenda was committee reports and motions. Council Member Cash was recognized for the Finance Committee report. Council Member Cash asked for the first reading of Ordinance 61 of 2019 – An Ordinance Amending the 2019 Budget for the General Fund as Adopted in Ordinance 1 of 2019; Accepting the Sales Proceeds From Auctioned Items; Authorizing the Purchase of Police Vehicles for the Police Department; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Baptist. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Council

Member Cash made a motion to suspend the rules for the second and third readings. Seconded by Council Member Donnor. The Mayor asked that the roll be called. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion was approved with 9 affirmative votes and 1 resignation. Council Member Cash made a motion to adopt Ordinance 61 of 2019 by title only. Seconded by Council Member Baptist. The ordinance was read by title only. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 61 of 2019 was adopted with 9 affirmative votes and 1 resignation. Council Member Cash made a motion to adopt the emergency clause. Seconded by Council Member Lee. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 9 affirmative votes and 1 resignation.

Council Member Cash made a motion to adopt Resolution 63 of 2019 – A Resolution Authorizing the Mayor and Chief of Police to Apply for Grant Funding Through the Edward Byrne Memorial Justice Assistance Grant Program; and for Other Purposes. Seconded by Council Member Reed. The resolution was read by the city clerk. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 63 of 2019 was adopted with 9 affirmative votes and 1 resignation.

Council Member Cash asked for the first reading of Ordinance 62 of 2019 – An Ordinance Amending the 2019 Budget for the General Fund as Adopted in Ordinance 1 of 2019; Authorizing the Purchase of Additional Equipment for the Fire Department; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Reed. The ordinance was read by the city clerk. This was for safety supplies and a training course. The Mayor asked for any comments, none. Council Member Cash made a motion to suspend the rules for the second and third readings. Seconded by Council Member Donnor. The Mayor asked that the roll be called. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion was approved with 9 affirmative votes and 1 resignation. Council Member Cash made a motion to adopt Ordinance 62 of 2019 by title only. Seconded by Council Member Reed. The ordinance was read by title only. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 62 of 2019 was adopted with 9 affirmative votes and 1 resignation. Council Member Cash made a motion to adopt the emergency clause. Seconded by Council Member Donnor. Roll was called which

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Council Member Cash asked for the first reading of Ordinance 63 of 2019 – An Ordinance Amending the 2019 Budget for the Animal Control Fund as Adopted in Ordinance 1 of 2019; Transferring Money from the General Fund to the Animal Control Fund; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Baptist. The ordinance was read by the city clerk. This was for flood damage and the insurance deductible. The Mayor asked for any comments, none. Council Member Cash made a motion to suspend the rules for the second and third readings. Seconded by Council Member Donnor. The Mayor asked that the roll be called. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion was approved with 9 affirmative votes and 1 resignation. Council Member Cash made a motion to adopt Ordinance 63 of 2019 by title only. Seconded by Council Member Reed. The ordinance was read by title only. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 63 of 2019 was adopted with 9 affirmative votes and 1 resignation. Council Member Cash made a motion to adopt the emergency clause. Seconded by Council Member Reed. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 9 affirmative votes and 1 resignation.

Council Member Cash asked for the first reading of Ordinance 64 of 2019 – An Ordinance Amending the 2019 Budget for the Special Projects Fund as Adopted in Ordinance 1 of 2019; Authorizing the Early Principal Payment on the Alcoa Road Loan; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Donnor. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Council Member Cash made a motion to suspend the rules for the second and third readings. Seconded by Council Member Donnor. The Mayor asked that the roll be called. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion was approved with 9 affirmative votes and 1 resignation. Council Member Cash made a motion to adopt Ordinance 64 of 2019 by title only. Seconded by Council Member Reed. The ordinance was read by title only. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 64 of 2019 was adopted with 9 affirmative votes and 1 resignation. Council Member Cash made a motion to adopt the

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Council Member Reed was recognized for a report from the Community Service/Animal Control Committee. Council Member Reed made a motion to appoint Council Member Steve Lee to the Advertising and Promotion Commission to replace Kerry Murphy. Seconded by Council Member Cash. The Mayor asked that the roll be called. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion was approved with 9 affirmative votes and 1 resignation.

Council Member Reed asked for the first reading of Ordinance 65 of 2019 –An Ordinance Amending the 2019 Budget for the General Fund as Adopted in Ordinance 1 of 2019; Accepting Grant Funds from AARP; Authorizing the Use of the Grant Funds; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Morrow. The ordinance was read by the city clerk. This was for artistic crosswalks and signage downtown. The Mayor asked for any comments, none. Council Member Reed made a motion to suspend the rules for the second and third readings. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend the rules was approved with 9 affirmative votes and 1 resignation. Council Member Reed made a motion to adopt Ordinance 65 of 2019 on its second and third readings by title only. Seconded by Council Member Donnor. The ordinance was read by title only. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 65 of 2019 was adopted with 9 affirmative votes and 1 resignation. Council Member Reed made a motion to adopt the emergency clause. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 9 affirmative votes and 1 resignation.

Council Member Reed asked for the first reading of Ordinance 66 of 2019 – An Ordinance Annexing Certain Property into the Corporate Limits of the City of Benton; Saline County Arkansas; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Cash. The ordinance was read by the city clerk. This annexation was requested by Exit 114 Properties for property located between Davis and Mountain View Road. It will be zoned C3. The Mayor asked for any comments, none. Council Member Reed made a motion to suspend the rules for the second and third readings. Seconded by Council Member Cash. Roll was called which resulted in Council Member Baptist yes, Council

Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend the rules was approved with 9 affirmative votes and 1 resignation. Council Member Reed made a motion to adopt Ordinance 66 of 2019 on its second and third readings by title only. Seconded by Council Member Cash. The ordinance was read by title only. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 66 of 2019 was adopted with 9 affirmative votes and 1 resignation. Council Member Reed made a motion to adopt the emergency clause. Seconded by Council Member Cash. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 9 affirmative votes and 1 resignation.

Council Member Reed made a motion to adopt Resolution 64 of 2019 – A Resolution Authorizing the City Attorney to File Lawsuits in the Saline County Circuit Court Seeking to Abate Public Nuisances Located at Four Properties Inside the Benton City Limits; and For Other Purposes. Seconded by Council Member Lee. The resolution was read by the city clerk. The Mayor asked for any comment, none. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 64 of 2019 was adopted with 9 affirmative votes and 1 resignation.

Council Member Reed stated that the Community Service / Animal Control Committee would be meeting on September 3rd.

Council Member Hamm was recognized for a report from the Streets and Drainage Committee. He stated that he had nothing to report.

Council Member Donnor was recognized for a report from the Personnel/Health & Safety Committee. Council Member Donnor made a motion to adopt Resolution 65 of 2019 – A Resolution Ratifying and Confirming the Appointment of Steve Brown to Fill the Vacancy in Benton City Council Position Ward One, Position Two; and For Other Purposes. Seconded by Council Member Reed. The resolution was read by the city clerk. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 65 of 2019 was adopted with 9 affirmative votes and 1 resignation.

Council Member Hart was recognized for a report from the Parks Committee. Council Member Hart made a motion to adopt Resolution 66 of 2019 – A Resolution Authorizing the City to Enter into a Contract with the Central Arkansas Development Council for Space for the Senior Adult Center; and For Other Purposes. Seconded by Council Member Morrow. The resolution was read by the city clerk. The Mayor asked for any comments. Patricia

Ashley stated that she would like to request that the council adopt a resolution recognizing the African American Community that has been here since 1904. It has been a thriving community that stills stands. It is a community that has child and grandchildren. The people are property owners. I am asking that the city recognize the history of the African American Community in our city. To recognize it in the celebrations of the city. I would also like the neighborhood not referred to as a bad part of town.

The Mayor asked that the roll be called for Resolution 66 of 2019. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy resigned, Council Member Cash yes, Council Member Reed abstained, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 66 of 2019 was approved with 8 affirmative votes, 1 abstaining and 1 resignation.

Council Member Herzfeld was recognized for a report from the Public Utility Commission. He handed out a report. See attached.

Council Member Baptist was recognized for a report from the Advertising and Promotion Commission. He stated that 17 events were held this past month at the Benton Event Center. There were 6,585 people who attended. A reserve or savings fund was established in the amount of \$190,000 to a CD at the Bank of Ozarks. The net income for the Event Center for January through July was \$142,616.79. The 2019 A&P receipts showed an increase of 9% over June of 2018.

The Mayor asked for any unfinished, new or old business. None.

The Mayor asked if there were any other additional comments from the public or council. None.

Council Member Donnor made a motion to adjourn, seconded by Council Member Reed.

The meeting adjourned at 7:40 p.m.

Cindy Stracener, City Clerk

Tom Farmer, Mayor

From: Jordan Woolbright <jordanwoolbright@hotmail.com>

Sent: Wednesday, August 14, 2019 8:52 AM

To: Mandy Spicer <mspicer@bentonar.org>

Subject: Re: End of Year financials

Solely in my role as City Treasurer, and not providing any attestation as a CPA, I provide you the following.

Based upon my reading of the Independent Auditors' Report on the Regulatory Basis Financial Statements for the years ending December 31, 2018 and December 31, 2017, I approve the reports.

Thank you, Mandy.

Jordan Woolbright

CITY OF BENTON UTILITY COMMISSIONERS MEETING
MONDAY, AUGUST 19, 2019, 6:00 P.M.,
ELECTRIC UTILITY BUILDING
1827 DALE AVENUE

The City of Benton Utility Commissioners met in regular session Monday, August 19, 2019, at the Electric Utility Building, 1827 Dale Avenue.

In Attendance:

Gary Ferrell, Chairman
Charlie Best, Member
Jim Martin, Member
Doug Stracener, Member
Phil Miller, Member

Chairman Ferrell called the meeting to order with all members in attendance. Member Martin gave the invocation and Member Miller led the Pledge of Allegiance.

The first item of business was approval of the minutes from the regular meeting of July 15, 2019. Member Miller made a motion to approve the minutes as presented. Member Martin seconded the motion. A vote was taken and unanimous approval given.

DEPARTMENTAL REPORTS

A. Finance: July Financials- Karen Scott, Chief Financial Officer

Mrs. Scott said on page 2 of the financial reports, in the July Actual column, July's ROE was \$984,481, bringing the YTD total to 3.75 million. She handed out a separate sheet that she prepared because she thought it would do a little bit of good to compare how we stand this year to last year in each department, as well as the revenues for each system, and that is what the separate page is. Again, we were doing a little better in 2018, if you just look at the YTD ROE it was 4.8 million at this time in 2018; and is now 3.7 million. Now when you look at page 13, the Revenue vs Expenditures for each system, the Electric for the month was \$995,366. Revenues were up over June and expenditures were down, and again, in great part due to the reduced price from Constellation for wholesale power. For Water, while the system itself had positive ROE, the revenues were down verses June, and

expenditures were up. We had some repairs at the Water Treatment plant that drove some of those higher expenditures. Wastewater was kind of the same song, 7th month RUE. Revenues were slightly down and expenditures were slightly up. They also had a few repairs and a couple of McClelland invoices that were paid that were a little extraordinary last month verses June. She has the comparison on revenues and expenditures in there for July verses June. On page 7, the Bad Debt Analysis, to the far left on the bottom, we wrote off \$9,431.75. Then to the right, we recovered \$4,077.44, which is a net loss of \$5,300. The total write-offs of \$70,000 for the year is still pretty good. Cindy's staff works really hard to keep the bad debts collected or down. Chairman Ferrell asked if the power usage from last year to this year was comparative and Mr. Vondran said less but well on our way to more. Chairman Ferrell asked if we are going to move some money from any accounts. Mr. Vondran said on page 8 he proposes moving some of the money in account funds on the top of the page, totaling 5.525 million, to the Capital Improvement accounts. The reason being that we will be setting our budget for capital expenditures for next year, so the Department Heads can have that number in mind. Our plan has been for the Department Heads to know how much they have available for capital for the upcoming year, so we can do our engineering in the winter and hit the ground running when the construction season starts, instead of waiting to see how we perform in the first quarter of next year; that money will be set aside and available. We anticipate ending up next year, in essence, paying as we go, but we will have that money set aside in the banks so the projects can go full speed ahead without waiting on next year's cash flow to fund them. We will also continue to increase the Utilities Emergency Fund likewise. Member Stracener asked how much we are looking at moving and Mr. Vondran said we would probably bump each of those top 3 accounts to \$750,000. We actually need to distinguish in Water a split between purification and distribution, and on the Wastewater side, a split between conveyance and treatment. In a manner of speaking, get the Capital Improvement accounts equal so that all 5 of those divisions are represented. Chairman Ferrell asked if the 2012 Project Fund is at a zero balance and Mr. Vondran said yes sir, it is an old account. Mrs. Scott asked if she needs to remove it from the spread sheet. Mrs. Hawkins said we left it open in anticipation of monies coming in such as reimbursements checks, and she thinks that is why we intentionally left that account open; in case we needed to for that. Chairman Ferrell said we talked about using that for Highway projects and Mrs. Hawkins said that is why we just left it open with a zero balance. Mr. Vondran said there is one that is actually labeled AHTD Reimbursement Fund Mrs. Hawkins said that is the one that was Military Road Project that we renamed for the Highway Department. Mr. Vondran asked if we can close one or the other and Mrs. Hawkins said we could if they choose to do that. Mr. Vondran said this is a fund, so we can pick which one we want to close. We just

don't want to change any of the bank wiring information that the Highway Department has, but that is actually a bank account and not a fund account. Chairman Ferrell asked if we want to start putting money in a restricted fund for I.T and Mr. Vondran said yes sir. Chairman Ferrell said so we could change the 2012 account to I.T. and Mr. Vondran said yes sir. Chairman Ferrell said we are going to have to spend some money on that and Mr. Vondran said yes sir. Member Martin asked if he is recommending raising those (2) capital improvement accounts up to \$750,000 from \$604,000 with the assumption that they will be split between the departments. Mr. Vondran said yes sir, but actually that account balance is going to be justified by 5-year and 10-year Capital Improvement Plans for each one of the individual departments, so if one of those departments has a longer list, it will be represented in the balances that we allocate. Member Miller asked what he had said about the Emergency Fund and Mr. Vondran said we would continue to increase that fund balance. Member Best asked how much we are going to put in it and Mr. Vondran said his target would be 20 million. Member Best said he was asking how much he is going to move to it at this time and Mr. Vondran said he will visit with Mrs. Scott and Mrs. Hawkins so we don't create a cash flow issue in our day to day activities. We could easily take that to \$3,250,000. Chairman Ferrell asked if we ever got anything back from the reservoir so we can have a study and Mr. Vondran said no sir, we haven't. That is still hanging out there. Member Stracener made a motion to increase the Capital Improvement Funds to \$750,000 each, authorize the staff to increase the Utility Emergency Fund as deemed necessary and change the 2012 to an I.T Account. Member Best 2nd the motion. A vote was taken and unanimous approval given.

B. Billing Services- Bid Approval-IBM I, TomCat Support Hardware, Software, Hardware & Software Maintenance, Professional Services, Managed Services-Monitoring, Managed Services-System Admin and Remote Backup for a 3-year lease.

Mrs. Cindy Hawkins, Comptroller said we went out for bids for new software and hardware for billing and accounting. We got one bid from Strategic Technology. We asked for a couple of different options, because we did want to change the way we do our backup. The first option they gave us was an optional tape drive, which is the way we do it today. We have asked them to back our server up remotely at their office. They already have a disaster recovery program for us, so that if something happened such as a tornado or a fire, then necessary personnel could just go to their office and begin working on that server. It is an expensive proposition. It increases our cost right at \$900 per month over what we had been paying for our hardware, software and backup. With the backup, our lease would be \$4,318 per month, and

it was about \$3700 before. If we decide not to do the remote backup, then we would have to have the tape drive and it would bring it back to where we are now of \$3,491 per month on the lease. If we want to do both and have redundant backup, then it would be \$4,588 per month. Member Martin asked if her recommendation is to go with the one bidder and Mrs. Hawkins said yes, with the one bidder. Member Martin asked if that would be with the remote or redundant and Mrs. Hawkins said with the remote backup. Chairman Ferrell asked if this is specific to the billing system we have and Mrs. Hawkins said yes, all of our accounting, billing and inventory software. Member Stracener asked if this is Daffron and Mrs. Hawkins said yes, it is Daffron. It is the server that runs Daffron. Mr. Vondran said the Allied folks are scheduled to be here on August 29th or 30th. They are aware of this and we will be coordinating with them, but it should not interfere with what they are doing. Chairman Ferrell said he thinks the hope would be to end up with a real time back up; not a backup daily. Mrs. Cindy Hawkins said it would be a daily, weekly and monthly backup, because you have to have all of them in case of a loss so you can have certain points that you can go back to. This would not be a minute by minute backup. It would have a time scheduled daily to backup, now if you want the real time minute by minute, we can get a price for that. Chairman Ferrell said we can wait on that because that is a redundant server and is off site. We would be using someone else's or the cloud and Mrs. Hawkins agreed. Member Stracener asked how this is different than what we have right now and Mrs. Hawkins said it isn't. It is just time for new hardware. Our hardware has reached it's time. We have just about maxed out the drives on it, because we do our RVI imaging on this server as well, so instead of keeping paper copies of everything; we scan everything into the server, so it is going to grow each year. As the hardware and software get more advanced, they can press it better. She doesn't know if we will ever get to the point of needing a P-10 or P-20 processor. We are still at a P-5. Member Stracener asked if it would be better to have a separate file server to back all of that stuff up to since that is eating up the hard space. Mrs. Hawkins said it is hard to access it from our software when you do that. This way you click a button and CBM it. You don't have to go somewhere else and find it, look it up and possibly print it out; it is actually in our software in Daffron. At some point we may get so much on there that we may want to archive some things onto a different server. Member Miller said we don't want to spend 9 months looking for data to put back in after we have some kind of a loss. Mrs. Hawkins said we don't want to have to rebuild either. Member Martin asked if this system will insure that and Mrs. Hawkins said yes, it is monitored daily and we will get a report every day of our backup; that it was successful and how large it was. Chairman Ferrell asked if there is some overlap here with Allied and Mr. Vondran said yes sir, and Allied will work around it, because so much of what we will be needing to do on the non-billing side is requiring

hardware upgrades also. Chairman Ferrell asked where this server is going to reside and Mrs. Hawkins said it resides here in this building. Chairman Ferrell asked if it does now and Mrs. Hawkins said it does now. Member Martin made a motion to accept the recommendation of the staff to award the contract to Strategic and backup offsite. Mrs. Hawkins added that we backup to their server and they have a redundant server in Chicago that it backs up to as well, so if something happened widespread in the state then we've got that option as well. Member Miller 2nd the motion. Chairman Ferrell said the motion was made and accepted to accept the proposal by Strategic concerning the Daffron software, hardware and support. A vote was taken and unanimous approval given.

C. Electric Department- Bid Approval-Self Supporting Steel Poles

Mr. Vondran said Fisher and Arnold was the engineer for this bid opening. We held the bid opening last week, but Fisher and Arnold wasn't there, so Mrs. McAdoo handled the bid opening. She summarized the bid tab and we did get these bids to Fisher and Arnold (the ones they didn't receive as hard copies in the mail). Fisher and Arnold has reviewed the bids for completeness and soundness to make sure there were no exceptions. He received an email from Fisher and Arnold at 4:30 this afternoon, and based on their review of the submitted bids, they do recommend Pelco. The additional price was justified by the 10 to 12-week delivery lead time. Our concern was we didn't want to go with the shortest lead time if it is not a complete bid, so they did confirm that it was a complete bid, and based on the comparative lead times, that was their recommendation also. Chairman Ferrell asked how many poles this was for and Mr. Vondran said this is for (3) self-supporting steel poles for the Saline River crossing. Member Stracener asked what size they are and Mr. Vondran said 70' tall. Member Stracener asked if they are flanged or sloped and Mr. Prysock said cofferdam. Mr. Vondran said they will have cofferdam and concrete based structures, so they should be flanged. Member Stracener said someone is going to have to go to Pelco and inspect them. Member Miller asked where Pelco is and Member Stracener said north of Tulsa. Mr. Vondran said we will be paying Fisher and Arnold to do so on our behalf. Member Miller asked if he means to make sure we are getting what we are supposed to be getting and Member Stracener said to make sure they don't look like a peppermint stick. Mr. Vondran said all of the bids were good bids. Chairman Ferrell asked if they will put them in too and Mr. Vondran said we are going out for the construction bid within the next week or 2. Member Martin asked if time was of the essence and Mr. Vondran said yes. A motion was made by Member Martin to accept Pelco's bid of \$104,286 and 2nd was made by Member Best. A vote was taken and unanimous

approval given. Chairman Ferrell asked if the 10 weeks starts from the time of purchase order and Mr. Vondran said yes sir, tomorrow.

Old Business

Service territory update- Jason Carter, Benton Utilities Attorney

Mr. Carter said he wanted to give them an update. He and Mr. Vondran met and talked with Entergy and were able to talk through some issues with them. Just to refresh your memory about where the issue was over the annexation of this territory that was annexed in 2007; Entergy still asserts their rights to serve the territory and claim that it is their right to do it. There is a particular statutory provision under ACA142713, 84 Section where they assert that "a municipality may not undertake or commence construction operation of any equipment or facilities without having made a timely election in accordance with the subchapter". They assert that Benton did not make a timely election to purchase customer's distribution equipment and things to serve their customers in that area. We responded that they are correct. There are no customers. There is nothing there. That is not our word; that is your word. We contacted you when that was done. They still say, nevertheless, no piece of paper was sent, thus, the territory is theirs. That is the essence of their claim, so we have a dispute as to the interpretation of the statute. The other thing that we are disputing about is detrimental reliance. We say hay, one way or the other and whatever you want to say the statute says... we contacted people; people we should be able to trust within your organization. We have got to be able to work together. We have got to be able to have frank conversations, and we relied on what they told us. They are discounting that argument as well. They feel like the only written electronic evidence that we have is for more than 3 years after 2007. He has said that is not what the witnesses are going to say when they get on the stand. They are going to talk about how we were in communication with you all along. That is our kind of argument around that. They can kind of argue an evidentiary point on that detrimental reliance position. One of the positions we have expressed is to this whole concept that the APSC is going to draw a line on a map and restrict the authority of the City. We say we are not APSC jurisdictional. We are not a party to their proceedings. We cannot control where they draw lines on maps and that doesn't restrict our authority. They say that is what the legislature did. He thinks we would argue improper delegation of authority to the APSC from that standpoint. That is a matter that has not been determined by the courts, so that would be a novel argument that we would have to hear out, but we are on opposite sides. The 4th and last point of disagreement that we have pertains to our franchise agreement. Entergy operates within the

Benton City limits pursuant to a franchise, and he believes the local cooperative has a franchise as well. Theirs has been more updated and is very current and clear. Entergy's is not so much. Their franchise is from 1966. The language is from 1966, and it defines that Entergy is entitled to 2 defined, exclusive areas and that is it. We have said "your rights are defined by your franchise agreement, it was negotiated, we shook hands, it is a contract and your exclusive service areas were defined". That is going to be one of our arguments if we were to prevail on that argument in court. We might look at other areas Entergy is serving in Benton and choose to serve those as well. They are not all together pleased with that argument. So, those are the 4 points of disagreement. He would say right now: what does "timely election" mean under the statute. We don't have a case to guide that that is current for us today. The argument about detrimental reliance is going to be an evidentiary argument. It will be a who said what when they held up their hand. We have this argument over a limited APSC jurisdiction, which he thinks is really novel and cool, but no one else thinks it is. We will be digging out some old law on that one. And then, the argument around their franchise agreement, and what that "agreement" mean between the City and Entergy in 1966, and how that carries forward into this issue today. There is some uncertainty around it. If we were to prevail on any one of those 4 issues, we would prevail on the case. What is the next step? As of right now, we have been following the course of action where we meet in good faith, we tell them our points, but not act ugly. We will be as professional as we can, but express our positions. If you ask them the all-important question... do we want to hand this to someone else to decide or do we want to decide this between us. He thinks they have had that conversation in good faith, but we don't have an offer to bring back to you. When we get one, we will bring that offer back to you to consider. It is not something we make promises about one way or the other about. It is just something to bring back and control the issue between the parties. Other than that, we have a few different courses of action that you can keep in your hip pocket. The one he feels like he should always present, although he can't say that he recommends it in this situation; you can concede. There is always the point where you can just say "I give up and you win". That is a course of action, although, at least from what he has sensed, it is not a course of action that is very desirable, but it's out there. A course of action number 2 is we can gather information. Because Entergy operates under a franchise, State law gives us the ability demand lots of information. The City can demand lots of information from Entergy. His only concern about doing that too early in the game is they will likely respond with barrage of requests. He would expect that. While we can avoid that option, it would be nice if we are propelling ourselves towards litigation, we are going to have to gather the information to present the case. Course of action #3 is the one where we say we are going to continue building. We are going to move down the road and force the issue by action. Entergy will have to

make the decision of either going to court, sue us and try to prove their case or at the end of the day, let it go. That is assuming we can't settle it on the front end. A 4th course of action is that we could sue for Declaratory Relief and preemptively go to court and file a lawsuit. If you do that, the only thing he wants them to be aware of is that the burden of proof shifts, so whoever is the plaintiff that goes to court and files the lawsuit, has the burden of proof that they are entitled to something. It would cause us to prove from an evidentiary standard, that we were entitled to the territory. Whereas, if we force the case and Entergy has to prove that they can keep us out, then he thinks that would be the harder case for them to make. Some other non-court type of relief that may be available to us is to de-annex and re-annex the property and start the clock over again. That could be a possibility. He has spoken frankly with Entergy about that. There is no hide the ball or Sneaky Pete type of move, it's just saying hey, that is on the table for consideration. If we did that, they may go at that point to get some kind of court relief or injunction to stop us, and prove that they have the right to be able to do that. The last thing he wants the Commission to consider, and while we have talked about litigation, annexations and de-annexation, you do have a trump card in your pocket. The trump card is an election. Forever and forever under state law, the voters can vote and say this is what we are doing. Then it is a thing and it is happening. It will be done. If the voters of Benton vote to take over that territory, it is a thing and it will be done. He wants them to keep that in their back pocket that there is a law 14200107 is the law that we would rely on. Act 346 is the statute and is actually mentioned in our franchise agreement with Entergy that that is how acquisition occurs. So, there is always that possibility. He has been involved in an election or 2, and the main thing is that if we wanted to go down that course of action, we just need to go through a good reverse planning process and find out when the election is, when we have to have the commitment to get it on the ballot and when we have to have the ballots printed. There is normally some cost associated with it. He would assume that if you are doing it in conjunction with somebody else who is running in an election at the same time, maybe in November, then you could just cost share on the ballots. It is usually not a cost prohibitive venture. There will be some individual campaigning that goes on, but as a municipal entity you can't spend public dollars for campaigning. Member Martin asked who he anticipates will be the plaintiff in this case and Mr. Carter said he assumes Entergy will file the case or we will. The scenarios under which he thinks Entergy would file a case is if we cross to their territory, then they can sue for injunctive relief. They may do that preemptively and say we are building toward it and file for injunctive relief. They could also file injunctive relief if we moved to de-annex, and subsequently, re-annex the property to restart the clock and remove the argument. That might trigger a lawsuit in and of itself. Other than that, we would probably be the plaintiffs. Now, the land owner may intervene and other

parties may intervene in the case. Member Martin asked if it is in our best interest to continue to build toward the assumption that we are going to provide the service until they get an injunction to stop us. Mr. Carter said at this point, he likes our case a whole lot more than he likes theirs. The arguments that they are hanging their hat on are not proven arguments in court. He thinks everything that BU has done, was done good faith. Nobody has tried to hide or play any tricks. Everything has been straightforward with open communication above board, and he thinks we continue to conduct ourselves in that manner. Chairman Ferrell said so you understand that the steel poles that were just voted on, are the steel poles that will take our power across the river to 114. Mr. Carter said it sounds like we are moving in that direction. He anticipates that we will get some kind of response from Entergy about a solution to work this out short of litigation or an election. When we get that back from them, he will convey it to the Commission for their consideration. Beyond that, it is just managing the conflict as we move forward. Chairman Ferrell asked if we have a special election if they would be able to spend their dollars for the election and Mr. Carter said they could. Chairman Ferrell said but we can't. Mr. Carter said you can't spend public dollars but they can.

New Business

Possible sale of Ditch Witch Directional Boring Machine

Mr. Vondran, General Manager said a few years back, maybe 3 or 4 years ago, Mr. Jeff Barnett, our previous Electric Department Manager felt the need to purchase a directional boring machine. It was a very expensive piece of equipment that needs to pretty much be running 8 hours a day, 5 days a week to pay for itself. We haven't had that need, so we are considering our options for trading it in on some equipment that may be needed. We are also looking at doing an auction. Mr. Randy Carter, a local boring contractor has indicated some interest in the machine. We are working with Ditch Witch to get the Kelly Blue Book value of the machine, so to speak. We just wanted to mention to you that we are not using it in the way that we thought we would. We have also visited with the other departments and they felt likewise, so even between the other departments it's not something that we would put to use on a cost-efficient basis. We just wanted to let you know that we are considering our options with that machine. Chairman Ferrell asked how many hours are on that machine and Mr. Prysock said 64. It is 4 years old. Chairman Ferrell asked if that is informational only and Mr. Vondran said yes. Any action would require us to come to the Commission for whatever we recommend to you.

Downtown Benton Business Owners Association – StreetSounds

Mr. Vondran said in your packet you will see a little brochure of the Downtown Benton Business Owners Association. They approached us through the Mayor's office, asking for assistance in mounting these types of systems to either street lights, traffic signals and/or power poles. One of the main keys he has shared with the downtown partnership is these require power that is referred to as "always on", which means they can't mount to a street light, because our street lights are operated off of photocell, so that knocks all the street lights out of the potential. Chairman Ferrell said not necessarily. We can wire around that photocell and Mr. Vondran said yes sir, but the photocell is back at a cabinet and not on the light itself. Chairman Ferrell said that is a problem. Mr. Vondran said the outlet is at the top of the streetlight itself and built into the light, which they were hoping they could just plug in to and mount to the streetlight, but not with the photocell being back at the cabinet. Member Stracener asked what the voltage is on those lights and Chairman Ferrell said he bets it is a little higher than 120. Mr. Vondran said he doesn't know. We are chasing down the reasons it won't work. Their 2nd option has been to pursue traffic signal poles, and he is not sure what voltage those operate at. We would have to reach out to the Street Department and help them gather data. When it is all said and done, we will be mounting them to the power polls we have in the area. We would have to have secondary power available, if not, we would have to put together a fee; a list of costs and charges for getting secondary power to the proposed locations. He wanted to bring this to the Commission's attention, because it is something the City administration may stop and mention to you in passing. Member Martin asked what the equipment attempts to do. Mr. Vondran said it mounts on a pole, has 2 antennas and a master transmitter that transmits music. They want to be able to play music during downtown events. They could have one transmitter that transmits to say, a half dozen locations, and as you walk around downtown Benton, there would be background music. Chairman Ferrell asked how many of these they are proposing and Mr. Vondran said right now they have briefly mentioned 4 locations. This is information only.

Announcements

A. Next Commission meeting date: Monday, September 1, 2019 is Labor Day.

Chairman Ferrell asked if the proposal is to cancel it and Member Martin said it is a City holiday. Chairman Ferrell said obviously we are not going to have a meeting on Labor Day. Mr. Vondran said that is at the Commission's discretion, but he would speak for the staff in saying they would politely request that. Member Martin

suggested a work session. Chairman Ferrell said let's set it tentatively on Tuesday as a work session, and if we don't have any business to put on it, we can cancel it. Molly Wright said that Tuesday is the day of the Fair Parade. The parade is at 6 o'clock. Member Best said we can just set up a special session if we need one. Mr. Vondran said we will just keep the Commission posted. Chairman Ferrell said we just won't set up anything, and if we need one, we can do it.

Member Martin asked where we stand and if we want to consider Mrs. Scott's report in the last meeting regarding Stephens and reissuing the bonds with some kind of savings while things are more positive. He asked if we are going to take that and run with it. Mrs. Scott said she didn't bring it, but does have the number committed to memory. The initial proposal contemplated a savings of around \$760,000, but Friday afternoon they sent her a new set of numbers which contemplates a savings of 1.22 million. Chairman Ferrell said even better. Mrs. Scott said as she said the last time it was talked about, she is not one to snub her nose at saving any money to the Utility, and that is pretty substantial. She did verify today that is net of cost of issuance, and that is what they are projecting to be the savings. Member Martin asked what we think our net would be with the reissuance of arbitrage. Mrs. Scott said that takes it all into consideration. We have a portion that would be taxable and a portion that would be non-taxable. The net savings is the 1.22 million. Member Best asked what the down side is, if any. Mrs. Scott said she and Mr. Vondran were discussing it today, and we are not talking about extending the life of the debt. We are not talking about anything, but truly, if you are going to refinance your house from 4% to 3% that is basically... it is a little different, clearly, because we can't advance refunds so we would have that portion that is taxable. The other thing is that we are considered a part of the City when it comes to debt issuance, so the 10 million rule comes into play for the bank qualified. She doesn't know if the City is looking at doing any borrowing. Besides Stephens, Cruise & Associates has reached out and wants to talk to us as well. Member Stracener asked if it would go back with a bond ordinance and the whole bond process and Mrs. Scott said absolutely. Member Miller asked if she would need a motion to start that process and get them started and Mrs. Scott said yes. Member Martin said it would be timely to do it and capture that savings. Member Martin made a motion to authorize staff to move forward with communicating with Stephens and the appropriate authorities to make a re-issue of the series. He asked if this was the big series or multiple series and Mrs. Scott said it would be the portion of the bonds that can't be called right now that would be taxable, and the rest would be non-taxable, so it would be a Series A and a Series B. The only thing we did discuss briefly was if there should be a need for additional capital, for say, Wastewater projects, there is good reason to do it all at the same time. You would reduce your cost of issuance. She doesn't think we are

there. She did talk to Stephens about that. Cruise and Stephens are both very qualified and are excellent underwriters. They do the same job. Steven's has done all the work here previously. Chairman Ferrell said we are very familiar and Mrs. Scott said correct, but they are both qualified underwriters. Mr. Vondran asked if this would be specifically for the 2012 bonds, the 2015 bonds or all of the above. Mrs. Scott said this would be the 2012 issue. Member Miller asked if we should hear what Cruise has to say or would we be wasting time. Mr. Vondran said no sir, it is always due diligence. Member Miller said he thinks it would be prudent to hear what Cruise has to say. We are not going to waste time there and Mr. Vondran agreed. Member Martin made a motion to authorize the staff to move forward with consideration of reissuing the bonds. Member Stracener 2nd the motion. A vote was taken and unanimous approval given.

A motion was made by Member Miller to go into Executive Session at 6:55 PM and a 2nd was made by Member Martin. A vote was taken and unanimous approval given.

Executive Session

The Commission came back from the Executive Session at 7:26 PM with no action taken. Member Miller made a motion to adjourn at 7:27 PM and Member Martin seconded the motion. A vote was taken and unanimous approval given.

Gary Ferrell, Chairman

Madeline Wilson, Recording Secretary

PROCLAMATION

Whereas, The Pink Ribbon reminds us that breast cancer is the most commonly diagnosed cancer in women and the second most common cause of cancer deaths in women in the United States. When breast cancer is detected in the early stage, there is a 99% and 85% five-year survival rate for localized and regional female breast cancer, respectively. However, when breast cancer is detected when it has already spread to distant parts of the body, the five-year survival is 27%; and

Whereas, Thirty of the seventy-five counties in Arkansas do not have fixed mammography facilities, and this creates a barrier for many women to easily access mammography, thereby possibly increasing their mortality rate; and

Whereas, Breast cancer knows no boundaries, be it age, gender, socio-economic status, or geographical location. Despite tremendous progress by research breakthroughs for breast cancer, more than 42,000 people still die of breast cancer every year in the United States; and

Whereas, It is estimated that in the United States, 268,600 women and 26,700 men will be diagnosed with breast cancer during 2019, and approximately 41,760 women and 5,000 men will die of the disease. In Arkansas this year, an estimated 2,210 new cases in females will be detected and 410 breast cancer deaths will occur; and

Whereas, October is National Breast Cancer Awareness Month, and October 4th is designated as Go Pink for the Cure Day to bring awareness of the importance of mammography and to renew its commitment to removing obstacles that prevent women from seeking mammograms;

NOW, THEREFORE, I, TOM FARMER, ACTING UNDER MY AUTHORITY AS MAYOR OF THE CITY OF BENTON, ARKANSAS, by virtue of the authority invested in me by the laws of the State of Arkansas, do hereby proclaim October 4, 2019, as

GO PINK FOR THE CURE DAY

in the City of Benton, and urge all my fellow citizens to join me in helping to promote efforts for the prevention and treatment of this deadly disease.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Benton to be affixed this 23RD day of September, in the year of our Lord 2019.

Tom Farmer, Mayor

PROCLAMATION
RECOGNIZING THE 100th BIRTHDAY OF
MS. SYBLE WOMACK

WHEREAS, longevity of life is a blessing for an individual and for a community which benefits from the knowledge, creativity, and experiences this individual brings to all; and

WHEREAS, the City of Benton recognizes with respect and admiration the contribution of senior citizens to our community; and

WHEREAS, Ms. Syble as she is fondly called, was born in Murfreesboro, Arkansas on September 22, 1919; and

WHEREAS, Ms. Syble moved to the City of Benton in 1946 along with her new husband Lee Roy where she has resided ever since; and

WHEREAS, Ms. Syble has been a faithful member of the Northside Church of Christ for the past seventy years where she taught the first grade Bible Class for more than thirty years; and

WHEREAS, Ms. Syble was married to Lee Roy Womack for approximately 46 years until he passed in 1992; and

WHEREAS, Ms. Syble has two children Roy Womack and Joy Lacey, and is a proud grandmother to two grandchildren and four great-grandchildren; and

WHEREAS, Ms. Syble over the course of her lifetime has sent hundreds, if not thousands, of cards of encouragement to her family, friends and members of her church family as her personal ministry and touched many lives as a result.

NOW, THEREFORE, I, TOM FARMER, acting under my authority as Mayor of the City of Benton, Arkansas, do hereby proclaim Sunday, September 22nd as **SYBLE WOMACK DAY**, in the City of Benton, and urge all my fellow citizens to join me in wishing Ms. Syble many more happy, productive years.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Benton to be affixed this 22ND day of September, in the year of our Lord 2019.

Tom Farmer, Mayor

PROCLAMATION

WHEREAS, Many African American families have made the City of Benton their home since 1906; and

WHEREAS, through contributions to our community, those families have played a vital role in the history of our city by choosing to settle down and raise a family here in Benton; and

WHEREAS, our Nation's story of progress is captured in countless tales of individuals who overcame tremendous obstacles to forge new trails that have shaped our country's pathway; and

WHEREAS, through hard work and unwavering faith in America's promise of equal opportunity, generations of determined men and women have joined in a common purpose to build a better future for our children; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people.

NOW THEREFORE, I, TOM FARMER, acting under my authority as the Mayor of the City of Benton, Arkansas, do hereby proclaim September 2019 **as a time to recognize the African American Community** in the City of Benton, and call upon the people of Benton, Arkansas to join their fellow citizens in recognizing this special observance.

IN WITNESS HEREOF, I have hereunto set my hand and caused the Seal of the City of Benton, Arkansas, to be affixed at City Hall this 23rd day of September in the year of our Lord, two thousand and nineteen.

Tom Farmer, Mayor

ORDINANCE NO. 67 OF 2019

AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE PURCHASE OF A VOICE OVER IP PHONE SYSTEM FOR THE CITY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council adopted the 2019 General Fund Budget in Ordinance 1 of 2019; and

WHEREAS, the City Council needs to amend the 2019 General Fund budget in order to acquire a voice over IP phone system for the City as set forth in Exhibit "1" to this Ordinance which will reduce the City's current monthly expenses.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

SECTION 1: Pursuant to the authority granted in A.C.A. Sec. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2019 City of Benton Budget as adopted in Ordinance 1 of 2019. The revised expenditures for the operations of the city are attached hereto as Exhibit "1" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget to appropriate funds as set forth herein. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this the _____ day of September, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



EXHIBIT "1"

FY2019 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2019. This submittal includes a revision for the General Fund.

Section 1 defines the dollar amount of the amendments contained in this exhibit.

Section 2 is a detailed explanation of the amended Funding and Disbursements that make up this Fiscal Year 2019 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2019

General Fund

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$13,598,080.26	-0-	\$13,598,080.26
Personnel	\$10,940,372.45	-0-	\$10,940,372.45
Operations & Maintenance	\$ 2,497,564.50	-0-	\$ 2,512,564.50
Capital Items	\$ 226,377.39	\$5,300	\$ 231,677.39

Section 2: Funding & Disbursements - Fiscal Year 2019

General Fund

Asset Additions

This budget amendment allows for the increase in expenditures in the following line items Non-depreciable assets for the purchase of VOIP desk phones.

City Clerk	850.900.11.02	\$800.00
Admin Services	850.900.11.03	\$4,000.00
Community Services	850.900.14.24	\$500.00

ORDINANCE NO. 68 OF 2019

AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE PUBLIC SAFETY FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE FIRE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council adopted the 2019 Public Safety Fund Budget in Ordinance 1 of 2019; and

WHEREAS, the City Council needs to amend the 2019 General Fund budget in order to do monetary transfers of budgeted funds as set forth in Exhibit "1" to this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

SECTION 1: Pursuant to the authority granted in A.C.A. Sec. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2019 City of Benton Budget as adopted in Ordinance 1 of 2019. The revised expenditures for the operations of the city are attached hereto as Exhibit "1" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget to appropriate funds as set forth herein. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this the _____ day of September, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



EXHIBIT "1"

FY2019 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2019. This submittal includes a revision for the Public Safety Fund.

Section 1 defines the dollar amount of the amendments contained in this exhibit.

Section 2 is a detailed explanation of the amended Funding and Disbursements that make up this Fiscal Year 2019 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2019

Public Safety Fund

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$ 3,716,155.95	-0-	\$ 3,716,155.95
Personnel	\$2,677,059.00	-0-	\$ 2,677,059.00
Operations & Maintenance	\$ 428,900.00	\$15,000	\$ 443,900.00
Capital Items	\$ 520,500.00	(\$30,000)	\$ 490,500.00

Section 2: Funding & Disbursements - Fiscal Year 2019

Public Safety Fund

O&M

This budget amendment allows for the increase in expenditures in the following line item

Fire Department	Facilities	741.410.30.19	\$15,000.00
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Asset Additions

This budget amendment allows for the change in expenditures in the following line items Non-depreciable assets for the purchase of VOIP desk phones, teleconferencing hardware, etc.

Fire Department	Non-depreciables	850.900.30.19	\$20,000.00
	Facility asset	850.400.30.19	(\$50,000.00)

ORDINANCE NO. 69 OF 2019

**AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND
AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE MONETARY
TRANSFER OF BUDGETED FUNDS WITHIN THE FIRE DEPARTMENT;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City Council adopted the 2019 General Fund Budget in Ordinance 1 of 2019; and

WHEREAS, the City Council needs to amend the 2019 General Fund budget in order to authorize the monetary transfer of budgeted funds for the Fire Department as set forth in Exhibit "1" to this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

SECTION 1: Pursuant to the authority granted in A.C.A. Sec. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2019 City of Benton Budget as adopted in Ordinance 1 of 2019. The revised expenditures for the operations of the city are attached hereto as Exhibit "1" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget to appropriate funds as set forth herein. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this the _____ day of September, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



EXHIBIT "1"

FY2019 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2019. This submittal includes a revision for the General Fund.

Section 1 defines the dollar amount of the amendments contained in this exhibit.

Section 2 is a detailed explanation of the amended Funding and Disbursements that make up this Fiscal Year 2019 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2019

General Fund

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$13,598,080.26	-0-	\$13,598,080.26
Personnel	\$10,940,372.45	-0-	\$10,940,372.45
Operations & Maintenance	\$ 2,497,564.50	\$15,000	\$ 2,512,564.50
Capital Items	\$ 231,677.39	-0-	\$ 231,677.39

Section 2: Funding & Disbursements - Fiscal Year 2019

General Fund

O&M

This budget amendment allows for the increase in the following expenditures

Fire Department	Vehicle maintenance	730.320.13.19	\$5,000.00
	Safety	750.67.13.19	\$10,000.00

ORDINANCE NO. 70 OF 2019

AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE PURCHASE OF A NEW SPEAKER SYSTEM FOR CITY EVENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council adopted the 2019 General Fund Budget in Ordinance 1 of 2019; and

WHEREAS, the City Council needs to amend the 2019 General Fund budget in order to acquire a new speaker system for city events as set forth in Exhibit "1" to this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

SECTION 1: Pursuant to the authority granted in A.C.A. Sec. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2019 City of Benton Budget as adopted in Ordinance 1 of 2019. The revised expenditures for the operations of the city are attached hereto as Exhibit "1" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget to appropriate funds as set forth herein. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this the _____ day of September, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



EXHIBIT "1"

FY2019 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2019. This submittal includes a revision for the General Fund.

Section 1 defines the dollar amount of the amendments contained in this exhibit.

Section 2 is a detailed explanation of the amended Funding and Disbursements that make up this Fiscal Year 2019 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2019

General Fund

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$13,598,080.26	-0-	\$13,598,080.26
Personnel	\$10,940,372.45	-0-	\$10,940,372.45
Operations & Maintenance	\$ 2,512,564.50	(\$3,000)	\$ 2,509,564.50
Capital Items	\$ 231,677.39	\$3,000	\$ 234,177.39

Section 2: Funding & Disbursements - Fiscal Year 2019

General Fund

O&M

This budget amendment allows for the adjustment in the following expenditures

Elected Officials	Rentals	770.710.11.01	(\$3,000.00)
Marketing	Non-depreciable	850.900.14.30	\$3,000.00

ORDINANCE NO. 71 OF 2019

**AN ORDINANCE REZONING CERTAIN LAND IN THE CITY OF
BENTON, SALINE COUNTY ARKANSAS, DECLARING AN
EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, an application for rezoning was filed with the Planning Commission of the City of Benton, Arkansas, by Rick Newby requesting that the land hereinafter described located at 504 Oak Hill be zoned from R2 to C1; and

WHEREAS, the Planning Commission ordered a Public Hearing be held on September 10, 2019 at 6:00 p.m. for the purpose of hearing said application; the notice of such hearing having been published in a newspaper having a bona fide circulation in Saline County, Arkansas, with evidence having been submitted that all property owners or lessees within 300 feet of the property having been notified of said hearing; and at said hearing, the Planning Commission recommended to the City Council that such request be granted; and

WHEREAS, the City Council of the City of Benton, Arkansas desires to rezone the following property from R2 to C1.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS;

SECTION 1: The following described property is hereby rezoned from R2 to C1:

Lot 1, Oak Hill, Benton, Saline County, Arkansas

SECTION 2: The City Council, having found that the immediate rezoning of this property will allow commercial utilization of the property to commence thereon which will be of benefit to the local economy, hereby declares an emergency and this Ordinance shall be in full force and effect after its passage and approval.

PASSED AND APPROVED, this _____ day of September, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

DESIGNATED FOR PUBLICATION

ORDINANCE NO.72 OF 2019

AN ORDINANCE PROVIDING FOR A CONDITIONAL USE FOR A CHURCH
AT THE CORNER OF ALCOA ROAD AND BOONE ROAD; DECLARING AN
EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, an application for a Conditional Use Permit was filed with the Planning Commission of the City of Benton, Arkansas, by Midtowne Church requesting that property at the corner of Alcoa Road and Boone Road (Parcel 805-06069-004) be issued a Conditional Use Permit for the operation of a church in an R2 Zone; and

WHEREAS, the Planning Commission ordered a public hearing to be held on the 10th day of September, 2019, at 6:00 o'clock P.M., for the purposes of hearing said application, that notice of said hearing having been published in a newspaper having a bona fide circulation in Saline County, Arkansas, evidence having been submitted that all property owners or lessees within 300 feet of the property hereinafter described having either consented to or been notified of said hearing and at said hearing the Planning Commission resolved to recommend to the City Council of the City of Benton, that the Application for a Conditional Use Permit be granted; and

WHEREAS, the City Council of the city of Benton desires to grant a Conditional Use Permit to Midtowne Church for the operation of a church in an R2 Zone at the above location.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Benton:

Section 1. Midtowne Church is hereby granted a Conditional Use Permit for the operation of a church at the following location:

The corner of Alcoa Road and Boone Road, Benton, Arkansas (Parcel 805-06069-004)

Section 2. It is hereby found and determined that there is an immediate need to authorize the conditional use of the property to allow for the construction of a

church. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED, this ____ day of _____, 2019.

Mayor, Tom Farmer

Attest: _____
City Clerk, Cindy Stracener

Designated for Publication

ORDINANCE NO. 73 OF 2019

AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; ACCEPTING GRANT FUNDS FROM THE HISTORIC PRESERVATION PROGRAM AND AUTHORIZING EXPENDITURE OF SAME; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council adopted the 2019 General Fund Budget in Ordinance 1 of 2019; and

WHEREAS, the City Council needs to amend the 2019 General Fund budget in order to accept grant funds from the Arkansas Historic Preservation Program and authorize the expenditure for the historical preservation training as set forth in Exhibit "1" to this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

SECTION 1: Pursuant to the authority granted in A.C.A. Sec. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2019 City of Benton Budget as adopted in Ordinance 1 of 2019. The revised expenditures for the operations of the city are attached hereto as Exhibit "1" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget to appropriate funds as set forth herein. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this the _____ day of September, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



EXHIBIT "1"

FY2019 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2019. This submittal includes a revision for the General Fund.

Section 1 defines the dollar amount of the amendments contained in this exhibit.

Section 2 is a detailed explanation of the amended Funding and Disbursements that make up this Fiscal Year 2019 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2019

General Fund

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$13,590,672.10	\$7,408.16	\$13,598,080.26
Personnel	\$10,940,372.45	-0-	\$10,940,372.45
Operations & Maintenance	\$ 2,490,156.34	\$7,408.16	\$ 2,497,564.50
Capital Items	\$ 226,377.39	-0-	\$ 226,377.39

Section 2: Funding & Disbursements - Fiscal Year 2019

General Fund

Receipts

This budget amendment authorizes the acceptance of funds awarded by the Arkansas Historic Preservation Program in the amount of \$7,408.16 (680.180.10.00).

O&M

This budget amendment allows for the expenditures related to hosting a historical preservation training event in Benton in the amount of \$7,408.16 by increasing line item Travel & Meetings (840.420.14.24).

RESOLUTION NO. 67 OF 2019

**A RESOLUTION ADOPTING AN AMENDMENT TO BENTON UTILITIES EMPLOYEE
PENSION PLAN AND TRUST**

WHEREAS, The Benton City Council has previously adopted and amended the Benton Utilities Employee Pension Plan and by prior resolution deemed to have sole and exclusive authority to consider and adopt all proposed plan amendments; and

WHEREAS, subsequent to Benton City Council ordaining the establishment of a Public Utility Commission to manage and operate the Utilities Department, there has been a mutual effort to sever the administrative and personnel ties between the two entities; and

WHEREAS, it is recognized that the Public Utility Commission, as the employer, does not have any oversight or authority for the administration and operation of its employees' Pension Plan, a function that is currently delegated to a committee composed of the City of Benton Mayor, the Chairman of the City of Benton Finance Committee, and the City of Benton Finance Director; and

WHEREAS, it is alleged that the interest of the Utility employees and their Pension Plan will be more effectively served by an administrative committee made up of representatives from within the Department; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

The City of Benton herein adopts an amendment to the Benton Utilities Employee Pension Plan that revises Article 2, Section 7.01 "Plan Administrator" to read as follows:

Benton Utilities General Manager, Chief Financial Officer and Human Resources Director, as well as a member of the Benton Utility Commission shall serve as the administrative committee.

Be it further resolved that in no way does this amendment minimize the Benton City Council's authority to make future amendments to the Utility Employee Pension Plan.

PASSED AND APPROVED this the ____ day of _____, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. 68 OF 2019

A RESOLUTION RECOGNIZING THE SERVICES OF BATTALION CHIEF GREG FORD TO THE CITIZENS OF BENTON AND AWARDING HIM HIS BADGE AND HELMET IN RECOGNITION OF THOSE SERVICES

WHEREAS, Battalion Chief Greg Ford has served the citizens of Benton for approximately 32 years as a fire fighter; and

WHEREAS, after his years of service to the City he is retiring; and

WHEREAS, the City wishes to thank Battalion Chief Greg Ford for his dedicated services to our community by presenting him with his badge and helmet in recognition of those outstanding services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benton, Arkansas, that:

SECTION 1: The equipment listed on the attached document, Exhibit "1" is hereby declared surplus and shall be presented to Battalion Chief Greg Ford in recognition of his services to this community.

PASSED AND APPROVED this the _____ day of September, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

Exhibit "1"

1. White Cairns 880 Traditional Helmet
2. Gold plated Blackington Battalion Chief Shirt Badge

RESOLUTION NO. 69 OF 2019

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH ARKANSAS HOOPS ACADEMY, LLC FOR PROVIDING CERTAIN RECREATIONAL SERVICES TO THE YOUTH OF BENTON; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton, Arkansas has as a function of city government an obligation to provide appropriate recreational services for the young people in our community; and

WHEREAS, the Arkansas Hoops Academy, LLC is a limited liability corporation which has provided youth recreational services in the Benton community in the form of training and instructing basketball players; and

WHEREAS, the City of Benton desires to enter into a program agreement with the Arkansas Hoops Academy, LLC for providing these types of services to the youth in Benton for the years 2019 through 2020.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benton, Arkansas, that:

SECTION 1: The Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Benton, the Program Agreement with the Arkansas Hoops Academy, LLC. The contract is attached hereto as Exhibit "1" and is incorporated now by reference as if stated word for word.

PASSED AND APPROVED this the _____ day of September, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. 70 OF 2019

A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID
FOR THE REPLACEMENT OF FENCING AT TYNDALL PARK; AND
FOR OTHER PURPOSES

WHEREAS, the City of Benton, after having advertised for bids for the replacement of the softball field fencing at Tyndall Park the City Council has determined that the bid submitted by Fence World, Inc. is the lowest acceptable bid for this project and that the City should award the contract to this lowest acceptable bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benton, Arkansas, that:

SECTION 1: The bid of Fence World, Inc. in the amount of \$123,500.00 is the lowest acceptable bid for the replacement of softball field fencing at Tyndall Park.

SECTION 2: The Mayor is authorized to execute, on behalf of the City of Benton a contract for the replacement of softball field fencing at Tyndall Park with the successful bidder and to execute such other documents as may be necessary and convenient to accomplish this purpose. The Mayor is likewise authorized on behalf of the City to pay Fence World, Inc. those sums which become due and payable over the course of the contract term.

PASSED AND APPROVED this the _____ day of September, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. 71 OF 2019

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH
R&S LANDSCAPING FOR PROVIDING LAWN CARE SERVICES TO THE CITY;
AND FOR OTHER PURPOSES**

WHEREAS, the City of Benton published a Request for Proposal for supplying lawn care services to the City which the City Council determines to be a professional service; and

WHEREAS, the RFP stated the services would begin April 1, 2020 and end on October 31, 2020 as is for the Parks Department; and

WHEREAS, after a review of the proposals it has been determined that the contract should be awarded to R&S Landscaping; and

WHEREAS, the City wishes to enter into an agreement with R&S Landscaping to provide lawn services to the City of Benton Parks Department for the sum of \$28,280.00.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

SECTION 1: The Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Benton, a contract with R&S Landscaping to provide lawn care services for the City of Benton Parks Department and to pay the agreed upon compensation when due.

PASSED AND APPROVED this the _____ day of September, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

ORDINANCE NO. 74 OF 2019

AN ORDINANCE AMENDING ORDINANCE 42 OF 2003; MODIFYING CERTAIN REGULATIONS CONTAINED THEREIN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton, Arkansas in Ordinance 42 of 2003 adopted the rules and regulations for usage of the Benton parks; and

WHEREAS, it has been determined that Paragraph 12.03 of Ordinance 42 of 2003 as it pertains the use and possession of alcoholic beverages needs to amended.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Benton, Arkansas, that:

SECTION 1: Paragraph 12.03(22) of Ordinance 42 of 2003 is hereby amended to read as follows in full:

(22) *Alcoholic Beverages.* For any person to have in his or her possession, custody, or control any alcoholic beverage of any kind whatsoever. This section shall however not apply to C.W. Lewis Stadium and the Farmer's Market during activities authorized by the City Administration and which the proper permits from the Arkansas Beverage Control Board have been obtained.

SECTION 2: All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. The City Council hereby determines that the immediate amendment of the rules and regulations pertaining to the usage of city park property necessary for the preservation of the public health, safety and welfare and an emergency is hereby declared. This ordinance shall be in full force and effect after its passage and approval.

PASSED and APPROVED this the _____ day of June, 2019.

Tom Farmer
Mayor

Attest:

Cindy Stracener
City Clerk

DESIGNATED FOR PUBLICATION