

BENTON CITY COUNCIL

REGULAR SESSION

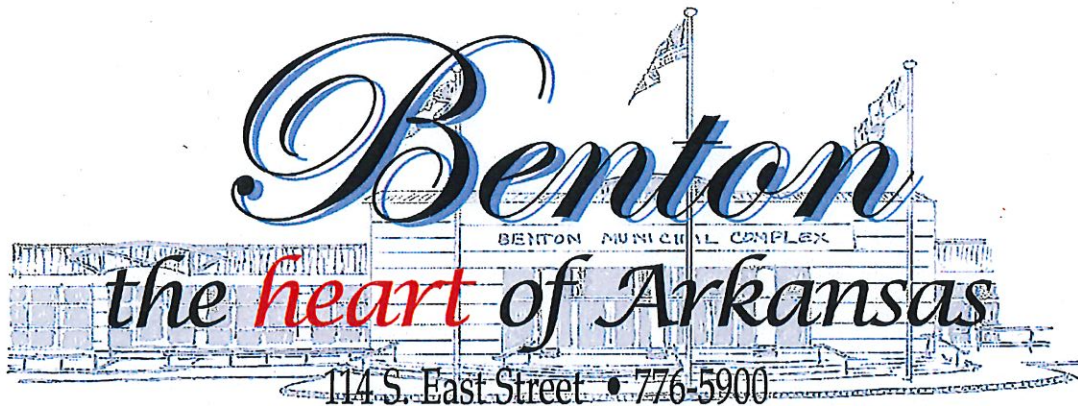
DECEMBER 16, 2019

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
December 16, 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 Brown |
| IV. | Roll Call | City Clerk |
| V. | Approval of Minutes | November 25, 2019
<i>Regular Meeting</i> |
| VI. | Approval of Minutes | November 25, 2019
<i>Public Hearing</i> |
| VII. | Special Recognition
<i>Fireman of the Year – Stuart Duke</i> | Mayor Farmer |
| VIII. | COMMITTEE REPORTS & MOTIONS | |
| | 1. Finance Committee | Council Member Cash |
| | A.) RESOLUTION NO. 82 OF 2019
<i>A RESOLUTION ADOPTING THE 2020 BUDGET FOR THE GENERAL FUND, ANIMAL CONTROL, PARKS AND STREET FUNDS; ESTABLISHING A PROCEDURE FOR REVISING SAME; AND FOR OTHER PURPOSES</i> | |
| | B.) ORDINANCE NO. 88 OF 2019
<i>AN ORDINANCE MODIFYING THE COMPENSATION FOR THE OFFICE OF COUNCILMEMBER; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | C.) ORDINANCE NO. 89 OF 2019
<i>AN ORDINANCE MODIFYING THE COMPENSATION FOR THE OFFICE OF MAYOR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | D.) RESOLUTION NO. 83 OF 2019
<i>A RESOLUTION AUTHORIZING AN EMPLOYEE’S CONTINUED EMPLOYMENT WITH THE CITY AFTER CONCLUDING PARTICIPATION IN THE DELAYED RETIREMENT OPTION PLAN FOR THE CITY OF BENTON FIREMAN’S RELIEF AND PENSION FUND AND CERTIFYING THE CITY COUNCIL IS AWARE OF THE RISKS OF USING A CASH FLOW MODEL FOR A SMALL GROUP</i> | |
| | E.) ORDINANCE NO. 90 OF 2019
<i>AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE TRANSFER OF FUNDS FOR THE PURCHASE OF EQUIPMENT FOR THE POLICE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |

F.) ORDINANCE NO. 91 OF 2019

AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE ACCEPTANCE OF INSURANCE PROCEEDS FOR A DAMAGED VEHICLE; APPROPRIATING FUNDS FROM THESE PROCEEDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

G.) RESOLUTION NO. 84 OF 2019

A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS; AND AUTHORIZING THE SALE OF THE SURPLUS PROPERTY AT AUCTION

H.) RESOLUTION NO. 85 OF 2019

A RESOLUTION AWARDED A CONTRACT TO JONES HEATING AND AIR CONDITIONING FOR PROVIDING HVAC MAINTENANCE SERVICES TO THE CITY; AND FOR OTHER PURPOSES

I.) RESOLUTION NO. 86 OF 2019

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT EXTENSION WITH ULTIMATE COMMUNICATIONS, INC. FOR PROVIDING IT SERVICES TO THE CITY POLICE DEPARTMENT; AND FOR OTHER PURPOSES

J.) ORDINANCE NO. 92 OF 2019

AN ORDINANCE PERMITTING DUSTIN HAMM TO CONDUCT BUSINESS WITH THE CITY OF BENTON AND PRESCRIBING THE EXTENT OF SUCH AUTHORITY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

K.) ORDINANCE NO. 93 OF 2019

AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE REPAIR AND MAINTENANCE OF EQUIPMENT FOR THE FIRE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

2. Community Services/Animal Control Council Member Reed

A.) ORDINANCE NO. 82 OF 2019 – 2ND READING

AN ORDINANCE DETERMINING TO ACQUIRE CERTAIN PROPERTY OF ENTERGY ARKANSAS, LLC, THAT IS LOCATED NORTH OF INTERSTATE 30 AND WITHIN THE CITY OF BENTON, ARKANSAS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO

B.) ORDINANCE NO. 83 OF 019 – 2ND READING

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF BENTON, ARKANSAS, ON THE QUESTION OF ACQUIRING CERTAIN PROPERTY OF ENTRGY ARKANSAS, LLC, THAT IS LOCATED NORTH OF INTERSTATE 30 AND WITHIN THE CITY OF BENTON, ARKANSAS, AND PRESCRIBING OTHER MATTERS PERTAINING THERETO

C.) ORDINANCE NO. 94 OF 2019

AN ORDINANCE ADOPTING CERTAIN POLICIES AND STANDARDS FOR ISSUING SMALL CELL WIRELESS FACILITY SITE PERMITS; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

D.) ORDINANCE NO. 95 OF 2019

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

E.) ORDINANCE NO. 96 OF 2019

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

3. Street & Drainage Committee

Council Member Hamm

4. Personnel/Health & Safety Committee

Council Member Donnor

A.) ORDINANCE NO. 97 OF 2019

AN ORDINANCE ADOPTING THE CITY OF BENTON COMPENSATION PROGRAM DATED JANUARY 1, 2020; ADJUSTING THE PAY RATES FOR GENERAL FUND, ANIMAL CONTROL FUND, PARK FUND AND STREET FUND EMPLOYEES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

B.) ORDINANCE NO. 98 OF 2019

AN ORDINANCE ADOPTING CERTAIN COMPENSATION POLICIES FOR THE CITY; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

C.) ORDINANCE NO. 99 OF 2019

AN ORDINANCE AMENDING THE PERSONNEL POLICIES AND PRACTICES FOR EMPLOYEES OF THE CITY OF BENTON, ARKANSAS; INSTITUTING AN INCLEMENT WEATHER POLICY; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

D.) RESOLUTION NO. 87 OF 2019

AN RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE EXIT 114 PROPERTIES, LLC FOR ACCEPTING A DONATION OF CERTAIN REAL PROPERTY FOR THE PURPOSE OF CONSTRUCTING A FIRE STATION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

5. Parks Committee

Council Member Hart

A.) RESOLUTION NO. 88 OF 2019

A RESOLUTION AWARDING A CONTRACT TO PHIL HOBBY PHOTOGRAPHY FOR PROVIDING PHOTOGRAPHY SERVICES TO THE CITY PARKS DEPARTMENT; AND FOR OTHER PURPOSES

B.) RESOLUTION NO. 89 OF 2019

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH CBJ VENDING, LLC FOR OPERATING VENDING SERVICES LOCATIONS DESIGNATED BY THE CITY; AND FOR OTHER PURPOSES

C.) RESOLUTION NO. 90 OF 2019

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTON TO UTILIZE FEDERAL AID TRANSPORTATION ALTERNATIVE PROGRAM FUNDS

D.) RESOLUTION NO. 91 OF 2019

*A RESOLUTION DECLARING CERTAIN PROPERTY AS OBSOLETE; AND
AUTHORIZING THE DISPOSAL OF THE PROPERTY IN ACCORDANCE
WITH A.C.A. §14-54-302*

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| 6. | Public Utilities Commission | Council Member Herzfeld |
| 7. | Advertising & Promotion Commission | Council Member Lee/
Council Member Baptist |

A.) RESOLUTION NO. 92 OF 2019

*A RESOLUTION AUTHORIZING THE PARTIAL REDEMPTION OF CITY
OF BENTON, ARKANSAS HOTEL AND RESTAURANT GROSS RECEIPTS
TAX BONDS, SERIES 2012 ON FEBRUARY 1, 2020; AND FOR OTHER
PURPOSES*

- IX. Unfinished Business**
- X. New Business**
- XI. Old Business**
- XII. Public Comments**
- XIII. Announcements**
- XIV. Adjourn**

MINUTES OF THE BENTON CITY COUNCIL
Regular Session
November 25, 2019
Benton Municipal Complex

The Benton City Council was called to order at 7:00 pm. The Mayor welcomed the Boy Scouts and the Benton FC soccer club.

Kyle Lewallen, Holland Chapel gave the invocation.

Council Member Baptist led the pledge of allegiance.

Roll was called.

The following persons were in attendance:

Council Member Frank Baptist
Council Member Jocelyn Cash
Council Member Bill Donnor
Council Member Judd Hart
Council Member Steve Lee
Brent Houston, City Attorney
Tom Farmer, Mayor

Council Member Steve Brown
Council Member Evelyn Reed
Council Member Jeff Morrow
Council Member James Herzfeld
Council Member Jeff Hamm
Cindy Stracener, City Clerk

When roll was called ten (10) council members were present. A quorum was declared.

The Mayor requested approval for the October 28, 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 replied in the affirmative. The minutes for the October 28, 2019 council meeting were approved with 10 affirmative votes.

Kevin Jones was recognized for 10 years of service with the city and Gary Middleton for 30 years of service with the city.

Council Member Cash was recognized for the Finance Committee report. She stated she had nothing to report.

Council Member Reed was recognized for a report from the Community Service/Animal Control Committee. Council Member Reed asked for the first reading of Ordinance 81 of 2019 – An Ordinance Recalling and Amending Ordinance 66 of 2013; Amending the Subdivision Rules and Regulations Within the City of Benton, Arkansas; 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 Reed made a motion to suspend the rules for the second and third readings. Seconded by Council Member Baptist. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, 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 10 affirmative votes. Council Member Reed made a motion to adopt Ordinance 81 of 2019 on its second and third readings by title only. Seconded by Council

Member Baptist. The Mayor asked for any comments, none. The ordinance was read by title only. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, 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 81 of 2019 was adopted with 10 affirmative votes. Council Member Reed made a motion to adopt the emergency clause. Seconded by Council Member Hart. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, 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 10 affirmative votes.

Council Member Reed made a motion to adopt Resolution 79 of 2019 – A Resolution Ordering Entergy Arkansas, LLC to Furnish Certain Information. Seconded by Council Member Morrow. 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 Brown yes, 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 79 of 2019 was adopted with 10 affirmative votes.

Council Member Reed asked for the first reading of Ordinance 82 of 2019 – An Ordinance Determining to Acquire Certain Property of Entergy Arkansas, LLC that is Located North of Interstate 30 and Within the City of Benton, Arkansas; and Prescribing Other Matters Pertaining Thereto. Seconded by Council Member Cash. The ordinance was read by the city clerk. Council Member Hart made a motion to table Ordinance 82 of 2019 until December 16, 2019. Seconded by Council Member Morrow. The Mayor asked for any comments. Council Member Hart stated that if there is no difference in the first reading today or the other ones at the next meeting the parties involved know that the hard date is still there and we will have three readings that day and it will save us having to redo the ordinance by tabling the ordinance. I don't think that it is a bad decision to wait because we know that this date is there. There is a hard date where we have to make the decision; I don't see the necessary steps of having the first reading today. Mr. Houston stated that we were not out anything by having the first reading and if there is not a motion to suspend then it will come back at the next meeting period. We only do readings two and three tonight if there is a motion to suspend. So, if you don't suspend the rules it is tabled to the next meeting. Council Member Morrow stated it is the time reading the ordinances when we can have all the information at the next meeting. Mr. Houston stated that it is going to have to be read once whether it is tonight or the next meeting. At the next meeting a motion can be made to read it by title only. Roll was called which resulted in Council Member Baptist yes, Council Member Brown no, Council Member Cash no, Council Member Reed no, Council Member Donnor no, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld no, Council Member Lee no, and Council Member Hamm no. Motion to table failed with 7 negative and 3 affirmative votes.

There was not a motion to suspend the rules thus Ordinance 82 of 2019 will be on the December agenda for the 2nd reading.

Council Member Reed asked for the first reading of Ordinance 83 of 2019 – An Ordinance Calling a Special Election in the City of Benton, Arkansas, on the Question of Acquiring

Council Member Reed asked for the first reading of Ordinance 83 of 2019 – An Ordinance Calling a Special Election in the City of Benton, Arkansas, on the Question of Acquiring Certain Property of Entergy Arkansas, LLC That is Located North of Interstate 30 and Within the City of Benton, Arkansas, and Prescribing Other Matters Pertaining. Seconded by Council Member Donnor. The ordinance was read by the city clerk. The Mayor asked for any comments. Mr. Houston stated that the passage of Ordinance 82 of 2019 is a prerequisite to Ordinance 83 of 2019. Ordinance 83 of 2019 will be on the December agenda for the 2nd reading.

Council Member Reed asked for the first reading of Ordinance 84 of 2019 – An Ordinance Amending, Revising and Restating the Animal Control Ordinance of the City of Benton; and for Other Purposes. Seconded by Council Member Lee. The ordinance was read by the city clerk. The Mayor asked for any comments. Mr. Houston stated we are revising and restating in one document the animal control ordinance. There is only one change from the existing ordinance and that pertains to the distance a chicken coop or other such structures can be from a house. The distance is going from 100 feet to 50 feet. Council Member Reed made a motion to suspend the rules for the second and third readings. Seconded by Council Member Lee. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, 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 10 affirmative votes. Council Member Reed made a motion to adopt Ordinance 84 of 2019 on its second and third readings by title only. Seconded by Council Member Cash. 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 Brown yes, 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 84 of 2019 was adopted with 10 affirmative votes.

Council Member Reed made a motion to adopt Ordinance 85 of 2019 – An Ordinance Annexing Certain Territory into the City of Benton, Saline County, Arkansas; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Baptist. The ordinance was read by the city clerk. This property is located off of Severn Landing Road and consist of 20 plus acres. The annexation was requested by Havens Development Company for Woods of Hurricane Lake Estates Subdivision. The property will be zoned R-2 and in Ward 5. Eric Richardson stated that this was approved by planning and did go to DRC. Council Member Reed made a motion to suspend the rules for the second and third readings of Ordinance 85 of 2019. Seconded by Council Member Cash. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, 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 10 affirmative votes. Council Member Reed made a motion to adopt Ordinance 85 of 2019 on its second and third readings by title only. Seconded by Council Member Cash. 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 Brown yes, 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 85 of 2019 was

Council Member Baptist yes, Council Member Brown yes, 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 10 affirmative votes.

Council Member Reed made a motion to adopt Ordinance 86 of 2019 – An Ordinance Annexing Certain Territory into 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 property is located at 6600 Severn Landing Road and consist of 2 plus acres. The annexation was requested Edward Jestice. The property will be zoned R-2 and in Ward 5. Eric Richardson stated this was reviewed by DRC and the city. Council Member Reed made a motion to suspend the rules for the second and third readings of Ordinance 86 of 2019. Seconded by Council Member Cash. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, 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 10 affirmative votes. Council Member Reed made a motion to adopt Ordinance 86 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 Brown yes, 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 86 of 2019 was adopted with 10 affirmative votes. 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 Brown yes, 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 10 affirmative votes.

Council Member Reed made a motion to adopt Ordinance 87 of 2019 – An Ordinance Accepting Certain Utility Pump Stations Along South Shoreline Blvd. for Maintenance; 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. Council Member Hart asked if all pumps were in working order and met our expectations. The Mayor stated yes. Mr. Houston stated that they were inspected prior to this. Council Member Reed made a motion to suspend the rules for the second and third readings of Ordinance 87 of 2019. Seconded by Council Member Cash. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, 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 10 affirmative votes. Council Member Reed made a motion to adopt Ordinance 87 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 Brown yes, 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 87 of 2019 was adopted with 10 affirmative votes.

Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 87 of 2019 was adopted with 10 affirmative votes. Council Member Reed made a motion to approve the emergency clause. Seconded by Council Member Hart. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, 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 10 affirmative votes.

Council Member Reed stated that the next Community Service/Animal Control committee meeting will be December 3, 2019.

Council Member Hamm was recognized for a Streets and Drainage Committee report. Council Member Hamm made a motion to adopt Resolution 80 of 2019 – A Resolution Expressing the Willingness of the City of Benton To Utilize State and Street Monies. 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 Brown yes, 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 80 of 2019 was adopted with 10 affirmative votes.

Council Member Donnor was recognized for a report from the Personnel/Health & Safety Committee. Council Member Donnor stated he had nothing to report.

Council Member Hart was recognized for a report from the Parks Committee. He stated that he had nothing at this time.

Council Member Herzfeld was recognized for a report from the Public Utility Commission. Council Member Herzfeld made a motion to adopt Resolution 81 of 2019 – A Resolution Ratifying and Confirming the Reappointment of Jim Martin as Commissioner to the Public Utilities Commission; and For Other Purposes. Seconded by Council Member Lee. The resolution was read by the city clerk. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, 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 81 of 2019 was adopted with 10 affirmative votes.

Council Member Lee was recognized for a report from the Advertising and Promotion Commission. He stated that the commission met last Thursday and in February they are going to make another early bond payment of \$700,000 on the principal. The Event Center is projected to be paid off in 2021.

The Mayor asked for any unfinished business, None. The Mayor asked for any new business. Terry Benham stated that Benton FC has had great success as a soccer club. The club was formed as a bridge for the kids between the Boys and Girls Club and the school soccer program. Also, kids were having to go to Bryant or Little Rock to play. Parents had to travel and the kids never had a home game here. The program started with 58 kids and now has 13 teams and over 200 kids. The program has been using the CW Lewis stadium and the old Boys and Girls Club soccer field by the high school for practice and games.

The old soccer field will no longer be available once the new high school cafeteria is built. The program has outgrown the available space. Mr. Benham asked that the city request CW Lewis back from UALR and partner with Benton FC to find land. He stated that soccer is the fastest growing sport in America.

Mr. Houston stated that Bucky Ellis passed away, he represented the Civil Service Commission and the city numerous times over the years.

The meeting adjourned at 8:02 p.m.

Cindy Stracener, City Clerk

Tom Farmer, Mayor

November 25, 2019
City of Benton - Public Hearing
Ordinance 82 of 2019 – Determining to Acquire Certain Property of Entergy Arkansas, LLC that is
Located North of I-30 & within City of Benton, AR

The Public Hearing was called to order at 5:45 pm.

David Vondran first introduced the issue and then took time to recognize people from the floor to speak for or against the issue. Jason Carter, legal counsel for AR Municipal Powers Association, gave an overview of the issue. The purpose of this public hearing is to discuss two ordinances that are on your agenda tonight. First is to elect to acquire certain property that belongs to Entergy, in order for Benton Utilities to expand their electric service. The second is to call for an election on the first ordinance. While this is an important hearing to keep the Council abreast of an important issue you are not required to approve these ordinances tonight to stay on target for an election in March. It is my understanding that you have another meeting scheduled for December 16, and December 16 is a sufficient timeline to stay on schedule for a special election that is called for in the ordinance. Special elections have to have 70 days of notice, and there will still be 70 days to go after December 16. We will have time to continue negotiations in good faith with Entergy to resolve this issue short of an election. Alderman Hart asked if that means if we pass the first resolution but don't pass the one on the election date, or is it if we suspend both of them. According to Carter, the first resolution is a resolution requesting information. The City Council is entitled to certain information from Entergy, at your discretion. There is nothing in state law that prevents the City from proceeding with that information request without a resolution, but it is certainly a fully check the block approach to have a resolution to request that information. Separate and apart from that is the ordinance choosing to acquire the property, and the second ordinance to call for an election. Through the adoption of Ordinance 37 of 2008, the Benton City Council annexed a large parcel that is near Exit 114 on Interstate 30, we will call that the Exit 114 property. Within the Exit 114 property, while it is outside the city limits, the Arkansas Public Service Commission defines who serves that among utilities that the APSC regulates. That area was split between Entergy Arkansas and First Electric. Nevertheless, Arkansas law provides a process for municipalities annexing territory to take over service to that territory. That law is at 14-207-103, which requires the municipality to elect within three years after election to acquire all of the customers' distribution properties and facilities that are reasonably utilized and reasonably necessary to service customers of the public utility within the annexed area. At the time of the annexation the Exit 114 property was undeveloped. There were no customers and distribution properties within the property that we have any knowledge of. It is our information that we have gathered from 2008 that Benton Utilities contacted First Electric and Entergy both about taking over service to this area. At that time there was an understanding that there is nothing to be acquired. A significant development was proposed at that time but it was put off because of the recession. So the development that was projected at the time of annexation did not happen. Brent Houston stated that that property came in voluntarily, and the statute that you referred to just a minute ago referred to an election and three years in which to provide services, why is that relevant to this property because it came in voluntarily? Mr. Carter stated the statutory reference that you are referring to is the one referring to annexations, and it talks about a service to a territory and the authority of someone to de-annex based on service. This is a separate statutory structure over the provision of services. It is really just how utility property can be acquired. In the old law everything was acquired by election of the people until the annexation statute was made that said we can

allow acquisition of newly annexed property. Just by election of the utility there is a damages computation, and it's done. There was a separate method for that prior to. Today Exit 114 is again poised for development. Benton Utilities has spent a lot of money extending services to the property. Not just electric services but also arranging for water and extending wastewater services to the property. The problem that has arisen is that Entergy has said, no, you are not entitled to serve that property we are entitled to serve. To my understanding, Entergy is here and I will let them make their argument, but they assert that those people who represented to Benton that there was no property that needed to be acquired that they did not have the proper authority to make that representation. They are saying that even though there was no property to be acquired there was no letter that was sent within three years so that annexation statute does not apply. We have argued back and forth in good faith about that compliance and fortunately Arkansas law provides another method to acquire service territory, and that is the old law, Act 324 of 1935. The original method through which the City would acquire service territory from a public utility, is currently codified at 14-200-107. A municipality may determine to acquire the property of a territory by the vote of the municipal council or city commission, taken after a public hearing of which 30 days' notice was given, and ratified and confirmed by a majority of the vote of the electors. Which means we would have to have a special election. Act 324 is specifically referenced in Entergy's franchise agreement, which is from 1966, meaning it predates the annexation statute structure that came along after the fact. As we have studied this, the second issue came up of the fact of Hurricane Lakes. As Benton Utilities has studied the issue of Exit 114, they feel that north of Hurricane Lakes there is a few parcels that are served by Entergy that would be better served by Benton Utilities. Benton Utilities has more service capability in the area, they can get to them faster, and it would be a better service to the community if Benton Utilities served them instead of Entergy. That is why the proposal you are seeing references north of I-30 and not just Exit 114. To wrap up at the end, let me say that an election may not be required. We have been actively negotiating to try and find a satisfactory solution, which you would have to approve. It would have to be acceptable to this council, the Benton Public Utilities Commission, and to Entergy. We have made lots of progress in these negotiations, but we have not yet achieved a solution. I do not doubt that we will continue to have discussions in good faith, but we do need to move forward. That is why this first step is to have a public hearing. The next step would be approval of the ordinances, and that is not required tonight, but in order to remain on schedule they would have to be approved at the next council meeting on December 16. Alderman Hart asked that if these ordinances are approved and then you all have an agreement worked out by the next meeting will the city have incurred any cost or is there anything that we would have to put forth? According to Carter, between now and December 16 there would not be any money required from the city for this if the city approves the ordinances. If Utilities and Entergy are able to reach an agreement the council will be able rescind the ordinances at the December 16 meeting. They do not have to be delivered to the election commission until 70 days prior to the election, which is December 24. Since the offices are closed on December 24 we would have to have to back up to the Friday before that which is December 20. So we would hold off on delivering to the election commission because once that happens money starts to get involved. As you approach printing ballots, you can get ballots printed and repeal the ordinance 30 minutes before election day. Brent Houston asked "As far as bargaining power, is it helpful to pass the vote tonight or does it matter?" Personally Carter believes it does not matter because they are still on schedule and on the timeline, and fortunately with the election process we are going to follow the will of the voters no matter what they choose to do. If the voters tell us that we are going to acquire the property then negotiations are going to restart for the acquisition price on the property. The ideal would be that we can still work

that out, but if we could not it would be settled by the Arkansas Public Service Commission. Alderman Lee asked what the City Attorney would recommend. Brent Houston, the City Attorney, stated that he will not give his opinion unless he believes it to be illegal, yet we still need to hear from the other side. David Vondran clarified for Alderman Brown and the committee that if the Council had held their meeting on the fourth Thursday, December 23, and passed these Ordinances the night of the 23rd they would have gotten up on the 24th and not have been able to deliver them where they are supposed to go by the 70 day deadline. This is why David Vondran earlier explained to Alderman Brown that they would have to pass these ordinances tonight. Since the December meeting has been moved to the 16th we are no longer under that timeline.

Mayor Farmer asked if there was anyone else who would like to speak for the ordinances. There was no one else to speak for the ordinances. Now the Mayor has opened the floor up for speakers against the Ordinances.

John Bethel, Director of Public Affairs for Entergy Arkansas, came to speak against the ordinances. We are a long-time corporate citizen of Benton and we are a long-time utility provider to the people of Benton and we believe we have done a good job at both. We appreciate the good relationship we have with our customers here and we want to maintain that. The reason I am here tonight is because we and Benton Utilities have come to a disagreement over who is authorized to serve the utilities at Exit 114. We believe that we have the obligation, the responsibility, and the opportunity to serve that piece of property and the customers that are located there because we have been allocated to serve that community by the Public Service Commission. We do not believe Benton Utilities followed the notice requirements under the law to give us proper notice three years following annexation that they wanted to serve the property. As you have heard Benton Utilities has a different point of view, so we disagree. Ultimately if we do not agree we will end up in Circuit Court and a Judge will decide who is right and who is wrong. We would like to avoid that and we have actively been working with Benton Utilities to come to a resolution both we and they are satisfied with and that we can come before the Public Utility Commission and the City Council to ask for your approval of that document. Because you are not required by law to meet your deadlines to act on the three ordinances tonight, you can do that on your December 16 meeting, we recommend that you not act on those and continue to allow us to negotiate and make progress. We believe it would be helpful to our negotiations to not have those ordinances passed. I do not know if it improves or disproves the city's point, but it certainly gives us a less positive feeling about the process if we have that over our head if we do not have to have it there. We understand you need to preserve your options, and we respect that, but based on Mr. Carter's explanation, and based on our understanding of the time frames under the law, you do not have to do that tonight. We are committed to these negotiations with Benton Utilities and we are waiting to hear back from them on the last conversation we had regarding a resolution. We are making progress and I am personally optimistic that we are going to reach a resolution to this problem. We can certainly give you a report on December 16 of where we stand and whether or not those ordinances are really what you need to do. I think you are informed as to what is happening, and I think you are informed as to when you need to act. I can speak on behalf of Entergy and say that we are dedicated to resolving this issue. We do not want to have to go to court if we do not have to. We also respect that Benton Utilities and the City do not want that to happen either. I hope that by not acting on these ordinances tonight you help this process to continue in a positive manner. I am also willing to answer any questions you may have of me.

Alderman Hart stated that he appreciates Mr. Bethel coming to speak on Entergy's behalf. One of the ordinances is a request for information that they are asking for. Have you received that request, and has Entergy denied that request or will you provide that information to them? Mr. Bethel stated that they have not received that request yet in our discussions, but if it came up and it was a reasonable request I think we would respond. If the city needs information from us as a franchisee, we would certainly be willing to work with you on that. I am not aware that the ordinance is necessary for that exchange of information during our negotiations at this time. To my knowledge I do not believe there has been a point yet where someone has asked for something and we have denied it.

Brent Houston asked what facilities Entergy has at the property right now. Mr. Bethel stated that within the property itself he is not aware that they have facilities constructed inside that roughly 500-acre area. We have facilities adjacent to it and within the area. We do not currently have customers within the property itself, but as with all of our undeveloped service areas we work actively to attract businesses and customers to that area so that we can grow our business and serve. We have taken that approach with this property and we have been involved with the efforts to get the Continuing Education Center built there. We have participated with the understanding that it was going to be built in our service territory and that we would be able to service them. We certainly are willing to work with Benton Utilities in a way that satisfies both of us and I think we are making good progress.

Brent Houston stated that Mr. Carter spoke to the fact that Entergy employees have indicated to the Utility Commission or to the Utility department that Entergy did not desire to service the property in the past, is that correct? Mr. Bethel replied that I know that there was some communication where the employee indicated that there were not any customers in that service territory. I do not know if there was any communication that we would not want to service that territory. If that communication did come, it did not come from an Entergy employee that was authorized to make that communication, and we did not receive the notification that would be required under that statute for Benton Utilities to tell Entergy "we want to serve that territory." Our expectation is that written notice would be delivered to somebody authorized to commit Entergy Arkansas and that has not happened.

Benton Houston asked "Did the Utility department not transmit and email to Entergy Arkansas that they want to serve that property in the past?" Mr. Bethel replied that there were emails, but I do not know if those emails occurred within the three-year time frame that the statute requires. I am not prepared and do not think it is appropriate to try and litigate the terms of our disagreement with Benton Utilities in this forum. But I acknowledge that there are disputes over what communications have occurred, when they occurred, and with whom they occurred. That is one area of disagreement. Our position is that the required communications have not occurred and the commitment from Entergy has not been given from anybody with authority on Entergy's behalf. We are prepared to take that to Circuit Court and to litigate it, if we are unable to make a mutually agreeable resolution with Benton Utilities. We are trying to avoid that just as they are.

Council Member Brown asked "what is that optimism based on considering you only have three more weeks?" Mr. Bethel stated that this discussion tonight makes both parties aware of where we are and I know we have made more than one good faith offer. Both parties have been moving together on several of the disputed items within our conversations and I think we are getting very close to having terms that we can both agree are reasonable and acceptable. I think that the urgency of knowing that December 16

is the time frame for that to happen that both parties have an incentive to move towards a resolution and that we are going to do that.

Council Member Lee asked "what would the harm be of us passing these ordinances? It is not going to prevent you all from negotiating. How active were you all in 2008 when a firm was thinking about going into this territory?" Mr. Bethel replied, I do not have an answer for you about what we did in 2008, but I do know that in all of the actions leading up to developing the proposal for the Continuing Education Center we had an Entergy representative that is on that Economic Development Committee that worked on developing that project. We have been actively involved as a member of the community and as a member of the Economic Development Commission of Saline County of Benton to promote that project. So, we have certainly looked for opportunities to bring that project to Benton, and within our service territory. We are not playing games and we are not suggesting that you think we are, we are serious. I think that we have made serious efforts to resolve this and we are going to continue to do our best to resolve it. Obviously, we will continue to do that whether or not you pass the ordinances, but we think that it would indicate that the City understands you do not have to act until December 16. There are good faith negotiations going on and if you postpone acting until you have to it has a much more positive feel from our side of the negotiating than if you were to go ahead and pass those ordinances considering it is not required for you to do that at this time. You do not lose anything by doing it, and you do not gain anything by doing it. I think you have gotten a positive report from both organizations, and we are making progress, and therefore, if you think this is going to give anybody an extra incentive to negotiate I think you are mistaken. Both parties have said they are working and they will be prepared on December 16. If we are unable to come to a solution by December 16, I would expect you to pass the ordinances and we would then continue to negotiate. If we are unable to come to the solution by your deadline for a special election we will then have to go to Circuit Court even though none of us want to do that. We will pursue all of the avenues available to us if we do not have an agreement. What I am asking you to do is to give us a little more time to work on negotiations before you pass your ordinance. If you are unhappy with what you hear on December 16, I would assume you would pass the ordinances then and move forward. I am not asking you anything other than to give us that time. It does not cost you anything to give us that time. You may disagree and that is your prerogative. I am just pleading my case that you do not lose anything by not passing those ordinances tonight. Council Member Lee then asked "what percentage do you give that you will come to a resolution by the next meeting?" Mr. Bethel replied, I am not really able to lay odds on that percentage. I am positive about our conversations and we have narrowed the issues as we have talked, we have had substantial progress. I would hate to do anything that would impair that progress and passing the ordinances tonight would not be helpful to the progress. We will continue to work in good faith, but I believe it would be helpful to not pass the ordinances tonight. That is the best I can offer you.

Council Member Hart asked "can you let us know, up to this point, what the agreement is?" If we are going to allow Benton Utilities to service the territory it is a matter of what compensation is just and fair for Entergy for surrendering its legal opportunity to service this territory. We are discussing terms that would be satisfactory to us and that would be fair compensation for the opportunity to service that territory as the law requires. We started at different levels and we are working towards a good even ground. Council Member Brown clarified that now instead of several issues it is now just compensation. And Mr. Bethel agreed that there are several issues within the compensation issue.

Mayor Farmer asked "if the Council moves on with the ordinances tonight how does that affect compensation?" Mr. Bethel replied, I do not know exactly how it will affect compensation, but what I am saying is I am trying to help everybody from even having to start that process. Mayor Farmer then clarified that it will not affect the compensation, and Mr. Bethel said he could not say. The ordinances have never been included in their discussion because they have not existed before not, so he does not know how they will affect compensation. He wants fair compensation for their property no matter what.

Council Member Brown asked if it was fair to say that there have been other disputes with Entergy over specific areas of service territory with other municipalities. Mr. Bethel has said that that is true, but he is not aware that there has ever been litigation. In general terms Alderman Brown asked what the percentage of these other negotiations have been settled verses have had to go to court. Mr. Bethel said that he really does not know, but Mr. Carter may know, but there is generally no dispute over the time line. He is not aware of any that have gone into litigation.

Brent Houston asked Mr. Carter "how is the compensation calculated and what are they entitled to compensations to receive." Mr. Carter stated that as Mr. Bethel alluded to, some of this matter is untested. It has been a while. I am not going to tell you that no one has exercised this authority before, but it has been a while since the annexation statute was adopted to where a City annexes a property and then you have three years of notice to take over service. The damage compensation has been worked through and it is very statutorily driven. The election process has not been run in a while. The damages appear to be based on both acquisition of customers and property and severance charges. Brent Houston then asked "what would their compensation be based on since there are not customers or property currently in this territory?" We would trace back to the law of condemnation and we would lean back on black letter law in that stand point. I would expect Entergy to argue some sort of future compensation and anticipated revenues. Generally under black letter law speculative damages are disregarded in a domain proceeding, so I would expect some limitation on that.

Mayor Farmer asked if there was anyone else who would like to speak against these Ordinances. With no one else to speak he asked David Vondran to come back up and speak a final statement addressing the Committee.

David Vondran stated that he believes in good faith that Mr. Bethel is here authorized to speak on Entergy's behalf. He has made that mistake before in assuming someone has that authority. As we proceed in good faith with Entergy there are things on the table, and things that may be on the table that will require your approval. For instance we are talking about royalties and franchise fees, and all of that authority lies with you. So, whatever we come back to you with on the night of the 16th, if we are looking at approving this set of conditions that we have with Entergy or we couldn't come to terms and we proceed with the ordinances, that decision will rest with you.

The public hearing was adjourned.

RESOLUTION NO. 82 OF 2019

A RESOLUTION ADOPTING THE 2020 BUDGET FOR THE GENERAL FUND, ANIMAL CONTROL, PARKS AND STREET FUNDS; ESTABLISHING A PROCEDURE FOR REVISING SAME; AND FOR OTHER PURPOSES

WHEREAS, pursuant to A.C.A. 14-58-201, the Mayor of the City of Benton, Arkansas has an obligation to submit an annual budget to the City Council for approval for the upcoming year; and

WHEREAS, pursuant to A.C.A. 14-58-202, the City Council of the City of Benton, Arkansas has an obligation to adopt a budget for the operation of the city for the upcoming year.

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

SECTION 1: Pursuant to the authority granted in A.C.A. 14-58-202 and 14-58-203 the City Council does hereby adopt the FY2020 City of Benton Budget (budget) which is attached hereto, marked as "Exhibit 1." The adoption of this budget shall be deemed as an appropriation pursuant to the foregoing statutes.

SECTION 2: The line items contained within the budget are deemed to be estimates of the costs necessary for running each department through the year. Expenditures may not exceed those amounts defined within "Exhibit 1."

SECTION 3: Should the amount budgeted for each amount shown in "Exhibit 1" need to be revised, monetary transfers between the departments may occur and shall be administered by and be the responsibility of the Mayor or his appointed staff member. Any adjustments to the amount budgeted within each category shall be done by the City Council who shall do so by passing a resolution amending the budget.

PASSED AND APPROVED this the _____ day of December 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

ORDINANCE NO. 88 OF 2019

AN ORDINANCE MODIFYING THE COMPENSATION FOR THE OFFICE OF COUNCILMEMBER; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton wishes to adjust the salary for the members of the Benton City Council.

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

SECTION 1. Commencing on January 1, 2020 all members of the Benton City Council shall be paid an annual salary of \$9,900.00.

SECTION 2. All ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict, but not otherwise.

SECTION 3. In as much as the members of the Benton City Council provide a necessary governmental function to the citizens of the City of Benton, an emergency is hereby declared and this Ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED AND APPROVED THIS THE _____ DAY OF December, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

ORDINANCE NO. 89 OF 2019

AN ORDINANCE MODIFYING THE COMPENSATION FOR THE OFFICE OF MAYOR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton wishes to provide the Mayor with a monthly stipend for the use of his or her personal vehicle for City business.

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

SECTION 1. Commencing on January 1, 2020 the Mayor shall receive a stipend of \$6,000.00 annually for the personal use of his or her vehicle for City business. This amount shall be in addition to the annual salary amount.

SECTION 2. All ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict, but not otherwise. Ordinance 68 of 2014 is hereby amended to reflect the stipend for the Office of Mayor beginning for the year 2020 and for all subsequent years.

SECTION 3. In as much as the Mayor provides a necessary governmental function to the citizens of the City of Benton by providing a personal vehicle for performing these City functions, an emergency is hereby declared and this Ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED AND APPROVED THIS THE _____ DAY OF December, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. 83 OF 2019

A RESOLUTION AUTHORIZING AN EMPLOYEE'S CONTINUED EMPLOYMENT WITH THE CITY AFTER CONCLUDING PARTICIPATION IN THE DELAYED RETIREMENT OPTION PLAN FOR THE CITY OF BENTON FIREMAN'S RELIEF AND PENSION FUND AND CERTIFYING THE CITY COUNCIL IS AWARE OF THE RISKS OF USING A CASH FLOW MODEL FOR A SMALL GROUP

WHEREAS, participants in the City of Benton Fireman's Relief and Pension fund may elect to participate in the Delayed Retirement Option Plan (DROP) for a five year period of time; and

WHEREAS, after the conclusion of the initial five year period, the participant may elect to participate in a second and final five year period of DROP participation; and

WHEREAS, at the conclusion of the second five year period the participant must either terminate his employment or be granted permission to extend his employment without participation in the retirement plan of the City so long as several components set by Arkansas state law are met; and

WHEREAS, on by letter dated July 9, 2019 Chief William M. Ford has requested that the City Council grant him permission to continue his employment after July 1, 2020 which will be the end of his second five year term of participation in the DROP program, which is attached hereto as Exhibit "1"; and

WHEREAS, a municipality may authorize this change in benefits to occur so long as it also certifies that it is aware of the risks of using a cash flow model for a small group; and

WHEREAS, the members of the City of Benton Fireman's Relief and Pension Fund (Fund) passed a resolution authorizing continued employment at the conclusion of the DROP program which is attached hereto as Exhibit "2"; and

WHEREAS, the Arkansas Fire and Police Pension Review Board, after reviewing the necessary components of such a plan change, has approved the Fund's resolution to allow continued employment with the City which is attached hereto marked as Exhibit "3"; and

WHEREAS, the City Council desires to allow continued employment of William M. Ford following July 1, 2020 and for all such participants which are similarly situated.

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

SECTION 1: The City Council does hereby authorize and approve allowing participants in the City of Benton Fireman's Relief and Pension Fund to continue employment with the City after the conclusion in the DROP program. This authorization extends to William M. Ford and all individuals who are similarly situated.

SECTION 2: The City Council does hereby certify in accordance with state law that it understands the risks involved in using a cash flow model for a small group.

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

Tom Farmer, Mayor

Cindy Stracener, City Clerk



ARKANSAS FIRE & POLICE PENSION REVIEW BOARD

620 W. 3rd, Suite 200
Little Rock, Arkansas 72201-2223
Telephone: (501) 682-1745
Toll-Free: (866) 859-1745
email: info@lopfi-prb.com
website: www.lopfi-prb.com

November 25, 2019

Board of Trustees
Benton Fire Pension Fund
PO Box 607
Benton, AR 72015

Dear Trustees:

On October 14, 2019, your board passed a resolution to implement Continued Employment after DROP for members of the Local Plan as long as the pension fund was able to demonstrate that it was actuarially sound. In addition, the actuarial method to be used was an alternate cash flow analysis.

In order for a benefit increase to be granted several components must be met. Those components are: A) the contributions must equal or exceed the actuarially computed contributions to pay the Local Plan's proposed total benefits and the Local Plan's assets must cover all present and future liabilities, B) the contributions must equal or exceed the actuarially computed contributions to pay the Local Plan's proposed total benefits and the funded percentage test must be at least 97%, or C) through either a Cash Flow or Alternate Cash Flow valuation. These provisions are detailed in PRB Board Rule #4.

The enclosed benefit increase valuation dated November 25, 2019, shows the Continued Employment after DROP provision can be approved and allow the fund to meet the test for actuarial soundness. Therefore, based on the results of the valuation, I certify that this change in the benefit structure may be approved.

Because the valuation method used was the alternate cash flow the PRB requires the local pension fund board of trustees and city council certify that they understand the risks involved in using a cash flow model for a small group. In addition, state law requires the governing body of the municipality to approve this change, which includes making it available to all similarly situated individuals. As you know, the local board has already provided its certification. What remains needed is for the city council to authorize this change and to provide the certification of their understanding of the risks involved in using a cash flow model for a small group. Please ensure the city council approval and certification is provided to the PRB prior to the implementation of this benefit change.

Benton Fire Pension Fund
November 25, 2019
Page 2 of 2

In addition, please note the information in the actuary's cover letter regarding the actuarial assumptions and accuracy of data. The results of this valuation were based on the understanding that the assumptions used would be met and the financial data provided by the pension fund was correct.

It is also important to mention that the Local Plan was only 38.8% funded at the December 31, 2018 annual valuation. Plus, the 10-year average market rate of return of 3.24% fell below the 5% assumed rate of return used in the annual valuation. This means the importance of the uninterrupted funding from the millage cannot be overstated. The millage inflow to the Local Plan increased considerably beginning with the 2016-year and continued so in 2017 and 2018. As the benefit increase valuation stated, it is vital that the Local Plan continues to receive these higher amounts for at least five years as it will help protect the benefits for all participants of the Local Plan.

My decision is subject to review by the PRB. The next meeting is scheduled for December 11, 2019, at 9:30 a.m. in Little Rock. However, this letter serves as authorization for your fund to implement the approved change described earlier and after the city council authorization and certification is filed with the PRB.

Respectfully,



David B. Clark
Executive Director

Encl:



Benton Fire Department

"Benton Proud"

220 S. Main St. ■ Benton, AR 72015

Phone: (501) 776-5960 ■ Fax: (501) 776-5963 ■ <http://www.bentonar.org/benton-fire-department>

July 9, 2019

Mayor Tom Farmer, Chairman
Benton Firemen's Pension and Relief Fund
114 S. East
Benton, AR 72015

Mayor Farmer,

On July 1, 2010 I entered into the Delayed Retirement Option plan (DROP) with the Benton Firemen's Pension and Relief Fund. On July 1, 2015 I entered into my second five years of DROP which was approved by the board of Trustees and the Benton City Council as required by law. My DROP is scheduled to conclude on July 1, 2020 at which time I must terminate my employment or be granted approval for continued employment. At this time I am requesting to continue my employment after the conclusion of my DROP on July 1, 2020.

Sincerely,

William M. Ford
Benton Fire Department

Cc: Mandy Spicer, Chief Financial Officer
Brent Houston, City Attorney
Cindy Stracener, City Clerk

RESOLUTION TO IMPLEMENT CONTINUED EMPLOYMENT AFTER DROP FOR THE
CITY OF BENTON FIREMEN'S RELIEF AND PENSION FUND

It is hereby resolved by the board of trustees of the City of Benton Firemen's Relief and Pension Fund to implement the Continued Employment after DROP provision as provided for in Arkansas Code Annotated 24-11-830. The board understands that Arkansas law requires this type of request to follow the benefit increase process described in ACA 24-11-102.

The board further proposes that the actuarial services be secured through the offices of the Arkansas Fire and Police Pension Review Board (PRB). The board hereby agrees to pay such charges and fees as are required by the PRB to cover the cost of such actuarial services.

Whereas, the City of Benton Firemen's Relief and Pension Fund board of trustees met on October 14, 2019 and adopted this resolution to implement Continued Employment after DROP for members on the DROP as follows:

1. At the conclusion of the Deferred Retirement Option Plan (DROP) participation, a member may continue employment as a firefighter with the Benton Fire Department.
2. This continued employment shall be available to all similarly situated members.
3. Once continued employment is elected, a member's monthly DROP payment shall cease.
4. The provisions of Act 1372 of 2003 regarding interest rate awards will be implemented.
5. The employer and employee contribution of 6% shall cease.
6. A copy of this signed resolution will be filed with the PRB.

We request that the actuarial valuation use the alternate cash flow projection valuation method for processing this request. The board understands PRB Rule #4 and hereby certifies its understanding of the risks involved in using a cash flow model for a small group.

The effective date to implement this Continued Employment after DROP provision shall be January 1, 2020. This resolution was passed and approved on Oct 14, 2019.

Chairman

Tom Farmer

Secretary/Treasurer

Cindy Stracener

Member

Jimmy Mosely

Member

David Huddleston

Member

Richard Ramsey

Member

Tom Cole

Member

Ken

ORDINANCE NO. 90 OF 2019

AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE TRANSFER OF FUNDS FOR THE PURCHASE OF EQUIPMENT FOR THE POLICE 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 to transfer and appropriate funds for the purchase of equipment for the police 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: The Police Chief is hereby authorized to purchase equipment with these funds.

SECTION 3: 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 December, 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	\$13,601,705.26	-0-	\$13,601,705.26
Personnel	\$10,940,372.45	-0-	\$10,940,372.45
Operations & Maintenance	\$ 2,516,157.26	\$6,778.37	\$ 2,522,935.63
Capital Items	\$ 233,677.39	-0-	\$ 233,677.39

Section 2: Funding & Disbursements - Fiscal Year 2019

General Fund

Funding

This budget amendment authorizes the use of restricted funds in the amount of \$6,778.37 from the restricted account Police Equipment Grant Fund (130.550.10.00).

O&M

This budget amendment allows for the expenditures associated with the purchase of ballistic vests in the amount of \$6,778.37 by increasing line item Supplies/ Safety (750.670.13.17).

ORDINANCE NO. 91 OF 2019

AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE ACCEPTANCE OF INSURANCE PROCEEDS FOR A DAMAGED VEHICLE; APPROPRIATING FUNDS FROM THESE PROCEEDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City has received \$17,742.41 in insurance proceeds for a damaged police cruiser; and

WHEREAS, the funds have been received and need to be properly accounted for in the 2019 budget; and

WHEREAS, the City Council needs to amend the 2019 General Fund budget to account for this receipt of funds and to appropriate the funds for use by the Police Department.

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 account for the insurance proceeds and 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 December, 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	\$13,601,705.26	\$17,742.41	\$13,619,447.67
Personnel	\$10,940,372.45	-0-	\$10,940,372.45
Operations & Maintenance	\$ 2,522,935.63	-0-	\$ 2,522,935.63
Capital Items	\$ 233,677.39	\$17,742.41	\$ 251,419.80

Section 2: Funding & Disbursements - Fiscal Year 2019

General Fund

Funding

This budget amendment authorizes the use of funds received from an insurance settlement from a wrecked Police unit in the amount of \$17,742.41 deposited into the General Fund (680.06.10.00).

O&M

This budget amendment allows for the expenditures associated with the replacement of the wrecked Police unit in the amount of \$17,742.41 by increasing line item vehicles in the Police Department (850.20.13.17).

RESOLUTION NO. 84 OF 2019

A RESOLUTION DECLARING CERTAIN PROPERTY
AS SURPLUS; AND AUTHORIZING THE SALE OF THE
SURPLUS PROPERTY AT AUCTION

WHEREAS, the City Police Department owns certain equipment which it no longer needs; and

WHEREAS, the City Council desires to declare the property which is itemized in Exhibit "1" as surplus and to authorize it be sold at public auction.

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

SECTION 1: The property listed in Exhibit "1" is hereby declared surplus property and shall be sold at public auction in accordance with any applicable state or federal law.

SECTION 2. The Police Chief is authorized to set the terms and conditions for the auction with respect to the amount of the deposit required on the day of sale, closing and all other necessary terms for the sale, including the date for when the surplus property shall be delivered to the successful bidder.

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

Tom Farmer, Mayor

Cindy Stracener, City Clerk

EXHIBIT "1"

YEAR	MAKE	MODEL	UNIT	VIN	MILEAGE
2007	CHEVROLET	IMPALA	138	2G1WS55R879343138	102,938
2012	DODGE	CHARGER	207	2C3CDXAG1CH209015	104,527

RESOLUTION NO. 85 OF 2019

A RESOLUTION AWARDDING A CONTRACT TO JONES HEATING
AND AIR CONDITIONING FOR PROVIDING HVAC
MAINTENANCE SERVICES TO THE CITY; AND FOR OTHER
PURPOSES

WHEREAS, the City of Benton, after having advertised for bids for HVAC maintenance services, has determined that the proposal submitted by Jones Heating and Air, which is a local company, is the most acceptable proposal for these services and that the City should award the contract to this company. A copy of the bid tabulation is attached hereto marked as Exhibit "1".

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

SECTION 1: The proposal of Jones Heating and Air is the most acceptable bid for providing HVAC maintenance services to the City.

SECTION 2: The Mayor is authorized to execute, on behalf of the City of Benton a contract for HVAC services with Jones Heating and Air and to execute such other documents as may be necessary and convenient to accomplish this purpose. The contract term shall be for one year and renewable annually for up to three consecutive years.

SECTION 3: The Mayor is likewise authorized on behalf of the City to pay any amounts which may become due and payable under the contract.

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

Tom Farmer, Mayor

Cindy Stracener, City Clerk

Department Totals Per Year	Bids 12/16/19-Semiannual PM w/o Filter Changes(except City Hall)					Bids 12/16/19-Semiannual PM w/Filter Changes				
	Jones	Middleton	Powers	RaceDaddy	Forrest AC	Jones	Middleton	Powers	RaceDaddy	Forrest AC
Comm Development	\$ 4,627	\$ 21,745	\$ 12,844	\$ 16,370	\$ 9,906	\$ 4,791	\$ 22,048	\$ 13,095	\$ 16,502	\$ 9,994
Parks	\$ 12,032	\$ 20,810	\$ 19,966	\$ 27,000	\$ 13,006	\$ 18,655	\$ 27,700	\$ 21,103	\$ 27,000	\$ 17,223
Police	\$ 525	\$ 1,648	\$ 1,613	\$ 2,000	\$ 1,234	\$ 853	\$ 2,264	\$ 1,813	\$ 2,100	\$ 1,925
Fire	\$ 1,181	\$ 7,391	\$ 5,224	\$ 4,980	\$ 2,776	\$ 1,482	\$ 8,930	\$ 5,792	\$ 5,224	\$ 3,983
Street	\$ 219	\$ 895	\$ 700	\$ 900	\$ 463	\$ 274	\$ 1,108	\$ 750	\$ 951	\$ 631
Animal Control	\$ 131	\$ 1,235	\$ 600	\$ 400	\$ 411	\$ 147	\$ 1,448	\$ 692	\$ 424	\$ 558
Bid TOTAL(Paid Annually)	\$ 18,715	\$ 53,724	\$ 40,947	\$ 51,650	\$ 27,796	\$ 26,202	\$ 64,598	\$ 42,495	\$ 52,201	\$ 34,314
Bid TOTAL(Paid Quarterly)	\$ 4,679	\$ 13,431	\$ 10,237	\$ 12,913	\$ 6,949	\$ 6,551	\$ 15,890	\$ 10,624	\$ 13,050	\$ 8,279
\$ Added If Billed Quarterly	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Added % Markup for Qtrly	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

*discrepancy\$750

Incl Tax

	Jones	Middleton	Powers	RaceDaddy	Forrest AC
Response/Labor/Parts Info:					
Response	2hrs	2-4 hrs	2hrs	2-3 hrs	3hrs
Labor Rates (8am-5pm)	\$80	\$89	\$94	\$80	7:30-4pm \$87
Labor Rates (After 5pm-8am)	\$119	\$133.50	140	\$100	4pm-7:30am \$110
Labor Rates Weekends	\$119	\$133.50	140	\$100	Saturdays \$110
Labor rates Holidays	\$119	\$133.50	188	\$120	Sundays \$148
Parts Discount	10%	10%	10-15%	10%	10%

Summary: Jones clearly provided the lowest cost with or without filter changes for every Department and the City as a whole. They reduced their prior year contract cost by \$1,400 to be more competitive and get all city department structures. The below information is shared so that each Department can plan if they seek adding two additional filter changes per year for a total of 4. These totals are estimates only based upon the labor and trip cost, stocking and supplying the filters and making 2 additional trips per year for changing the filters only.

	Jones w/o Filters	Jones w/ Filters	%Change for 2 filter changes	Estimate to Add 2 filter changes for 4 annually after award	Estimated Total w/4 Filter Changes	%Change for 4 filter changes
Comm Development	\$ 4,627	\$ 4,791	3%	\$ 2,478	\$ 7,269	57%
Parks	\$ 12,032	\$ 18,655	36%	\$ 12,639	\$ 31,294	160%
Police	\$ 525	\$ 853	38%	\$ 591	\$ 1,444	175%
Fire	\$ 1,181	\$ 1,482	20%	\$ 892	\$ 2,374	101%
Street	\$ 219	\$ 274	20%	\$ 165	\$ 439	100%
Animal Control	\$ 131	\$ 147	11%	\$ 82	\$ 239	74%
Overall Bid TOTAL	\$ 18,715	\$ 26,202	29%	\$ 16,845	\$ 43,047	130%

Rates derive after conversation with Jones et.al.

Recommendation: Recommend award all Departments semiannual PM and semiannual filter changes to Jones, except PARKS should consider no filter changes. It may be more feasible for Parks to consider continuing to use their full time staff considering the savings range from \$6,600-\$18,000. Each Department should assess the amount they would spend to buy filters and replace them twice a year versus allowing JONES to change the filters as they do their semiannual PM. It is cost effective for smaller departments to let JONES do the filters. Departments can directly negotiate with JONES, after award, to get a lower rate than my estimate above to replace filters 2 additional times per year, if desired. Smaller departments with much less complicated equipment that also offers easier access would benefit in awarding the amount above with filter changes includedand later negotiate to increase the 2 additional filter changes, if desired.



City of Benton, AR
The heart of Arkansas...

MEMORANDUM

TO: Mayor Tom Farmer, CFO, & Chair, Finance Committee

DATE: December 9, 2019

RE: Award of a 3-year (2020-2022), annually renewable, HVAC Preventative Maintenance Services Contract

A summary of the quotes received follows (taxes included):

	(1-Yr)	
	Proposal w/o filter changes	Proposal w/ filter changes
Jones Heating and Air	\$18,715	\$26,202
Middleton, Inc.	\$53,724	\$63,558
Powers of Arkansas	\$40,947	\$42,495
Race Daddy HVACR	\$51,650	\$52,201
Forrest A/C Services	\$27,796	\$34,414

We recommend awarding this contract to Jones Heating & Air and exercise the option to award the best combination of proposals that is in the best interest of the city. Jones is selected as the lowest cost option and after also reviewing and assessing qualifications, labor rates, material & parts discount, response timeframes, referrals, and their ability to fulfill the Scope & Terms of the Preventive Maintenance requirements as contained in the Request for Proposals. The resultant lowest offer considered to be in the best interest of the city is the annual amount of \$19,579 as submitted by Jones Heat and Air. The departmental annual amount is shown below. The Parks Department will be the only department to continue to use existing staff to accomplish filter changes.

See the Hones heat and Air Departmental breakdown below:

Department	Amount to be Awarded	Description
Community Development	\$4,791	Semiannual PM w/filter changes
Parks	\$12,032	Semiannual PM w/o filter changes
Police	\$853	Semiannual PM w/filter changes
Fire	\$1,482	Semiannual PM w/filter changes
Street	\$274	Semiannual PM w/filter changes
Animal Control	\$147	Semiannual PM w/filter changes
Total	\$19,579	

RESOLUTION NO. 86 OF 2019

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT
EXTENSION WITH ULTIMATE COMMUNICATIONS, INC. FOR PROVIDING IT
SERVICES TO THE CITY POLICE DEPARTMENT; AND FOR OTHER PURPOSES**

WHEREAS, The City of Benton published a Request for Proposal in 2016 for supplying IT Services to the City which the City Council determines to be a professional service; and

WHEREAS, the RFP stated the contract term would begin January 1, 2017 and would extend for one year at which point in time the services may be renewed on a year-to-year basis, for up to six (6) additional one-year terms or a portion thereof; and

WHEREAS, after a review of the proposals the contract was awarded to Ultimate Communications, Inc. in Resolution 73 of 2016; and

WHEREAS, the City wishes to enter into a one (1) year extension of the agreement with Ultimate Communications, Inc. to provide IT Services to the City of Benton Police Department alone, which will be the third of six potential extensions.

NOW THEREFORE, BE IT RESOLVED 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 one (1) year contract extension with Ultimate Communications, Inc. to provide IT Services for the City of Benton Police Department which shall extend from January 1, 2020 through December 31, 2020. The contract does not provide services for any other City department.

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

Tom Farmer, Mayor

Cindy Stracener, City Clerk

CONTRACT FOR SERVICES

THIS AGREEMENT has been entered into this day between the City of Benton, Arkansas ("City of Benton") and Ultimate Communications, Inc. ("Contractor"), for and in consideration of the mutual covenants and agreements herein set forth:

1. Contractor agrees to provide IT and related services to the City of Benton Police Department for the period beginning January 1, 2020 and ending December 31, 2020. The Contractor responded to a certain Request for Proposal (RFP) which is attached hereto as Exhibit "1" and which was first accepted in Resolution 73 of 2016. All Specific Requirements as contained within Section 2 of the RFP and the Scope of Services as contained in Section 3 of the RFP shall be incorporated now by reference as part of this Contract for Services. The Contractor shall only be responsible for providing services under this Agreement for the Police Department alone and not any other City of Benton department. The Contractor shall be the sole provider of the services referenced herein.

2. All reasonable costs and expenses in connection with the services performed by the Contractor shall be the responsibility of the City of Benton. However, Contractor shall supply all of the tools of the trade necessary to perform the services contracted for by the City of Benton. Compensation does not include sales tax, or other applicable duties as may be required by law. Any sales tax and duties required by law shall be charged to the City of Benton in addition to the compensation Contractor is entitled to receive.

3. The Contractor shall determine the means and the manner of performance of the contracted services.

4. Contractor covenants and agrees to perform the services provided by this agreement to the best of his/her/its ability using accepted professional standards for providing the contracted services to the City of Benton.

5. This agreement may be terminated at any time by either party by written notice given at least six (6) months in advance of the termination.

6. In accordance with the RFP this agreement may continue in full force and effect from year to year for an additional three (3) consecutive one year terms after the conclusion of the 2020 term under the terms and conditions provided for herein unless terminated in writing by notice given at least six (6) months prior to the expiration of any contract year.

7. Contractor shall charge \$65.00 per hour for the services performed. Contractor shall provide a monthly invoice to the City of Benton for the Contractor's work by the fifteenth (15th) of the month for the work performed the preceding month, which shall be paid within ten (10) business days of receipt.

8. This is an agreement for services to be performed by an independent contractor. Contractor shall be responsible for the payment of all employment taxes and the like. Contractor shall not be entitled to any employment benefits from the City of Benton.

9. Contractor shall provide a certificate of coverage for worker's compensation insurance or documentation establishing a waiver of coverage for Contractor.

10. This agreement is drawn to be effective in and shall be construed in accordance with the laws of the State of Arkansas. No amendment or variation of the terms of this agreement shall be valid unless made in writing and signed by the Contractor and duly authorized representative of the City of Benton. A waiver of any of the terms and conditions hereof shall not be construed as a general waiver by the City of Benton, and the City of Benton shall be free to reinstate any such term or condition with or without notice to Contractor.

11. The Contractor agrees to not disclose, divulge, reveal, use, for any purpose any confidential information which it may possess or come into possession as a result of providing services under this Contract. Confidential information refers to any data or information relating to the City of Benton, which would reasonably be considered to be private or confidential or proprietary to the City of Benton, that is not generally known and where the release of that confidential information could reasonably be expected to cause harm. The Contractor agrees to not disclose, release, or use any confidential information unless authorized to do so by the City of Benton or by order of a court of competent jurisdiction. The Contractor and the City of Benton acknowledge that this Contract and anything deemed to be confidential information is subject to the Arkansas Freedom of Information Act.

12. No modification of this Contract for Services may occur unless in writing.

WITNESS the hands and seals of the parties this _____ day of December, 2020.

CITY OF BENTON:

Mayor

CONTRACTOR:

Authorized Signature

ORDINANCE NO. 92 OF 2019

AN ORDINANCE PERMITTING DUSTIN HAMM TO CONDUCT BUSINESS WITH THE CITY OF BENTON AND PRESCRIBING THE EXTENT OF SUCH AUTHORITY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, Dustin Hamm, a city police sergeant provides special services which the City wishes to utilize; and

WHEREAS, Sergeant Hamm presently makes special appearances for non-police related events and he also supplies handmade items which are used on uniforms and police gear which are fabricated using 3D printing technology, laser cutting, engraving, and sewing, all of which enhance the quality, efficiency and speed of officer outfitting at prices which are less than retail cost; and

WHEREAS, but for the adoption of this Ordinance, Section 14-42-107 of Arkansas Code Annotated would prohibit the City from purchasing or otherwise obtaining services from Sergeant Hamm; and,

WHEREAS, the City Council finds it is in the best interest of the City to do business with Sergeant Hamm for obtaining these products and services.

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

SECTION 1: Sergeant Dustin Hamm shall be permitted to conduct business and to furnish such services to the City of Benton to the full extent that he could have conducted business with the City of Benton, but for the effect of Arkansas Code Annotated §14-42-107 prior to the adoption of this Ordinance.

SECTION 2: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 3: Because of the immediate need to have the services and products stated herein for the city, an emergency is hereby declared and this ordinance shall come into effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of December, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION

ORDINANCE NO. 93 OF 2019

**AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND
AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE REPAIR AND
MAINTENANCE OF EQUIPMENT FOR 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 to appropriate funds for the repair and maintenance of equipment 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: The Fire Chief is hereby authorized to make the purchases authorized herein.

SECTION 3: 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 December, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



EXHIBIT "4"

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	\$ 2,509,564.50	\$1,967.76	\$ 2,516,157.26
Capital Items	\$ 234,177.39	-0-	\$ 234,177.39

Section 2: Funding & Disbursements - Fiscal Year 2019

General Fund

Funding

This budget amendment authorizes the use of restricted funds in the amount of \$1,967.76 from the restricted account Act 833-Fire Insurance Tax Fund (130.580.10.00).

O&M

This budget amendment allows for the expenditures associated with the repair of 10 Motorola fire pagers and 10 batteries in the amount of \$1,967.76 by increasing line item Repair & Maintenance of Miscellaneous Equipment (740.430.13.19).

Ordinance No. 82 of 2019

AN ORDINANCE DETERMINING TO ACQUIRE CERTAIN PROPERTY OF ENTERGY ARKANSAS, LLC THAT IS LOCATED NORTH OF INTERSTATE 30 AND WITHIN THE CITY OF BENTON, ARKANSAS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, Energy Arkansas, LLC provides electric service within the municipal boundary of the City of Benton, Arkansas ("City") in accordance with Ordinance No. 3 of 1966 ("Franchise Ordinance"); and

WHEREAS, Act 324 of 1935 established a process by which a municipal council could determine to acquire the property of a public utility by a vote taken after a public hearing with at least thirty (30) days' prior notice, and confirmed by a majority of the electors voting thereon; and

WHEREAS, the Franchise Ordinance specifically includes a provision authorizing the acquisition of Entergy Arkansas, LLC's property by election in compliance with Act 324 of 1935; and

WHEREAS, the Public Utility Commission of the City of Benton, Arkansas ("BPUC") has requested the City to exercise its authority under the Franchise Ordinance and Act 324 of 1935 to determine to acquire certain property of Entergy Arkansas, LLC that is within the municipal boundary of the City and located north of Interstate 30, except such property that is required by Entergy Arkansas, LLC to serve customers located south of Interstate 30 or outside of the City, and to submit such determination to the qualified voters of the City for confirmation; and

WHEREAS, BPUC has attempted in good faith to negotiate for the acquisition of customers and property that would be better served by BPUC than Entergy Arkansas, LLC, but has been unable to reach agreement; and

WHEREAS, the Benton City Council hereby finds that current and future citizens of Benton located north of Interstate 30 would be better served by receiving electric service from BPUC than by receiving electric service from Entergy Arkansas, LLC, and

WHEREAS, a public hearing was advertised to be held on November 25, 2019 to be conducted in conjunction with the consideration of this ordinance by the Benton City Council.

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

SECTION 1. Under the authority of Ordinance No. 3 of 1966 and Act 324 of 1935, the City Council of the City of Benton, Arkansas hereby determines to acquire certain property of Entergy Arkansas, LLC that is located north of Interstate 30 and within the City of Benton, Arkansas, except such property that is required by Entergy Arkansas, LLC to serve customers located south of Interstate 30 or outside the City of Benton, Arkansas.

SECTION 2. This Ordinance shall not take effect until an election is held on the question

of the City of Benton, Arkansas acquiring certain property of Entergy Arkansas, LLC that is north of Interstate 30 and within the City of Benton, Arkansas, except such property that is required by Entergy Arkansas, LLC to serve customers located south of Interstate 30 or outside the City of Benton, Arkansas, at which a majority of the electors voting on the question shall have approved the acquisition.

SECTION 3. Upon approval by the voters, BPUC shall attempt to negotiate the value of the property described in Section 1 for a period of thirty (30) days and, failing such negotiations, shall notify the Arkansas Public Service Commission and request a hearing to determine value.

SECTION 4. All costs associated with or arising from the adoption of this ordinance that are attributed to and payable by the City shall be borne by BPUC.

PASSED AND APPROVED this _____ day of _____, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

Ordinance No. 83 of 2019

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF BENTON, ARKANSAS, ON THE QUESTION OF ACQUIRING CERTAIN PROPERTY OF ENTERGY ARKANSAS, LLC THAT IS LOCATED NORTH OF INTERSTATE 30 AND WITHIN THE CITY OF BENTON, ARKANSAS, AND PRESCRIBING OTHER MATTERS PERTAINING THERETO

WHEREAS, on November 25, 2019, the City Council of the City of Benton, Arkansas (the "City"), adopted Ordinance No.82 of 2019 determining to acquire property of Entergy Arkansas, LLC that is located north of Interstate 30 and within the municipal boundary of the City, except such property that is required by Entergy Arkansas, LLC to serve customers located south of Interstate 30 or outside the City of Benton, Arkansas; and

WHEREAS, the purpose of this Ordinance is to call a special election on the question of the City of Benton, Arkansas acquiring certain property of Entergy Arkansas, LLC that is north of Interstate 30 and within the City of Benton, Arkansas, except such property that is required by Entergy Arkansas, LLC to serve customers located south of Interstate 30 or outside the City of Benton, Arkansas.

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

SECTION 1. There is hereby called, and shall be held, a special election on **March 3, 2020**, at which election there shall be submitted to the electors of the City the question of the City of Benton, Arkansas acquiring certain property of Entergy Arkansas, LLC that is north of Interstate 30 and within the City of Benton, Arkansas, except such property that is required by Entergy Arkansas, LLC to serve customers located south of Interstate 30 or outside the City of Benton, Arkansas.

SECTION 2. The question described in Section 1 shall be placed on the ballot for the election in substantially the following form:

Vote on measure by placing an "X" in the square opposite the measure either for or against:

FOR the City of Benton, Arkansas acquiring the property of Entergy Arkansas, LLC that is north of Interstate 30 and within the City of Benton, Arkansas, except such property that is required by Entergy Arkansas, LLC to serve customers located south of Interstate 30 or outside the City of Benton, Arkansas ☐

AGAINST the City of Benton, Arkansas acquiring the property of Entergy Arkansas, LLC that is north of Interstate 30 and within the City of Benton, Arkansas, except such property that is required by Entergy Arkansas, LLC to serve customers located south of Interstate 30 or outside the City of Benton, Arkansas ☐

SECTION 3. The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for municipal elections and only qualified voters of the City shall have the right to vote at the election.

SECTION 4. The results of the election shall be proclaimed by the Mayor, and his Proclamation shall be published one time in a newspaper having a general circulation in the City, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty (30) days after the date of publication.

SECTION 5. A certified copy of this Ordinance shall be given to the Saline County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

SECTION 6. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided.

SECTION 7. If the acquisition of property is approved by the electors, the Public Utility Commission of the City of Benton, Arkansas, for and on behalf of the City, is hereby authorized and directed to do any and all things as may be necessary or advisable to effectuate the acquisition of property as approved.

SECTION 8. All costs associated with or arising from the adoption of this ordinance that are attributed to and payable by the City shall be borne by BPUC.

SECTION 9. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this _____ day of _____, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

Ordinance No. 94 of 2019

AN ORDINANCE ADOPTING CERTAIN POLICIES AND STANDARDS FOR ISSUING SMALL CELL WIRELESS FACILITY SITE PERMITS; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

WHEREAS, the City Council desires to adopt certain policies and standards for issuing small cell wireless facility permits by the City.

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

SECTION 1. The City Council of the City of Benton does hereby adopt certain policies and standards for issuing small cell wireless facility siting permits. These policies and standards are attached hereto as Exhibit "1" to this ordinance.

SECTION 2. There is an immediate need to adopt the attached policies and standards in order to provide for the orderly operation of the small cell wireless facility site permitting process. 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 December, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

DESIGNATED FOR PUBLICAION

Policies and Standards for Small Cell Wireless Facility Siting Permits

The following policies and standards are established for the city of Benton, Arkansas ("City") with respect to any application for installation of small cell ("Small Wireless Facility" or "Distributed Antenna Systems" as defined by the Federal Communications Commission ("FCC") hardware on any existing or new structure (including a tower, pole, boxes or cabinets, cylinders, antennae, equipment, or any other structure as defined in the City zoning regulations). These policies are intended to supplement and clarify the provisions of Ordinances 10 of 2019 and are applicable to any permit application made pursuant to the ordinance, or as required by any other provision in City ordinances.

CONTENT AND FILING OF APPLICATIONS

All applications for small cell facilities shall be submitted to the Community Development Department ("Department"). No application shall be considered complete until it is received by the Department, together with all required application fees, and conforms to the established permit application requirements.

In addition to any other information or documentation required for a building permit application, a permit application for a small cell site must conform to the following requirements, at a minimum:

- Each application may include a maximum of five (5) proposed facilities. Each application requires payment of an application fee as determined by the City Council, but not less than \$500.00 for each unit proposed in each application for location on existing poles or structures, and \$1,000.00 for each unit proposed to be located on a new pole or structure. In addition to any required paper copies, the application, and all attachments, shall be submitted to the Department in an electronic format, unless this requirement is waived by the Department for good causes shown. All applications must be fully complete before the review process will begin.
- The Applicant's name, address, telephone number, and e-mail address, including emergency contact information for the Applicant.
- The names, addresses, telephone numbers, and e-mail addresses of any and all consultants acting on behalf of the Applicant with respect to the filing of the Application.
- A description of the proposed work and the purposes and intent of the proposed facility sufficient to demonstrate compliance with the provisions of the City Ordinances, and any applicable regulations of the FCC and the Arkansas Public Service Commission. The application and drawings shall describe and depict the use of a side mount or top of pole antennae at each location where applicable.
- If the Applicant is not the owner of the property where the facility is proposed to be located, the application must include documentation as to the identity of the owner of such property, and written authorization, acknowledged in the same manner as required

for a deed, from the owner of such property. If the facility is proposed to be located on a property or structure, or portion thereof, which is subject to a lease, such documentation a consent is required from the owner and the lessee of the property.

- Detailed construction drawings regarding the proposed facility. Drawings shall be prepared by a licensed design professional and shall include structural analysis to imposed loads (e.g. bending, shear and high wind loads.)
- To the extent the proposed facility involves co-location on an existing pole, tower or support structure, a structural report performed by a duly licensed engineer evidencing that the pole, tower or support structure will structurally support the co-location (or that the pole, tower or support structure will be modified to meet structural requirements) in accordance with all applicable building codes. These drawings shall include clear notation of any requested changes to the elevation of RVC Electric facilities and the clearance to communications facilities.
- The application shall also include at least two (2) representative pictures of each existing pole, or other proposed antennae structure location, and the immediate surrounding area.
- When two or more sites are being proposed, the application shall also include an aerial photograph or depiction, and a map, of the proposed location with the addresses of each such site clearly shown in a legend or depicted on the aerial plan or map.
- Specification must include RF power ratings (intermittent or steady), radiation patterns, and availability of an appropriately labeled local kill switch for the communication equipment when work on the pole or other supporting structure is required by Line Workers.
- The application shall include documentation that the RF signals will conform to and be in compliance with applicable FCC regulations. In any case where FCC regulation to not apply, the application shall include documentation that the RF signals shall not adversely impact residents and other personnel that may be in proximity to the cell site equipment.
- For any new aboveground facilities (including additions or extensions to existing facilities), accurate visual depictions or representation, if not included in the construction drawings.
- Traffic Control Plans. In the event that applicant is planning to close any road or public property for construction purposes, the plan shall include a requirement that the Applicant notify the police and street departments at least 5 business days in advance of any proposed closings.

POLICIES AND REQUIREMENTS FOR APPLICATIONS AND PERMITS

- The design of the cell antenna and other facilities, along with the selection of the equipment, shall minimize the aesthetic impacts to the community. The design shall include descriptions and depictions of facades or disguise to minimize the visual impact

of the antenna and other equipment. The color, size, and shape of the equipment shall be consistent with surrounding structures.

- In approving an application, the city may impose reasonable conditions with respect to co-location, camouflage design, color, shape, and size of the proposed facility. Where reasonably feasible, all facilities and equipment, whether located on public or private property or easements, must be camouflaged or concealed or otherwise designed to blend in with the surrounding landscape an existing structure.
- No antennae or equipment may be located where sight triangles at driveways or intersection, or curb cuts, will be blocked or interfered with.
- There shall be no lighting of any tower, pole, antennae, or support structure.
- No more than one (1) node may be located on any individual pole or similar structure.
- Antennae and related facilities located on or under the ground are preferred.
- No antennae, together with any structure on which the antennae are mounted, shall exceed a height of 50 feet, measured from the ground level at the base of the structure.
- No antennae shall be mounted on any structure so as to have a height greater than 10% higher than any adjacent structure.
- No antennae may be located so as to extend the height of any existing structure to a height greater than 50 feet above the ground level at the base of the structure, or greater than 10% higher than the existing structure, whichever is greater.
- No individual antennae shall exceed 3 cubic feet in volume. All other equipment or facilities associated with the wireless installation deployment shall not exceed 28 cubic feet in volume.
- All required spacing requirements with respect to other existing utilities and antennae shall be met. No more than one antennae facility may be located on any single pole or structure except where the Department determines that doing so complies with all safety and other regulatory codes and is reasonably necessary to provide service consistent with FCC regulations.
- Considering the power of the cell site equipment and proximity to existing residential structures or other structures which are customarily occupied, the application shall include satisfactory documentation that the new equipment will not conflict or cause issues with existing high frequency systems in the area including residential and Cable Company Wi-Fi equipment, and that the proposed facility will operate within FCC requirements with respect to RF emissions.
- Cell radios and antennae shall not be attached to "rear property" poles or similar structures, unless they can be accessed by a truck (driveway, road, etc.). Cell site radios and antennae shall not be installed in location within five pole sections of each other.
- Permits may be granted for reasonable periods of time. Permits issued pursuant to these requirements or issued prior to these requirements, may be renewed for additional reasonable periods of time. Permit renewal applications require an application fee of \$270 per facility and shall be supported by documentation as required for an initial

application, but only with respect to any proposed changes in the facility. Prior to issuing any renewal permit, in appropriate cases where there is insufficient, or no, Documentation for an existing facility, the City may require any or all documentation as would be required for a new facility.

- The Applicant will also be responsible for payment of any "pole attachment fee" to the owner of any pole on which a facility is being located.
- Following the completion of construction work, Applicant will be required to arrange for a post-construction installation inspection and shall provide a "stamped" letter from a licensed Professional Engineer (PE) that the work was completed as designed and is in compliance with all applicable codes and regulations. Any work required to be performed to correct a deficiency will be at the expense of the Applicant. No facility will be permitted to operate without first having received a letter of completion or other similar certification form the Department.
- The City has established a Historic District to preserve the character of early development in the downtown area. No building or structure, including but not limited to stone walls, fences, light fixtures, steps, paving or other appurtenant fixtures may be erected, altered, restored, moved, or demolished within the Historic District for the purpose of the installation of any form of small cell wireless facilities until an application for a Certificate of Appropriateness has been issued by the City of Benton Historic District Commission. The requirement for a Certificate of Appropriateness shall not be waived. The City of Benton Historic District Commission does not have an appeal process other than the process allowed by state law.

Applications will be processed on a timely basis, in accordance with State law, FCC Regulations and any City ordinance requirements.

All proposed work must be in accordance with the current version of the National Electric Safety Code (NESC) to protect residents, utility workers, communications workers as well as utility equipment. The National Electric Safety Code is a set of standards used by Electric Utilities to determine how they design their systems to protect the public as well as the equipment and to help ensure the reliability of the electric system. The installation of the cell radios and antennas shall not compromise the integrity of RVC Electric System.

Upon a determination by the Department that an application is complete, the Applicant promptly shall arrange for a joint walk down of the proposed locations with all concerned utilities that are currently on the pole or structure, to identify potential issues and determine the required "make ready" work.

Following the walk down, the applicant shall coordinate the determination costs for "make ready work". All make ready work shall be completed before the cell radios and any antennae are installed. The Applicant is responsible for all "make ready" work costs to accommodate the cell

radio and antenna. Applicant shall be responsible for all costs and expenses for any pole replacement costs.

All works shall be performed in compliance with all federal, State and local regulations including OSHA. Personnel installing all equipment shall have the appropriate training, skills, knowledge experience to perform the work in a safe manner. Contractors installing the equipment shall demonstrate that they shall have the appropriate insurance as determined by the City in accordance with customary City requirements.

Upon approval of a permit application, the applicant shall promptly apply for electric service from the City or the appropriate electrical provider for each location and provide manufacture's information on the power consumed by each type of radio or other communications unit.

No construction work shall be performed pursuant to any permit unless the Applicant, or the Applicant's contractor, shall have given written notice to the Department, and all residents and businesses located within three hundred feet of the location where construction is to be performed, at least three business days in advance of commencement of such construction work. Such notice shall include a reasonable description of the work to be done, and the dates and times when such work will be done, the duration of such construction. No work shall be performed at dates or times which are prohibited by the City Ordinances or which are not included in the aforesaid notices.

Permit condition may require insurance liability insurance documentation naming the City of Benton employees, agents and volunteers as additional named insureds.

The Department shall create application documents which are reasonable necessary for the implementation of these regulations.

ORDINANCE NO 95 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 zoning was filed with the Planning Commission of the City of Benton, Arkansas by Jamey & Laura Greer, requesting that the lands hereinafter described be zoned to General Commercial (C2); and

WHEREAS, the Planning Commission ordered a Public Hearing be held on November 12, 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 the 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 zone the following property as General Commercial (C2).

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 Light Industrial (L1) to General Commercial (C2);

TRACT B

Part of the west half (W1/2) of the Northwest quarter (NW1/4), of Section 15, Township 2 South, Range 15 West, in Saline County, Arkansas, More particularly described as follows: Commencing at a computed point for the Northeast corner of W1/2 of the NW1/4, Thence S2°20'21"W -- 1183.70 Feet along the East along the East line of said W1/2 of the NW1/4 to found 5/8" rebar; Thence S2°20'22"W -- 370.16 feet continuing along said East line to a found 5/8" rebar w/cap #568' Thence N89°06'29"W -- 207.17 Feet to a set PK Nail in Commerce Street for the point of Beginning;

Thence N89°06'29"W -- 368.38 Feet along and with Commerce Street to a found signal in the pavement at the intersection of the Commerce Street and Bird Street;

Thence N0°01'08"E -- 203.30 Feet along and the centerline of Bird Street to a set PK Nail;

Thence S88°44'21"E -- 291.73 Feet to a set 1/2" Rebar w/cap #1573;

Thence S46°47'59"E -- 104.68 Feet to a set 1/2" Rebar w/cap #1573;

Thence S0°07'55"E -- 130.96 Feet to the point of the beginning, containing 1.65 acres, more or less, subject to the right of way for Bird Street on the West side of the property and the right of way for Commerce Street on the South side of the property.

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

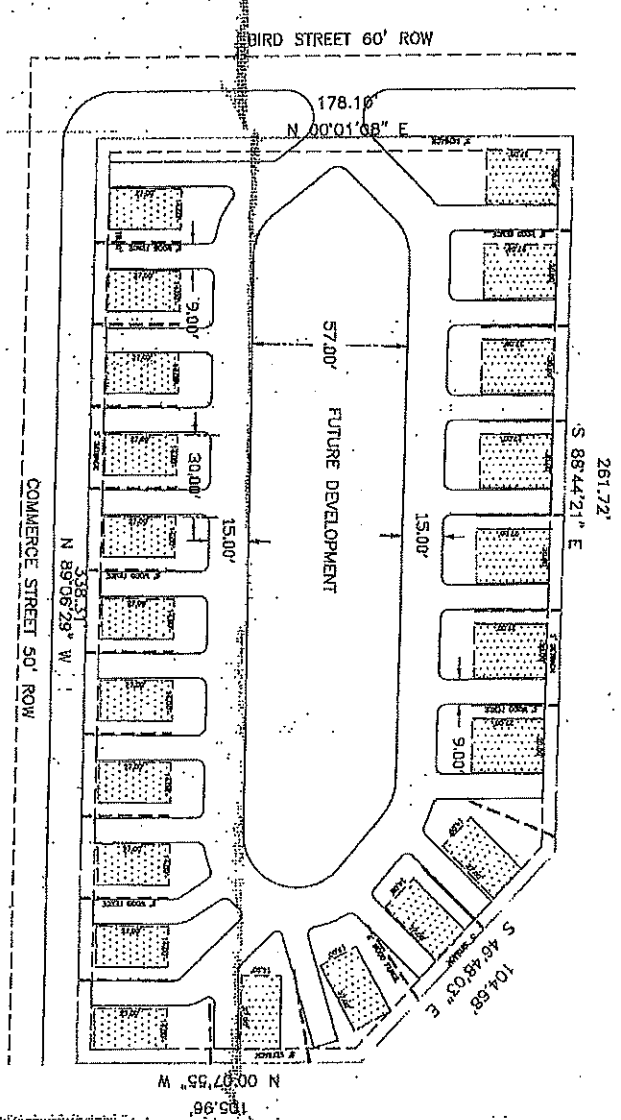
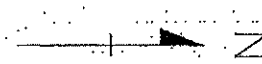
PASSED AND APPROVED, this _____ day of _____, 2019.

Date

Mayor

Attest: _____

City Clerk



NOV. 2019 DATE SHEET	SITE PLAN DATE	REVISIONS DATE	 	<h2 style="margin: 0;">THE VILLAGE</h2> <h3 style="margin: 0;">BENTON, ARKANSAS</h3>		McGETTRICK & McGETTRICK ENGINEERS - PLANNERS - SURVEYORS <small> 1001 EAST 7TH STREET LITTLE ROCK, ARKANSAS 72202 (501) 325-1234 FAX (501) 325-5678 </small>
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ORDINANCE NO. 96 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 Jimmy Sorvillo requesting that the land hereinafter described located at Aaronfiled and Edis Road be zoned from M to A; and

WHEREAS, the Planning Commission ordered a Public Hearing be held on December 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 M to A.

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 M to A:

Parcel Number 805-10802-000; see attached legal description

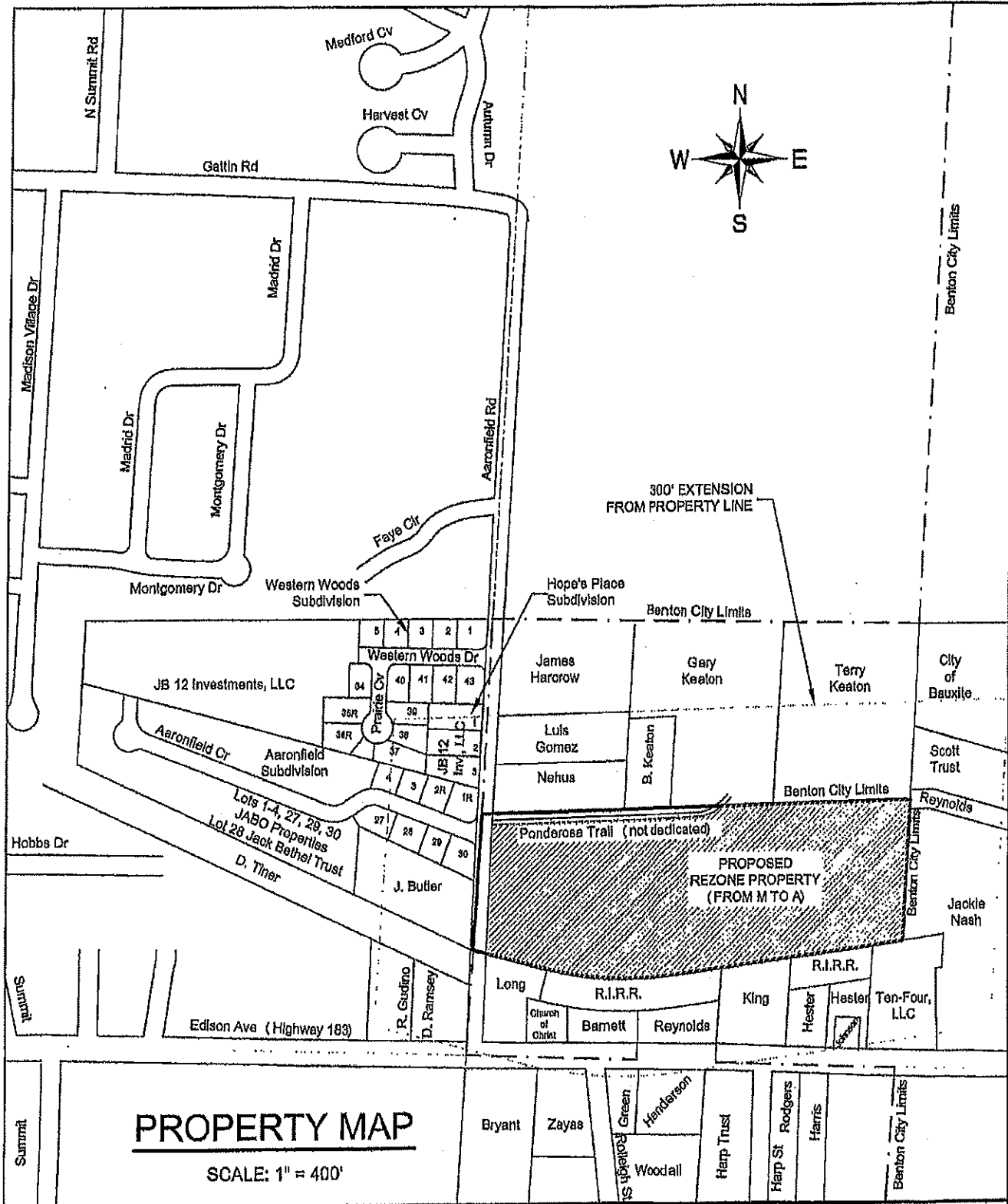
SECTION 2: The City Council, having found that the immediate rezoning of this property will allow commercial utilization of the property to commence thereon which will be of benefit to the local economy, hereby declares an emergency and this Ordinance shall be in full force and effect after its passage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

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

Tom Farmer, Mayor

Cindy Stracener, City Clerk

DESIGNATED FOR PUBLICATION



**MICHAEL BOLIN
& ASSOCIATES, INC.**
CONSULTING ENGINEERS
P.O. BOX 605, BENTON, AR 72018, (501) 776-2692
FAX (501) 776-2619 EMAIL: ombolin@sbcglobal.net



PUBLIC NOTICE

Notice is hereby given that a hearing will be held by the Planning Commission of the City of Benton, Arkansas, on the 10th day of December, 2019 at 6:00 P.M. at 114 South East Street on the Petition of Jimmy Sorvillo for rezoning from M to A, the following described lands, to-wit:

Parcel A

A part of the SW 1/4 of the SW 1/4 of Section 8, T-2-S, R-14-W, Saline County, Arkansas, being more particularly described as follows:

Commencing at the SW corner of said Section 8, thence N 03°33'27"E, along the west line of said Section 8, 322.69 feet to a point on the north right-of-way line of the non-existent Rock Island Railway and the Point of Beginning; thence leaving said west line and along the north right-of-way line of the non-existent Rock Island Railway the following courses; S75°47'37"E, 244.05 feet; thence along a curve to the left, having a radius of 1009.02 feet, and a chord bearing and distance of S86°46'45"E, 384.56 feet; thence N82°14'07"E, 761.47 feet to a point on the east line of the SW 1/4 of the SW 1/4 of said Section 8; thence leaving the said north right-of-way line of the non-existent Rock Island Railway and along the east line of the SW 1/4 of the SW 1/4 of said Section 8, N03°06'12"E, 431.95 feet; thence leaving said east line of the SW 1/4 of the SW 1/4 of said Section 8; S88°39'31"W, 425.37 feet; thence S88°24'14"W, 349.57 feet; thence S88°27'37"W, 151.04 feet; thence S88°32'06"W, 446.94 feet to a point on the west line of the SW 1/4 of the SW 1/4 of said Section 8; thence S03°33'27"W, along the west line of SW 1/4 of the SW 1/4 of said Section 8, 418.32 feet to the Point of Beginning, containing 15.13 acres, more or less.

Ordinance No. 97 of 2019

AN ORDINANCE ADOPTING THE CITY OF BENTON COMPENSATION PROGRAM DATED JANUARY 1, 2020; ADJUSTING THE PAY RATES FOR GENERAL FUND, ANIMAL CONTROL FUND, PARK FUND AND STREET FUND EMPLOYEES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Benton recently conducted a review of the compensation policies for the city general fund employees; and,

WHEREAS, the City Council desires to adopt a new salary scale as well as state the compensation policies for the city.

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

SECTION 1. The City of Benton does hereby adopt, by reference, Exhibit "1" of this ordinance the City of Benton Compensation Program dated January 1, 2020. The pay ranges contained therein including all compensation incentives stated therein shall constitute the salary pay ranges for positions stated therein. The pay ranges and any incentive programs for each job classification or job title are designated within the exhibit.

SECTION 2. The compensation program stated in Exhibit "1" shall be in effect as of January 1, 2020.

SECTION 3. Wages for any employee, who is presently being paid less than the minimum pay under this new wage scale, shall be increased to the minimum pay on the scale for their job classification.

SECTION 4. All City of Benton Ordinances, Resolutions, Employee Personnel Policies, and parts thereof, in direct conflict with this ordinance are hereby repealed to the extent of such direct conflict, but not otherwise.

SECTION 5. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 6. There is an immediate need to amend and revise the employee wage scale for the City of Benton. 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 December, 2020.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

Functional Area	Position	N / E	Hourly Base Min	Hourly Base Mid	Hourly Base Max	Annualized Base Min	Annualized Base Mid	Annualized Base Max	Additional Compensation Eligibility
Administrative Services	Help Desk Specialist	N	\$11.79	\$14.67	\$17.56	\$ 24,520.00	\$ 30,520.00	\$ 36,520.00	None
Administrative Services	Sr. Accounts Payable Coordinator	N	\$12.87	\$16.69	\$21.16	\$ 26,769.60	\$ 34,715.20	\$ 44,012.80	None
Administrative Services	Accounts Receivable Coordinator	N	\$12.87	\$16.69	\$21.16	\$ 26,769.60	\$ 34,715.20	\$ 44,012.80	None
Administrative Services	Purchasing Coordinator	N	\$12.87	\$16.69	\$21.16	\$ 26,769.60	\$ 34,715.20	\$ 44,012.80	None
Administrative Services	Payroll/Human Resources Coordinator	N	\$13.25	\$18.69	\$23.16	\$ 27,560.00	\$ 38,875.20	\$ 48,180.00	None
Administrative Services	IT Support Specialist	N	\$13.95	\$19.28	\$23.75	\$ 29,012.00	\$ 40,102.40	\$ 49,400.00	None
Administrative Services	Sr. Accountant	E	\$ -	\$ -	\$ -	\$ 38,558.00	\$ 53,016.70	\$ 62,836.00	None
Administrative Services	IT & Safety Director	E	\$ -	\$ -	\$ -	\$ 43,050.00	\$ 53,016.70	\$ 69,403.20	None
Administrative Services	Accounting Manager	E	\$ -	\$ -	\$ -	\$ 49,789.00	\$ 68,459.60	\$ 79,619.00	None
Administrative Services	Human Resources Director	E	\$ -	\$ -	\$ -	\$ 51,000.00	\$ 68,000.00	\$ 80,000.00	None
Administrative Services	Chief Financial Officer	E	\$ -	\$ -	\$ -	\$ 62,000.00	\$ 77,722.70	\$ 101,745.60	None
Administrative Services / City Clerk	Accounting Associate / City Clerk Assistant	N	\$11.79	\$14.67	\$17.56	\$ 24,520.00	\$ 30,520.00	\$ 36,520.00	None
Animal Control	Kennel Worker	N	\$10.50	\$13.24	\$17.33	\$ 21,840.00	\$ 27,538.50	\$ 36,050.40	None
Animal Control	Administrative Assistant (Animal Control)	N	\$11.79	\$14.67	\$17.56	\$ 24,520.00	\$ 30,520.00	\$ 36,520.00	None
Animal Control	Office Supervisor (Animal Control)	N	\$12.29	\$15.29	\$18.29	\$ 25,560.00	\$ 31,803.20	\$ 38,043.20	None
Animal Control	Kennel Master	N	\$12.50	\$15.72	\$19.28	\$ 26,000.00	\$ 32,697.60	\$ 40,092.00	None
Animal Control	Animal Control Officer	N	\$13.25	\$18.69	\$23.16	\$ 27,560.00	\$ 38,875.20	\$ 48,180.00	None
Animal Control	Sr. Animal Control Officer	N	\$13.75	\$19.19	\$23.66	\$ 28,600.00	\$ 39,915.20	\$ 49,220.00	None
Animal Control	Animal Control Director	E	\$ -	\$ -	\$ -	\$ 43,050.00	\$ 53,016.70	\$ 69,403.20	None
City Clerk	City Clerk	E	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24,000.00	None
Community Development	Permit Technician (Community Development)	N	\$11.79	\$14.67	\$17.56	\$ 24,520.00	\$ 30,520.00	\$ 36,520.00	None
Community Development	Code Enforcement Officer	N	\$13.25	\$18.69	\$23.16	\$ 27,560.00	\$ 38,875.20	\$ 48,180.00	None
Community Development	Planner	N	\$16.56	\$20.56	\$23.83	\$ 34,444.80	\$ 42,764.80	\$ 49,566.40	None
Community Development	Building Inspector	N	\$17.25	\$21.92	\$26.08	\$ 35,880.00	\$ 45,593.60	\$ 54,244.80	None
Community Development	Code Compliance Administrator	E	\$ -	\$ -	\$ -	\$ 38,558.00	\$ 53,016.70	\$ 62,836.00	None
Community Development	Civil Engineer	E	\$ -	\$ -	\$ -	\$ 42,000.00	\$ 49,927.90	\$ 65,360.40	None
Community Development	Community & Economic Development Director	E	\$ -	\$ -	\$ -	\$ 51,000.00	\$ 68,000.00	\$ 80,000.00	None
Elected Officials	Council Member	E	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,900.00	None
Elected Officials	Mayor	E	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 85,000.00	None
Fire Department	Assistant Fire Chief	E	\$ -	\$ -	\$ -	\$ 74,500.00	\$ 83,500.00	\$ 95,000.00	96 Hours Holiday Pay, Degree Pay, Certification Pay
Fire Department	Fire Chief	E	\$ -	\$ -	\$ -	\$ 79,000.00	\$ 95,000.00	\$ 111,000.00	96 Hours Holiday Pay, Degree Pay, Certification Pay
Legal	City Attorney	E	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70,000.00	None
Mayor's Office	Marketing Director / Executive Assistant	E	\$ -	\$ -	\$ -	\$ 43,050.00	\$ 53,016.70	\$ 69,403.20	None
Parks & Recreation	Lifeguard	N	\$10.00	\$10.50	\$11.00	\$ 20,800.00	\$ 21,840.00	\$ 22,880.00	None
Parks & Recreation	Lead Lifeguard	N	\$10.25	\$10.75	\$11.25	\$ 21,320.00	\$ 22,360.00	\$ 23,400.00	None
Parks & Recreation	Custodian	N	\$10.50	\$13.24	\$17.33	\$ 21,840.00	\$ 27,538.50	\$ 36,050.40	None
Parks & Recreation	Staff Programmer	N	\$10.69	\$12.88	\$15.08	\$ 22,240.00	\$ 26,800.00	\$ 31,360.00	None
Parks & Recreation	Front Desk Attendant	N	\$10.69	\$12.88	\$15.08	\$ 22,240.00	\$ 26,800.00	\$ 31,360.00	None
Parks & Recreation	Special Events Coordinator	N	\$10.69	\$12.88	\$15.08	\$ 22,240.00	\$ 26,800.00	\$ 31,360.00	None
Parks & Recreation	Groundskeeper	N	\$11.85	\$14.72	\$17.76	\$ 24,648.00	\$ 30,626.20	\$ 36,937.40	None
Parks & Recreation	Office Supervisor (Parks & Recreation)	N	\$12.29	\$15.29	\$18.29	\$ 25,560.00	\$ 31,803.20	\$ 38,043.20	None
Parks & Recreation	Facility Maintenance Technician	N	\$12.50	\$15.72	\$19.28	\$ 26,000.00	\$ 32,697.60	\$ 40,092.00	None
Parks & Recreation	Spray Technician	N	\$12.87	\$16.69	\$21.16	\$ 26,769.60	\$ 34,715.20	\$ 44,012.80	None
Parks & Recreation	Horticulturist	N	\$12.87	\$16.69	\$21.16	\$ 26,769.60	\$ 34,715.20	\$ 44,012.80	None
Parks & Recreation	Facility Supervisor (Weekend)	N	\$12.87	\$16.69	\$21.16	\$ 26,769.60	\$ 34,715.20	\$ 44,012.80	None
Parks & Recreation	Recreation Programmer	N	\$13.95	\$19.28	\$23.75	\$ 29,012.00	\$ 40,102.40	\$ 49,400.00	None
Parks & Recreation	Facility Maintenance Supervisor	N	\$17.19	\$20.96	\$24.74	\$ 35,755.20	\$ 43,596.80	\$ 51,459.20	None
Parks & Recreation	Groundskeeping Supervisor	N	\$17.19	\$20.96	\$24.74	\$ 35,755.20	\$ 43,596.80	\$ 51,459.20	None
Parks & Recreation	Aquatics Specialist	N	\$17.25	\$21.92	\$26.08	\$ 35,880.00	\$ 45,593.60	\$ 54,244.80	None
Parks & Recreation	Special Events Supervisor	N	\$17.25	\$21.92	\$26.08	\$ 35,880.00	\$ 45,593.60	\$ 54,244.80	None
Parks & Recreation	Recreation Manager	E	\$ -	\$ -	\$ -	\$ 42,000.00	\$ 49,927.90	\$ 65,360.40	None

Functional Area	Position	N / E	Hourly Base Min	Hourly Base Mid	Hourly Base Max	Annualized Base Min	Annualized Base Mid	Annualized Base Max	Additional Compensation Eligibility
Parks & Recreation	Aquatics Director	E	\$ -	\$ -	\$ -	\$ 44,804.00	\$ 56,105.50	\$ 73,447.20	None
Parks & Recreation	Assistant Parks & Recreation Director	E	\$ -	\$ -	\$ -	\$ 49,789.00	\$ 68,459.60	\$ 79,619.00	None
Parks & Recreation	Parks & Recreation Director	E	\$ -	\$ -	\$ -	\$ 56,000.00	\$ 73,000.00	\$ 89,619.60	None
Police Department	Assistant Police Chief	E	\$ -	\$ -	\$ -	\$ 74,500.00	\$ 83,500.00	\$ 95,000.00	96 Hours Holiday Pay, Degree Pay, Certification Pay
Police Department	Police Chief	E	\$ -	\$ -	\$ -	\$ 79,000.00	\$ 95,000.00	\$ 111,000.00	96 Hours Holiday Pay, Degree Pay, Certification Pay
Street Department	Administrative Assistant (Street)	N	\$11.79	\$14.67	\$17.56	\$ 24,520.00	\$ 30,520.00	\$ 36,520.00	None
Street Department	Laborer (Street)	N	\$11.85	\$14.72	\$17.76	\$ 24,648.00	\$ 30,626.20	\$ 36,937.40	None
Street Department	Truck Driver	N	\$15.25	\$18.37	\$21.49	\$ 31,720.00	\$ 38,209.60	\$ 44,699.20	None
Street Department	Equipment Operator	N	\$15.25	\$18.37	\$21.49	\$ 31,720.00	\$ 38,209.60	\$ 44,699.20	None
Street Department	Mechanic	N	\$16.56	\$20.56	\$23.83	\$ 34,444.80	\$ 42,764.80	\$ 49,566.40	None
Street Department	Stormwater Inspector	N	\$17.25	\$21.92	\$26.08	\$ 35,880.00	\$ 45,593.60	\$ 54,244.80	None
Street Department	Construction Inspector (Street)	N	\$17.25	\$21.92	\$26.08	\$ 35,880.00	\$ 45,593.60	\$ 54,244.80	None
Street Department	Stormwater Supervisor	N	\$18.62	\$22.08	\$29.77	\$ 38,729.60	\$ 45,926.40	\$ 61,921.60	None
Street Department	Street Department Manager	E	\$ -	\$ -	\$ -	\$ 42,000.00	\$ 49,927.90	\$ 65,360.40	None
Street Department	Street Department Director	E	\$ -	\$ -	\$ -	\$ 51,000.00	\$ 68,000.00	\$ 80,000.00	None

Ordinance No. 98 of 2019

AN ORDINANCE ADOPTING CERTAIN COMPENSATION POLICIES FOR THE CITY; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

WHEREAS, the City Council desires to adopt certain compensation policies for the City.

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

SECTION 1. The City Council of the City of Benton does hereby adopt the City of Benton Compensation Program. These policies are attached hereto as Exhibit "1" to this ordinance.

SECTION 2. There is an immediate need to adopt the attached policies and standards in order to provide for the orderly administration of the compensation program of the City. 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 December, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

DESIGNATED FOR PUBLICAION



City of Benton

Compensation Program

Effective

January 1, 2020



The City of Benton believes that it is in the best interest of both the community we serve and our employees to fairly compensate our work force for the work provided.

The City utilized an independent compensation software to evaluate employees' salaries, excluding Police Department and Fire Department positions and created a compensation program with the following objectives:

- Provide salary ranges that are fair and internally equitable;
- Provide salary ranges that are externally competitive with relevant labor markets.

This compensation program supersedes all previous programs and/or policies concerning salary administration and compensation practices. This program will be reviewed on an ongoing basis and necessary changes will be addressed through the approval of the Personnel Committee, Finance Committee and City Council.

Salary Increases

Any salary increases for any positions not included in the Police and Fire step programs, regardless of type of increase cannot exceed the total yearly budgeted amount for each department. Total yearly budgeted department amounts include Department Heads' salary increases. The Mayor will determine Department Heads' increases prior to all other employee merit increase determinations to eliminate conflict of interest situations.

City Council may by resolution freeze on a yearly basis any annual increases should the economic conditions of the City warrant such action. Any such resolution shall state the reasons why the freeze is necessary. Any freeze instituted by the City Council will continue until the following year's budget year thereafter and determine specifically by resolution whether or not the freeze shall continue and make factual findings as to why. If no such resolution is passed at the time the next year's budget is approved, the freeze shall be deemed lifted.

Merit Increases

Each year, the Mayor and Chief Financial Officer will determine the pool of merit increase funds available for positions not included in the Police and Fire step programs. Both, the objectives of the compensation program and financial resources available will be considered in the decision-making process. All determined merit increase funds will be reviewed and approved by the Personnel Committee, Finance Committee and City Council during the annual budget process.

Merit pay is used to reward successful performance. Larger merit increases will be awarded to employees who consistently exceed performance standards. Increases will not be granted to employees whose performance has been rated as unsatisfactory overall. To be eligible for a merit increase, an employee must be employed with the City for at least six months of continuous service before the merit award date.

Merit pay increases will be processed during the month of August.



An employee whose pay is at the maximum of the salary range may not be granted an increase that would cause the base salary to exceed the maximum of the range for that position. However, the employee may be granted a lump sum payment as long as the amount falls within the designated departmental merit increase funds and he or she meets the merit criteria.

Department Heads will recommend: a) whether an employee should receive any merit increase based on his or her annual performance review and b) the amount of increase appropriate for the performance result.

The following factors are the basis for awarding merit pay to employees:

- The employee's performance as reported in the annual performance review;
- The appropriate pay level within the range for the employee considering the employee's performance and performance of others in the range;
- Pay increase funds availability.

Step Increases

Each year, the Mayor and Chief Financial Officer will determine the Cost of Living Adjustment (COLA) funds available for positions not included in the merit increase program. Both the objectives of the compensation program and financial resources available will be considered in the decision-making process. All determined COLA funds will be reviewed and approved by the Personnel Committee and City Council during the annual budget process.

Once a COLA adjustment has been approved the adjustment will be applied to the respective pay structure (Police, Communications and/or Fire).

Step increases will be issued based on the employee's length of service in his or her current role.

New Hires

New employees will not be hired below the minimum of the salary range or the entry level step for the respective classification.

Department Directors will have the discretion to request new hire salaries up to the mid-point of the salary range of the respective position in the event the individual has exceptional qualifications and it does not create internal disparity. Any salary recommendation in excess of the midpoint of the salary range will require the approval of the Mayor prior to making the offer.



Promotions

A promotion is the assignment of an employee to a higher-level grade or salary range/step scale. Along with a higher grade and/or salary, the new position requires the employee to take on more responsibility and perform other, more complex duties. Promotional increases must be within the appropriate salary range/step scale for the position.

An in-grade promotion is the assignment of additional responsibilities to an employee when the employee remains in his or her current position or when the employee transfers to a new position while remaining in his or her existing salary grade. Promotional increases will only be awarded if the new position involves a substantial, identifiable increase in the employee's duties and responsibilities and must be within the appropriate salary range/step scale for the position.

A temporary promotion is the temporarily assignment of additional responsibilities to an employee. A temporary promotion cannot exceed three (3) months. The increase for temporary promotions must be within the appropriate salary range for the position title applies to all positions except Police, Communications and Fire.

Demotions

Demotions, whether voluntary or involuntary are permitted only if a position within a lower grade and/or salary range is available and it is in the best interest for the City.

Salaries for employees who are demoted to a lower grade and/or salary range will be reduced to reflect the downgrade.

Lateral Transfers

A lateral transfer is defined as the movement of an employee to a position within the same grade and/or salary range.

Lateral transfers do not result in salary adjustments.

Temporary Shift Change

Employee's temporarily moving from a 24-hour shift to an 8-hour shift will receive an 1.5% increase to their base salary for the duration of the shift change.

Salary Adjustment Factors

When making salary adjustment decisions, it is important to consider

- employee performance to reward increased productivity and performance improvements;
- available resources and salary caps to ensure that the increase is allowable and that funds exist to cover it.

Ordinance No. 99 of 2019

AN ORDINANCE AMENDING THE PERSONNEL POLICIES AND PRACTICES FOR EMPLOYEES OF THE CITY OF BENTON, ARKANSAS; INSTITUTING AN INCLEMENT WEATHER POLICY; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

WHEREAS, The City of Benton adopted the "Personnel Policies and Practices for Employees of the City of Benton" manual by Ordinance 52 of 2005, which was passed and approved December 19, 2005 which has been amended from time to time; and,

WHEREAS, The City Council desires to amend the "Personnel Policies and Practices for Employees of the City of Benton" manual by replacing therein the original page 31 of 72 with a new page 31 and 31(b) of 72 revised December 16, 2019; and

WHEREAS, at least three (3) copies of the Revised Pages have been filed with the City Clerk of the City of Benton and available for public inspection; and,

WHEREAS, a public notice was published in the Saline Courier, a newspaper of general circulation in the community advising the public that three (3) copies of the Revised Page was available for public examination at the office of the City Clerk, City Hall, 114 South East Street, Benton, Arkansas;

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

SECTION 1. The City of Benton does hereby adopt, by reference, the revised pages 31 AND 31(b) of 72 which are attached to this ordinance as Exhibit 1 which institute an inclement weather policy for the City.

SECTION 2. All City of Benton Ordinances, Resolutions, Employee Personnel Policies, and parts thereof, in conflict with the "Personnel Policies and Practices for Employees of the City of Benton" manual as amended by this ordinance are hereby repealed to the extent of such conflict, but not otherwise.

SECTION 3. The City Clerk shall, upon the passage and approval of this ordinance, replace 31 of 72 of the "Personnel Policies and Practices for Employees of the City of Benton" manual with page 31 and 31(b) of 72 Revised December 16, 2019 in the copies of the manual in the Clerk's office, and shall thereafter maintain and keep on file at least three (3) copies of the "Personnel Policies and Practices for Employees of the City of Benton" manual as revised by this ordinance; and at least three (3) copies of the text of this Ordinance for use and examination by the public.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 5. There is an immediate need to amend and revise the "Personnel Policies and Practices for Employees of the City of Benton" manual for the City of Benton. 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 December, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

Inclement Weather

The safety of our employees is important and it must be understood that it is the policy of the City of Benton to remain open during most periods of inclement weather. However, where extraordinary circumstances warrant, the City reserves the right to close its offices.

An employee's decision of whether to depart for work earlier or later, or at all, should not be based solely on the announcement of the initial weather policy, but rather, that decision is an individual responsibility based on local conditions and the individual's own assessment of what road conditions they feel they can safely travel in; Safety is the primary consideration. Absences will be charged as outlined below.

In the event of early morning severe inclement weather conditions, the Mayor's office will determine whether the inclement weather policy will be placed into effect and will announce its implementation by 7:00 a.m. if at all possible, via local media.

Offices Open with 2-Hour Delay

Non-Emergency Essential Personnel are expected to report to work by 10:00 a.m. Employees arriving by 10:00 a.m. will be given credit for a full day's attendance. Employees with a previously approved late arrival will not be given credit and will only receive pay for hours worked. Employees not coming into work will be charged a full day of vacation.

Emergency Essential Personnel, such as Police, Fire, Dispatch and Street Department employees are expected to report to work or remain at work regardless of the conditions. Additionally, emergency personnel may be required to work past their normal dismissal time as mission needs dictated.

Offices Closed

If City Offices are announced to be closed due to inclement weather, all non-emergency essential exempt level staff will receive their regular pay for the day of closure. For non-emergency essential hourly employees on a day of closure, a full-time employee will receive an amount equivalent to four (4) hours of base pay for the day and a part-time employee will receive an amount equivalent to two (2) hours of base pay for the day.

Employees on previously approved leave are charged leave for the entire day.

Emergency Essential Personnel, such as Police, Fire, Dispatch and Street Department employees are expected to report to work or remain at work regardless of the conditions. Additionally, emergency personnel may be required to work past their normal dismissal time as mission needs dictated.

Offices Open

If City offices remain open on an adverse weather day, employees who report to work will receive their normal pay for the day. If an employee elects not to report to work when offices are open, the employee will be required to use his or her accrued vacation or take leave without pay.

Offices Open with Early Departure

Non-Emergency Essential Personnel will be released at what will become a revised dismissal time. Employees will be given credit for a full day's attendance.

Employees with a previously approved early departure will not be given credit and will only receive pay for hours worked. Employees on previously approved leave are charged leave for the entire day.

Emergency Essential Personnel, such as Police, Fire, Dispatch and Street Department employees are expected to report to work or remain at work regardless of the conditions. Additionally, emergency personnel may be required to work past their normal dismissal time as mission needs dictated.

Each department will establish an alert roster. When in doubt as to whether to report to work or not, all employees should call their first-line supervisor or follow their chain-of-command for specific information.

Time absent from work due to inclement weather is not counted as hours worked when computing overtime.

Refusal to Work

A City of Benton employee's commitment is to public service. Any work stoppage, slowdown, strike or other intentional interruption of the operations of the City may cause the employee to forfeit his / her employment and result in the termination of the employee from the City of Benton.

Absenteeism & Tardiness

The City of Benton expects all of its employees to be at work on time and on a regular basis. Should an employee be unable to report to work on time because of illness or personal emergency, the employee should give proper notice to his / her supervisor. "Proper notice" is defined by the city to be notice in advance of the time an employee should report for work or no later than one (1) hour thereafter if advance notice is impossible.

An employee's absence from duty, including any absence of one (1) day or part thereof, that is not authorized in advance by the department head, or the employee's supervisor, shall be considered an absence without leave. Such an absence shall be deemed leave without pay.

See also, "Leave Policies"

Fitness for Duty Exam

Employees who become incapacitated from performing their essential job functions due to mental or physical disabilities, with or without reasonable

RESOLUTION NO. 87 OF 2019

AN RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE EXIT 114 PROPERTIES, LLC FOR ACCEPTING A DONATION OF CERTAIN REAL PROPERTY FOR THE PURPOSE OF CONSTRUCTING A FIRE STATION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the Exit 114 Properties, LLC owns certain real property in Saline County along Interstate 30 which it wishes to donate to the City for the purpose of constructing a fire station thereon and the City of Benton desires to accept the property for these purposes.

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

SECTION 1; The City Council does hereby approve, ratify and confirm the agreement with the Exit 114 Properties, LLC. A copy of this agreement is attached hereto, marked as Exhibit "1" and is incorporated now by reference as if stated word for word. The Mayor and City Clerk are authorized to execute same. The Mayor is likewise authorized to fulfill the contract terms.

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

Tom Farmer
Mayor

Attest:

Cindy Stracener
City Clerk

OFFER AND ACCEPTANCE

DATE: December 16, 2019

1. The undersigned, herein called BUYER, offers to buy, and SELLER agrees to sell, subject to the terms set forth herein, the following described real property located in Saline County, Arkansas:

SEE ATTACHED LEGAL DESCRIPTION

2. The BUYER agrees to pay and SELLER, whose name is set out below, agrees to accept the sum of \$0.00 which BUYER will pay at closing at the time the SELLER conveys a general Warranty Deed to the BUYER. The SELLER agrees to accept same for the conveyance of the real property described herein under the terms and conditions set forth in this document.
3. BUYER will tender earnest money in the amount of \$0.00.
4. Conveyance shall be made to BUYER from SELLER by general Warranty Deed except that it shall be subject to recorded restrictions and easements. SELLER agrees to not encumber or convey and easements thereon after the execution of this agreement. BUYER will pay for a policy of Title Insurance for BUYER, warranting clear title in the real property. BUYER shall pay closing costs including Revenue Stamps and closing charges unless specified below. Closing shall be with a title company designated by BUYER. All prior years taxes which are unpaid shall be paid by SELLER. The current year's taxes shall be prorated between the BUYER and SELLER.
5. If the title company requires a survey as a condition of providing title insurance, it shall be paid for by the SELLER.
6. Closing shall occur on or before March 1, 2020 on a date set by BUYER. Possession will be given at closing unless otherwise agreed to in writing by the parties. Any unforeseen delays in closing such as clearing title specifically do not void this contract.
7. BUYER certifies that BUYER has inspected the property and is not relying upon any warranties, representations or statements of SELLER as to age or condition of improvements and accepts the property in its present condition.
8. SELLER shall settle any and all disputes or liens on the property prior to closing, including, but not limited to any mortgages, liens, certificates of indebtedness or the like.
9. BUYER agrees to provide the SELLER with an acknowledgment of a donation to SELLER. The value of the donation shall be based upon the fair market value of the property being conveyed as determined by a licensed appraiser. The SELLER shall pay the costs of the appraisal. The acknowledgment shall be provided at closing.
10. This agreement has been executed by the BUYER following the approval of the Benton City Council and shall be designated as a location for a fire station located on the property.

BUYER:

SELLER:

CITY OF BENTON, ARKANSAS

EXIT 114 PROPERTIES, LLC

BY: _____
Tom Farmer, Mayor

BY: _____
Authorized Signature

BY: _____
Cindy Stracener, City Clerk

EXHIBIT 1

Legal Description

PROPERTY DESCRIPTION AS SURVEYED:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, ALL IN SECTION 19, TOWNSHIP 2 SOUTH, RANGE 15 WEST, SALINE COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH $01^{\circ}31'43''$ WEST ALONG THE WEST LINE THEREOF A DISTANCE OF 936.78 FEET TO THE POINT OF BEGINNING; THENCE NORTH $89^{\circ}45'29''$ EAST A DISTANCE OF 222.76 FEET; THENCE SOUTH $21^{\circ}12'48''$ EAST A DISTANCE OF 213.15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF I-30 FRONTAGE ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING COURSES: SOUTH $73^{\circ}07'48''$ WEST A DISTANCE OF 154.84 FEET; THENCE WESTERLY, ALONG A CURVE 53.71 FEET, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1923.72 FEET SAID CURVE HAVING A CHORD DIRECTION OF SOUTH $72^{\circ}19'49''$ WEST AND A CHORD LENGTH OF 53.71 FEET; THENCE NORTH $21^{\circ}12'48''$ WEST LEAVING SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 277.83 FEET TO THE POINT OF BEGINNING. CONTAINING 1.17 ACRES, MORE OR LESS.

RESOLUTION NO. 88 OF 2019

A RESOLUTION AWARDDING A CONTRACT TO PHIL HOBBY
PHOTOGRAPHY FOR PROVIDING PHOTOGRAPHY SERVICES TO
THE CITY PARKS DEPARTMENT; AND FOR OTHER PURPOSES

WHEREAS, the City of Benton, after having advertised for bids for photography services for the youth programs, has determined that the proposal submitted by Phil Hobby Photography, which is a local company, is the most acceptable proposal for these services and that the City should award the contract to this company.

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

SECTION 1: The proposal of Phil Hobby Photography is the most acceptable bid for providing photography services to the City.

SECTION 2: The Mayor is authorized to execute, on behalf of the City of Benton a contract for photography services with Phil Hobby Photography and to execute such other documents as may be necessary and convenient to accomplish this purpose.

SECTION 3: The Mayor is likewise authorized on behalf of the City to pay any amounts which may become due and payable under the contract.

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

Tom Farmer, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. 89 OF 2019

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH CBJ VENDING, LLC FOR OPERATING VENDING SERVICES LOCATIONS DESIGNATED BY THE CITY; AND FOR OTHER PURPOSES

WHEREAS, the City of Benton published a new RFP requesting for proposals for operating vending services at certain locations within city owned facilities; and

WHEREAS, CBJ Vending, LLC has previously been awarded contracts for these services in prior years; and

WHEREAS, the City Council only received one proposal response which was from CBJ Vending, LLC; and

WHEREAS, it has been determined that it is in the best interest of the city to enter into an agreement with CBJ Vending, LLC for operating the concessions at the locations designated by the City.

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, a contract with CBJ Vending, LLC for the operations of concessions at Bernard Holland Park and Tyndall Park for one year commencing January 1, 2020 and ending December 31, 2020. This contract is attached hereto as Exhibit "1".

PASSED AND APPROVED this the _____ day of October, 2018.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

DEPARTMENT: Park

LINE ITEM #: _____

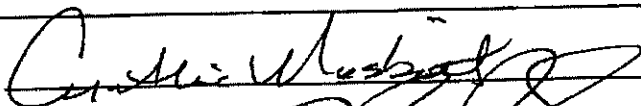
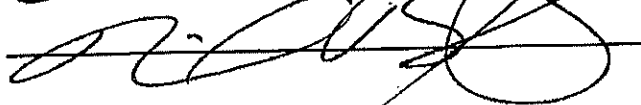
AMOUNT BUDGETED: _____

BID OPENING

DATE: 12/3 TIME: 10:30

DESCRIPTION: Vending Machine Service

COMPANY	REPRESENTATIVE	AMOUNT \$
<u>CBS Vending, LLC.</u>		<u>80 / 20%</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

WITNESSED BY: 


**INVITATION TO BID
VENDING MACHINE SERVICES**

The City of Benton is accepting sealed bids until 10:30 a.m., Tuesday, December 3, 2019 for Vending Machine Services, at which time the bids will be publicly opened and read aloud. Copies of the specifications are listed in the bid section of www.bentonar.org.

Bids are to be submitted to the Procurement Department in a sealed envelope with the notation of "Sealed Bid-Vending Machine Services" on the outside of it.

The City of Benton reserves the right to reject any and/or all bids, to waive informalities and to award the bid to the bidder deemed to be in the best interest of the City. Faxed, emailed and late bids will not be accepted.

No bid may be withdrawn, after the scheduled closing time for receipt of bids, for at least sixty (60) days.

Cynthia Nesbit
Procurement Manager
City of Benton
501-776-5900



Office of Administrative Services
114 S. East Street
Benton, AR 72015

Request for Proposals

Bid Number: RFP 2019-19	Buyer: Cynthia Nesbitt, Purchasing Coordinator
Commodity: Vending Machine Services	Bid Opening Date: December 3, 2019
Department: Parks Department	Bid Opening Time: 10:30 a.m.
Date Issued: November 14, 2019	

All proposals will be accepted until the time and date specified above. All proposals must be placed in a sealed package clearly marked on the outside **"City of Benton Vending Machine RFP."** The envelope should be properly addressed to the City of Benton with the Proposer's name and address indicated outside on the sealed package. An unsigned proposal will be considered non-responsive.

Mailing Address:	Bid Opening Location:
PO Box 607	114 S. East Street
Benton, AR 72018	Benton, AR 72015

CBT Vending, LLC.
Printed Name of Company

605 Miller Cove Benton, Ark. 72019
Company Address

1-501-249-0265
Telephone Number

Fax Number

RAZR64x58@sbcglobal.net
E-Mail Address

David Baxley
Printed Name of Authorized Signature

12/1/19
Date

[Signature]
Signature

12/1/19 Authorized
Date

Section 1 - General Information

Introduction: This Request for Proposal is issued by the City of Benton to secure a contract for a vending machine services for the River Center. The resulting contract is anticipated for a term of one (1) year with the possibility of four (4) one (1) year extensions.

Background: The City of Benton is a municipal government organization. The City has multiple departments that are stationed at different locations within the city. The departments are as follows: Mayor/Elected Officials, City Clerk, City Attorney, Information Technology, Communications, Police, Fire, Economic Development, Community Development, Street, Animal Control, Administrative Services, and Parks.

Caution to Bidders:

1. Vendors **must** submit four (4) signed, original RFP responses on or before the date specified on page one.
2. Proposals must provide a summary of the company's experience in providing these or similar services.
3. The City of Benton has the right to award this proposal to any Proposer regardless of proposal price. Proposals may not be withdrawn within 60 days after the proposals are opened. Proposal processes shall be in accordance with state law.
4. The City of Benton reserves the right to award a contract or reject any or all proposals and to waive any and all informalities associated with the proposal, if it is in the best interest of the City to do so. Bids may be rejected for one or more reasons not limited to the following:
 - a. Failure of the vendor to submit bid on or before the deadline established by this RFP.
 - b. Failure to sign the Official RFP Document.
 - c. Failure to complete the Official RFP Price Sheet.
 - d. Any wording by the vendor in their response to this RFP which conflicts with or takes exception to a requirement in the RFP.
 - e. Failure of any proposed goods or service to meet or exceed the specifications.

Equal Employment Opportunity Policy: The City of Benton does not discriminate because of race, sex (including pregnancy), religion, color, handicap, national origin, age, genetic information or political affiliation.

Delivery of Response Documents: It is the responsibility of vendors to submit bids at the place, and on or before the date and time, set in the RFP solicitation documents. RFP documents received after the date and time designated for bid opening are considered late bids and shall not be considered.

Pre-proposal Assistance: Questions relative to the development of a proposal are to be directed to Cynthia Nesbitt, in the Purchasing Office at (501) 776-5900. Technical questions are to be directed to Stephanie Jones (501) 776-5970.

General Terms and Conditions for Proposals

1. **Restrictive or Ambiguous Specifications:** It is the responsibility of the prospective Proposer to review the entire RFP packet and to notify the Purchasing Department if the specifications are formulated in a manner that would unnecessarily restrict competition. Any such protest or question regarding the specifications of proposal procedures must be received in the Purchasing Department not less than seventy-two (72) hours prior to the time set for proposal opening. These requirements also apply to specifications that are ambiguous.
2. **Taxes:** Make sure to include all applicable taxes in your proposal.
3. **Liabilities:** The Proposer shall hold the City of Benton, its officers, elected officials, agents, servants, and employees, harmless from liability of any nature or kind because of use of any copyrighted or un-copyrighted composition, secret, process, patented or unpatented invention, articles or appliances furnished or used under this proposal, and agrees to defend, at his own expense, any and all actions brought against the City of Benton because of the unauthorized use of such articles.
4. **Terms and Conditions:** In the event of a conflict between the proposal specifications and these terms and conditions the specifications will govern.
5. **Warranties:** All warranty information must be furnished.
6. **Alternate Proposals:** Alternate proposals are not acceptable and will be rejected unless authorized by the invitation to proposal. Alternate proposals are defined as proposals that do not comply with the proposal terms, conditions, and specifications. Proposers may submit more than one proposal providing that all such proposals comply with proposal terms, conditions, and specifications.
7. **Drug Free Workplace Program for Construction:** Law prohibits state or local governments from contracting for construction services with any private entity having five or more employees who has not furnished a written affidavit by its principal officer at the time of the proposal or contract stating that the contractor is in compliance with the provisions of this act.
8. **Public Access to Procurement Information:** All public records pertaining to purchasing shall be open for inspection during normal business hours. Information relating to the award of a particular contract shall be public only after evaluation of that proposal or proposal has been completed.

Interviews: The City anticipates shortlisting the proposers based upon responses to the submittal requirements. If necessary, the City shall conduct interviews/ demonstrations. However, the City may determine that shortlisting/ interviews are not necessary.

Award of Contract: This project will be awarded to a single contractor who submits the proposal deemed to be in the best interest of the City, unless otherwise noted in this document. Notwithstanding any other provision of the Request for Proposal, the City reserves the right to: (1) waive any immaterial defect or informality; or (2) reject any or all proposals, or portions thereof; or (3) reissue the Request for Proposal.

A response to any Request for Proposal is an offer to contract with the City based upon the terms, conditions, and specifications contained in the City's Request for Proposal. Proposals do not become contracts unless and until the City executes them. A contract has its inception in the award, eliminating a formal signing of a separate contract. For that reason, all of the terms and conditions

of the contract are contained in the Request for Proposal, unless any of the terms and conditions are modified by a Request for Proposal amendment, a contract amendment, a Best and Final Offer, or by mutually agreed terms and conditions.

Definitions:

"Applicant" - Proposer

"City" or "City of Benton" – The City of Benton, Arkansas

"Hourly Labor Rate" - hourly rate without cost of materials per person

"Proposer" - the individual, firm, partnership, joint venture or corporation which submits a proposal to the City of Benton in response to this RFP

"RFP" - Request for Proposals

Section 2 – Specific Requirements

Term & Renewal: The term of the contract shall commence within thirty days after notice of award is given to winning bidder. The contract shall remain in effect for a period of one (1) year, unless terminated, canceled or extended as otherwise provided herein. The contractor agrees that the City shall have the right, upon mutual consent, to renew the contract for up to four (4) additional one-year periods. In the event that the City exercises such right, all terms, conditions and provisions of the original contract shall remain the same and apply during the renewal period with the exception of price.

Quantities: Because this is an annual requirements contract, the City reserves the right to increase or decrease the estimated quantity as best fits its needs, and the City does not guarantee maximums or minimums. The City also reserves the right to spot-bid unusually large one-time quantities or to buy outside of this contract if extenuating circumstances exist.

Key personnel: It is essential that the contractor provide adequate experienced personnel, capable of and devoted to the successful accomplishment of work to be performed under this contract. The Contractor must agree to assign specific individuals to the key positions. The Contractor agrees that, once assigned to work under this contract, key personnel shall not be removed or replaced without written notice to the City.

If key personnel are not available for work under this contract for a continuous period exceeding thirty calendar days, or are expected to devote substantially less effort to the work than initially agreed upon, the Contractor shall immediately notify the City, and shall, subject to the concurrence of the City, replace such personnel with personnel of substantially equal ability and qualifications.

Cancellation: The City reserves the right to cancel the whole or any part of this contract due to failure by the contractor to carry out any material obligation, term, or condition of the contract. The City shall issue written notice to the contractor for any of the following circumstances:
The contractor fails to adequately perform, refuse, or neglect the services set forth in the specifications of the contract: The contractor fails to make progress in the performance of the contract and/or gives the City reason to believe that the contractor will not or cannot perform to the requirements of the contract.

Upon receipt of the written notice of concern, the contractor shall have ten (10) calendar days to provide a satisfactory response to the City. Failure on the part of the contractor to adequately address all issues of concern may result in the City resorting to any single or combination of the following remedies.

Cancel any contract: Reserve all rights or claims to damage for breach of any covenant of the Contract: In case of default, the City reserves the right to complete the required work. The City may recover reasonable excess cost from the contractor by any remedies as provided by law.

The City intends to maintain a budget to cover all expenses related to this contract; however, the City may cancel this contract if funds are no longer available. In such case, the City shall provide the Contractor with a 60-day written notice of cancellation. The City will pay for all authorized completed work or received goods.

Payment: Vendor shall provide a proposed payment arrangement for agreed upon proceeds from vending sales with the Parks and Recreation Department.

Delivery: Contractor shall be responsible for the delivery and restocking of all product and testing of all equipment and product as required. All prices shall include all charges for delivery, packing, crating, containers, etc. Prices proposed will be considered as being based on F.O.B. delivered, freight included.

References: Vendor must furnish as references a minimum of three (3) current customers located in the State of Arkansas who have received services of the same or similar in scope within the last five (5) years.

Business Name:	ALL WEATHER INSULATED PANELS
Business Address:	15000 PARADELA PKWY. LITTLE ROCK, AR. 72206
Contact Person and Phone:	DANIELLE BATES
Email Address:	dbates@awipanel.com

SEE RESPONSE FOR FULL LIST OF REFERENCES

Insurance: Prior to award, the successful vendor shall furnish an approved Certificate of Insurance from a company or agent licensed in the State of Arkansas, and must keep insurance in force throughout the contract period and any extensions. The insurance may not be modified without the City of Benton's approval.

The following is a list of liability limits for Worker's Compensation and Employee Fidelity Coverage and standard limits as outlined by vendor's insurance carrier.

1. Worker's Compensation and Employee Liability Policy

Worker's Compensation	Statutory Limits
Employer's Liability	\$1,000,000 each accident
2. Comprehensive General Liability Policy

Premises and Operation	
Contractual Insurance	
Personal Injury	

Each item listed in section 2 must have:

Bodily Injury	\$500,000 each person
	\$500,000 each occurrence
Property Damage	\$2,000,000 each occurrence
	\$2,000,000 aggregate

The Vendor shall assume all liability for any accidental or criminal occurrence.

Requirements and Required Documents:

Section 3 – Scope of Services

All responses shall include:

SCOPE:

Before submitting a proposal, firms shall carefully examine the scope of work and shall fully inform themselves as to all existing conditions and limitations and shall indicate in the proposal all items requested.

DESCRIPTION OF WORK TO BE PERFORMED:

The Vendor will be responsible for the installation and servicing of supplies to the vending machines installed at the following locations: Not included in the scope of work is the Boys and Girls Club building as well as the Senior Activity and Wellness Center.

River Center - 1800 Citizens Drive

Others as directed

EQUIPMENT:

Vendor shall provide all vending machines required by this proposal and have sole responsibility for the vending machines. The vending machines shall be new or the latest models available. The City will not be responsible for any equipment provided by the Contractor.

Vendors shall install, replace, remove and maintain all vending machines in good working condition. Repairs are to be completed within a 72 hour period from the time in which it was reported to the vendor.

Vendor shall have a customer refund system in place. Vendor shall provide a written copy of the policy and procedure for refunds to the customer upon their request.

Vendor shall stock all machines. Vendor must keep machines well-stocked. The products stocked may be selected by the Vendor. However, the City reserves the right to select at least 25% of the product stock to be dispensed from the vending machines.

The City will be responsible for providing operation infrastructure such as properly sized electrical needs and onsite garbage and trash removal.

OFFER TO CONTRACT:

TO THE CITY OF BENTON:

We hereby offer and agree to furnish the materials, transportation or service in compliance with all terms, conditions, specifications, and addenda in the Request for Proposal and any written exceptions in the offer. We understand that the items in this Request for Proposal, including, but not limited to, all required certificates are fully incorporated herein as a material and necessary part of the contract.

The undersigned hereby states, under penalty of perjury, that all information provided is true, accurate, and complete and states that he or she has authority to submit this proposal, which will result in a binding contract if accepted by the City of Benton.

We acknowledge receipt of the following addendum(s):'

I certify, under penalty of perjury, that I have the legal authorization to bind the firm hereunder, and that our firm is not debarred from doing business under the Federal Excluded Parties List System (epls.gov):

Company Name

CBJ Vending, LLC.

For clarification of this offer,

contact: Address

DAVID BAXLEY

Name:

605 MILLER COVE

City Benton

State Ark

Zip 72019

1-501-249-0265

Phone:

Signature of Person Authorized to Sign

DAVID BAXLEY

Fax:

DAVID BAXLEY

Printed

Name Title

PRESIDENT/OWNER

ACCEPTANCE OF OFFER:

The Offer is hereby accepted.

Contact Term:

The Contractor is now bound to sell the materials or services listed by the attached contract and based upon the Request for Proposal, including all terms, conditions, specification, amendments, etc. and the Contractor's Offer as accepted by the City.

This contract shall henceforth be referred to as _____ The Contractor has been cautioned not to commence any billable work or to provide any material or service under this contract until Contractor receives purchase order and/or a notice to proceed from the City of Benton Purchasing Agent.

COUNTERSIGNED:

Mayor Tom Farmer

Date

APPROVED AS TO FORM BY:

City Attorney

Witness Signature

Date

Office of Administrative Services
114 S. East Street
Benton, AR 72015

Official RFP Price Sheet

All applicants must fill out the form below, along with the appropriate authorized signatures.

20% proposed for City of Benton

80% proposed for Vendor

Upon signing this form, the applicant is acknowledging that all information provided in this RFP is true and will provide documentation requested.

Price given above is the final to the City of Benton and includes all taxes, overhead and profit to the bidder. The City of Benton reserves the right to accept any or all part of bids, to reject any or all bids and to award to the bid deemed in the best interest to the City. Payments will be made quarterly to the City of Benton.

CBT Vending, LLC.

Printed Name of Company

605 Miller Cove Benton, Ark. 72019

Company Address

1-501-249-0265

Telephone Number

Fax Number

RAZRBOX58@sbglobal.net

E-Mail Address

DAVID Baxley

Printed Name of Authorized Signature

12/1/19

Date

[Signature]

Authorized Signature

12/1/19

Date

City of Benton Parks and Recreation

Purchasing Department

114 S. East Street

Benton, AR 72015

Vending Machine Services Proposal

Submitted by:

CBJ Vending, LLC.

605 Miller Cove

Benton, AR 72019

501-249-0265

razrbax58@sbcglobal.net

December 1, 2019

City Of Benton
Purchasing Department
114 S. East Street
Benton, AR 72015

RE: Vending Services Proposal

Purchasing Coordinator: Cynthia Nesbit

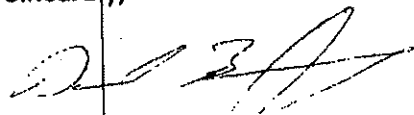
I appreciate the opportunity to offer you a proposal for vending services. As we discussed CBJ Vending is a locally owned and operated vending company that specializes in customer service. I believe we can offer you a quick response and personalized service that is unmatched by the large vending companies.

Included in this proposal is an equipment listing as well as pricing information. I am committing that our pricing structure will remain the same for at least one year.

I'm sure you know how much we appreciate this opportunity but allow me to reassure you of how hard we will work to earn your business and provide you and your associates with quality service.

If you have any questions regarding this proposal please call me at (501) 249-0265.

Sincerely,



CBJ Vending
David Baxley, President
605 Miller Cove
Benton, AR 72019
razrbax58@sbcglobal.net
501-249-0265

FIRMS QUALIFICATIONS

CBJ Vending currently provides vending services to 85 locations mostly comprised of customers located within Saline and Pulaski County. We serve customers at schools, trucking companies, banks, physicians' offices, retirement homes, Parks and fitness facilities, manufacturing facilities as well as numerous other types of locations. CBJ Vending has been in business for over 25 years but has been owned and operated by David and Theresa Baxley for the past 13 years. We are located in Benton and plan to remain in this market since this allows us the luxury of being able to respond quickly to our local customers.

EXPERIENCE AND REFERENCES

David Baxley, Owner and President of CBJ Vending has worked exclusively in the vending industry since 1978. He started out as a route person and rose through the ranks as a Service Manager, General Manager and Vice President. He was responsible for approximately 150 employees, business across four (4) states and numerous acquisitions of other vending companies.

Theresa Baxley has worked 35 years within and outside the vending industry, she handles all administrative duties as well as customer service. She holds a bachelor's degree in Business Administration from the University of Arkansas at Little Rock.

We currently provide services to numerous types of customers including City of Little Rock, Bishop Park, St. Vincent Clinics, First Security Banks, Arkansas Barber College, Everett Auto Dealerships, Scott Equipment, Supreme Fixtures, Fidelity Cable, All Weather Insulated Panels, Drumco and many others.

REFERENCES

City of Little Rock
John Eckert, Parks and Recreation
501-993-8513

Provide snack machine services to city tennis courts and fitness center.

Drumco
Dan Hodson – Plant Manager
501-860-3005

Provide snack, drink and cold food machine services to their manufacturing facility.

All Weather Insulated Panels
Danielle Bates
479-414-8285

Provide snack, drink and cold food machine services to their facilities.

Equipment

River Center 1 Snack Machine

- Others as negotiated
- CBJ Vending will be willing to negotiate placement of additional machines if all requirements are met and satisfactory to both parties.

I our look forward to working closely with you to provide the best solution for your vending needs.

Compensation

CBJ Vending proposes a 20% commission return to the City of Benton.

Commission will be paid on all net sales. Net sales are defined as gross sales minus all applicable sales tax. Commissions will be paid quarterly as directed by the Official RFP Price Sheet, a statement will be provided with each payment to ensure accountability of all locations.

Scope of Work

CBJ Vending has examined the scope of work and agrees to meet all conditions and requirements as described within the:

RFP#: RFP 2019-19

Commodity: Vending Machine Services

DATE Issued: November 14, 2019

PRICING/COMPENSTION

CBJ Vending suggests the following pricing structure to ensure fair pricing to all employees.

	PRODUCT	PRICE
	Chips Large	\$1.00
	Chips (Small)	\$0.75
	Crackers	\$0.75
	Candy	\$1.25
	Pastry	\$1.25
	Cookies	\$1.00
	Gum & Mints	\$0.50
	Popcorn	\$1.00

RESOLUTION NO. 90 OF 2015

A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF BENTON TO UTILIZE FEDERAL AID TRANSPORTATION
ALTERNATIVE PROGRAM FUNDS

WHEREAS, the City of Benton understands that Federal Aid Transportation Alternatives Program Funds are available at 80% federal participation and 20% local match to develop or improve biking and walking trails between Tyndall Park, the downtown area and the area school facilities; and

WHEREAS, the City of Benton understands that Federal Aid Transportation Alternatives Program Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

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

SECTION I: The City will participate in accordance with its designated responsibilities including maintenance of this project.

SECTION II: The Mayor, or his designee, is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this city project.

SECTION III: The City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of December, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. 91 OF 2019

**A RESOLUTION DECLARING CERTAIN PROPERTY
AS OBSOLETE; AND AUTHORIZING THE DISPOSAL
OF THE PROPERTY IN ACCORDANCE
WITH A.C.A. §14-54-302**

WHEREAS, the city owns certain park equipment which was once used by the park department at the Ralph Bunche Park which is obsolete and is no longer being used by the city; and

WHEREAS, the City Council desires to declare this property as obsolete and to authorize the Mayor to dispose of the property in accordance with A.C.A. §14-54-302.

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

SECTION 1: The park property which was once used at the Ralph Bunche Park which is not being used is hereby declared as obsolete property. The Mayor is hereby authorized to dispose of the property in accordance with A.C.A. §14-54-302(e).

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

Tom Farmer, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. 92 OF 2019

A RESOLUTION AUTHORIZING THE PARTIAL REDEMPTION OF CITY OF BENTON, ARKANSAS HOTEL AND RESTAURANT GROSS RECEIPTS TAX BONDS, SERIES 2012 ON FEBRUARY 1, 2020; AND FOR OTHER PURPOSES

WHEREAS, the City of Benton, Arkansas (the "City") has issued and outstanding its Hotel and Restaurant Gross Receipts Tax Bonds, Series 2012 (the "Bonds"); and

WHEREAS, the Bonds are payable from and secured by the 1.50% tax levied by the City upon the gross receipts or gross proceeds from motels, hotels, restaurants, cafes, cafeterias and other similar establishments within the City (the "Tax"); and

WHEREAS, the Benton Advertising and Promotion Commission (the "Commission") collects the Tax and distributes Tax collections for authorized purposes; and

WHEREAS, the Commission has determined that it is in the best interest of the City to apply Tax collections on hand to redeem \$700,000.00 in outstanding principal amount of the Bonds maturing on August 1, 2027 and to do so on February 1, 2020.

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

SECTION 1: Tax collections shall be used to redeem \$700,000.00 in principal amount of the Bonds maturing on August 1, 2027 on February 1, 2020.

SECTION 2: The Mayor is hereby authorized and directed to take, or cause to be taken, all action necessary to accomplish the purposes of this Resolution.

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

Tom Farmer, Mayor

Cindy Stracener, City Clerk