

BENTON CITY COUNCIL

REGULAR SESSION

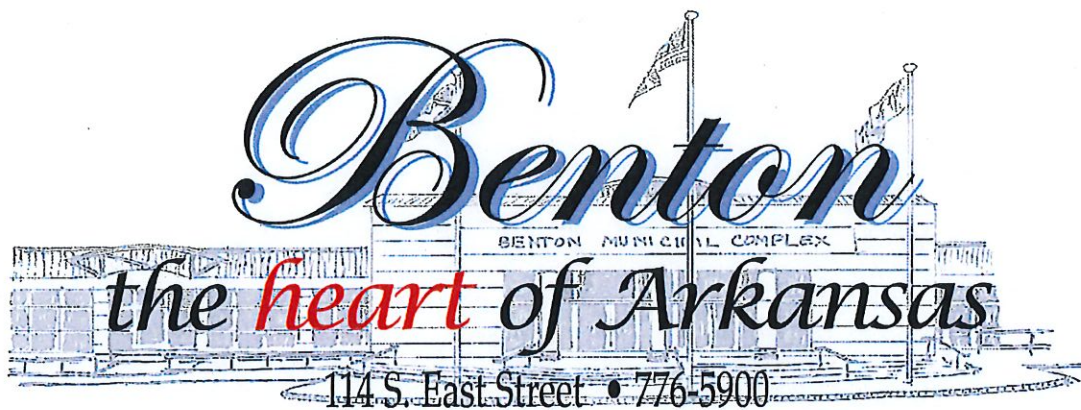
MAY 4, 2020

7:00 PM

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AGENDA MEETING

6:45 PM



BENTON MUNICIPAL COMPLEX
114 SOUTH EAST STREET
COUNCIL CHAMBERS

TOM FARMER, MAYOR

BENTON CITY COUNCIL

May 4, 2020

7:00 PM

AGENDA

- I. Call to Order Mayor Tom Farmer
- II. Invocation Council Member Lee
- III. Pledge of Allegiance Council Member Morrow
- IV. Roll Call City Clerk
- V. Approval of Minutes March 23, 2020
Regular Meeting
- VI. COMMITTEE REPORTS & MOTIONS
 - 1. FINANCE COMMITTEE Council Member Cash
 - A.) RESOLUTION NO. 38 OF 2020
A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION (ARDOT) FOR THE SALE OF PROPERTY LOCATED AT THE CITY OF BENTON FIRE AND POLICE SUBSTATION FOR THE SUM OF \$82,650.00 IN ORDER FOR ARDOT TO WIDEN HIGHWAY 5; AND FOR OTHER PURPOSES
 - 2. STREET & DRAINAGE COMMITTEE Council Member Hamm
 - 3. COMMUNITY SERVICES/ANIMAL CONTROL Council Member Reed
 - A.) RESOLUTION NO. 39 OF 2020
A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE LAWSUITS IN THE SALINE COUNTY CIRCUIT COURT SEEKING TO ABATE PUBLIC NUISANCES LOCATED AT FOURTEEN PROPERTIES INSIDE THE BENTON CITY LIMITS; AND FOR OTHER PURPOSES
 - B.) RESOLUTION NO. 40 OF 2020
A RESOLUTION ESTABLISHING THE TIME OF THE COUNCIL MEETINGS, SETTING ITS MEETING AGENDA AND ESTABLISHING RULES FOR CONDUCTING COUNCIL, AND COMMITTEE MEETINGS; AND FOR OTHER PURPOSES
 - C.) ORDINANCE NO. 25 OF 2020
AN ORDINANCE PROVIDING FOR A CONDITIONAL USE FOR A DUPLEX AT 909 WEST SEVIER STREET; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES
 - 4. PERSONNEL/HEALTH & SAFETY COMMITTEE Council Member Donnor

5. **PARKS COMMITTEE** **Council Member Hart**

A.) RESOLUTION NO. 41 OF 2020

A RESOLUTION CREATING THE CITY OF BENTON PARKS AND RECREATION SCHOLARSHIP PROGRAM WITHIN THE CITY OF BENTON IN ORDER TO MAKE RECREATION SERVICES MORE ACCESSIBLE TO COMMUNITY MEMBERS WHO MAY NOT HAVE THE OPPORTUNITY TO PARTICIPATE DUE TO FINANCIAL LIMITATIONS; AND FOR OTHER PURPOSES

6. **PUBLIC UTILITIES COMMISSION** **Council Member Herzfeld**

7. **A&P COMMISSION** **Council Members Baptist & Brown**

VII. **Unfinished Business**

VIII. **New Business**

IX. **Old Business**

X. **Public Comments**

XI. **Announcements**

XII. **Adjourn**

MINUTES OF THE BENTON CITY COUNCIL
Regular Session
March 23, 2020
Benton Municipal Complex

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

The Mayor asked City Attorney, Brent Houston to preside over the meeting as allowed by state statute. Mr. Houston requested that a vote be taken to allow this. He stated that it does not have to be him it can be any other council member present. Council Member Brown made a motion for Mr. Houston to be the president pro tempore for the council meeting. Seconded by Council Member Reed. A voice vote was taken all council members present responded in the affirmative. Motion was approved with six affirmative and 4 absent votes.

Council Member Hart gave the invocation.

Council Member Donnor led the pledge of allegiance.

Roll was called.

The following persons were in attendance:

Council Member Steve Brown	Council Member Evelyn Reed
Council Member Bill Donnor	Council Member Judd Hart
Council Member James Herzfeld	Council Member Steve Lee
Council Member Jeff Hamm	Brent Houston, City Attorney
Cindy Stracener, City Clerk	

When roll was called six (6) council members were present. Council Member Herzfeld arrived at 7:08. Council Member Baptist, Council Member Cash, and Council Member Morrow were absent. A quorum was declared.

Council Member Lee made a motion to approve the minutes from the February 24, 2020 council meeting. Seconded by Council Member Hart. Mr. Houston called for a voice vote. All council members replied in the affirmative, motion was approved.

Council Member Hart was recognized for a report from the Finance Committee. Council Member Hart made a motion to adopt Resolution 30 of 2020 – A Resolution Authorizing the Offering of Capital Improvement Revenue Bonds to Refund the Outstanding Capital Improvement Refunding and Improvement Revenue Bonds, Series 2012; and Prescribing Other Matters Relating Thereto. Seconded by Council Member Reed. The resolution was read by the city clerk. The City Attorney asked Mandy Spicer to explain what the administration was doing. Ms. Spicer stated that they were requesting approval for Stephens Inc. to go out and get the city rates to refinance these bonds. Mr. Houston asked if we were asking for additional money? Ms. Spicer stated no. Mr. Houston asked what the city hoped to accomplish by doing this? Ms. Spicer stated we hope to accomplish a savings, a preliminary rate given was a savings of \$115,000. Council Member Donnor asked at the end of 2025. She stated yes. Council Member Donnor asked how much is Stephens charging us

to do this. Ms. Spicer stated zero dollars, they will get it out of the refinance. Even if they get us a rate, we do not have to choose to go forward with it. Council Member Donnor stated they are not doing it for free. She stated no they are not doing it for free. Council Member Lee stated so what are you asking or saying. Council Member Donnor stated that eventually if everything goes through, Stephens is going to make some money over this. Money from the City of Benton and I am thinking right now with the uncertainty of our inflow from tax revenue, I don't want to spend a nickel on anything that I don't have to. Council Member Lee stated that when they come back, we don't have to do anything. Ms. Spicer stated when they come back at that point, we can determine what our savings will be. Council Member Donnor stated he hated to do someone that way when we aren't going to do something at the end. Council Member Lee stated we don't know what is going to happen, look at the last 10 days. We won't realize anything on the inflow until the end of May. Ms. Spicer stated that we could wait until June or July and take this up at that time. Council Member Lee made a motion to table Resolution 30 of 2020. Council Member Brown seconded that motion. Mr. Houston asked if there were any comments from the public. None. Council Member Hart stated that us voting to pass this does not commit us to do anything, it just gives us the opportunity to see if we can save the city any money. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart no, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 30 of 2020 was tabled with 6 affirmative votes, 1 negative, and 3 absent. Council Member Herzfeld came in during the discussion of this resolution.

Council Member Hart made a motion to adopt Resolution 31 of 2020– A Resolution Authorizing the Mayor and the Chief of Police to Apply for Grant Funding Through the Edward Byrne Memorial Justice Assistance Grant Program; and for Other Purposes by title only. Seconded by Council Member Reed. The resolution was read by title only by the city clerk. The City Attorney asked for any comments, none. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 31 of 2020 was adopted with 7 affirmative votes and 3 absent.

Council Member Hart made a motion to adopt Resolution 32 of 2020 – A Resolution Amending the 2020 Budget for the General Fund as Adopted in Resolution 82 of 2019; Accepting Proceeds From the Sale of Equipment Declared Surplus in Resolution 48 of 2019; Authorizing the Purchase of Certain Supplies and Equipment for the Police Department; and for Other Purposes. Seconded by Council Member Reed. The resolution was read by the city clerk. The City Attorney asked for any comments, none. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 32 of 2020 was adopted with 7 affirmative votes and 3 absent.

Council Member Hamm was recognized for a report from the Streets and Drainage Committee. Council Member Hamm made a motion to adopt Resolution 33 of 2020 – A Resolution Authorizing the City to Enter into a Contract with J Con for Rehabbing the Cedarhurst Culvert; and for Other Purposes. Seconded by Council Member Reed. The resolution was read by the city clerk. The City Attorney asked for any comments or questions from the council and public, none. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 33 of 2020 was adopted with 7 affirmative votes and 3 absent.

Council Member Hamm made a motion to adopt Resolution 34 of 2020 – A Resolution Authorizing the City to Enter into a Contract with J Con for Rehabbing the South Main and Elm Streets Culvert; and for Other Purposes by title only. Seconded by Council Member Lee. The resolution was read by title only. Mr. Houston stated that this contract is for \$34,730 and it was put out for bid and J Con was the lowest bidder. The City Attorney asked for any comments or questions from the council or public, none. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 34 of 2020 was adopted with 7 affirmative votes and 3 absent.

Council Member Hamm made a motion to adopt Resolution 35 of 2020 – A Resolution Authorizing the City to Enter into a Contract with J Con for Rehabbing the Hickory Ridge Culvert; and for Other Purposes by title only. Seconded by Council Member Lee. The resolution was read by title only. The City Attorney stated that J Con was the only bidder for this project with a bid totaling \$83,290. Mr. Houston asked for any questions or comments from the council or public, none. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 35 of 2020 was adopted with 7 affirmative votes and 3 absent.

Council Member Hamm made a motion to adopt Resolution 36 of 2020– An Resolution by the City of Benton, Supporting the House Joint Resolution 1018 of 2019 (HJR 1018 of 2019), Proposing an Amendment to the Arkansas Constitution to Continue a Levy of a One-Half Percent Sales and Use Tax for State Highway and Bridges; County Roads, Bridges, and Other Surface Transportation; and City Streets, Bridges, and Other Surface Transportation after the Retirement of the Bonds Authorized by Arkansas Constitution Amendment 91 as Special Revenue to be Distributed Under the Arkansas Highway Revenue Distribution Law by title only. Second by Council Member Brown. The resolution was read by title only. The City Attorney asked for any comments. Mr. Houston stated that this is just a resolution in support of the state action. Mr. Houston asked for comments from the public, none. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes,

Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 36 of 2020 was adopted with 7 affirmative votes and 3 absent.

Council Member Reed was recognized for a report from the Community Services/Animal Control Committee. Council Member Reed asked for the first reading of Ordinance 16 of 2020 – An Ordinance Providing for the Conditional Use of Certain Properties; Declaring an Emergency; and for Other Purposes. Seconded by Council Member Donner. The ordinance was read by the city clerk. This was for property located at 1301 River Street and is for a baseball/softball training facility. The City Attorney asked for any comment from the council or public, none. Council Member Reed made a motion to suspend the rules for the second and third readings. Seconded by Council Member Donner. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, 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 7 affirmative and 3 absent votes. Council Member Reed made a motion adopt Ordinance 16 of 2020 on its second and third readings by title only. Seconded by Council Member Brown. The ordinance was read by title only. The City Attorney asked for any comments, none. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 16 of 2020 was adopted with 7 affirmative votes and 3 absent. Council Member Reed made a motion to approve the emergency clause for Ordinance 16 of 2020. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 7 affirmative votes and 3 absent votes.

Council Member Reed asked for the first reading of Ordinance 17 of 2020 – An Ordinance Rezoning Certain Land in the City of Benton, Saline County, Arkansas; Declaring an Emergency; and for Other Purposes. Seconded by Council Member Donnor. The ordinance was read by the city clerk. They requested that the lands be rezoned from R-2 to C-3. It is along I-30 and Sevier St. The City Attorney asked for any comments from the council or public, none. Council Member Reed made a motion to suspend the rules for the second and third readings. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, 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 7 affirmative votes and 3 absent votes. Council Member Reed made a motion adopt Ordinance 17 of 2020 on its second and third readings by title only. Seconded by Council Member Donnor. The ordinance was read by title only. The City Attorney asked for any comments, none. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes,

Council Member Lee yes, and Council Member Hamm yes. Ordinance 17 of 2020 was adopted with 7 affirmative votes and 3 absent. Council Member Reed made a motion to approve the emergency clause for Ordinance 17 of 2020. Seconded by Council Member Brown. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 7 affirmative votes and 3 absent votes.

Council Member Donnor made a motion to add Ordinance 24 of 2020 to the agenda. Seconded by Council Member Hart. Mr. Houston called for a voice vote; all council members present replied in the affirmative.

Council Member Reed asked for the first reading of Ordinance 24 of 2020 – An Ordinance Abandoning the City's Interest in a Certain Right of Way Located within the Downtown Area at 146 West South Street; Authorizing the Mayor to Execute Documents Necessary to Abandon the Herein Described Right of Way; Declaring an Emergency and for Other Purposes. Seconded by Council Member Lee. The ordinance was read by the city clerk. The City Attorney asked for any questions or comments from the council or public, none. Council Member Reed made a motion to suspend the rules for the second and third readings. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, 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 7 affirmative votes and 3 absent votes. Council Member Reed made a motion adopt Ordinance 24 of 2020 on its second and third readings by title only. Seconded by Council Member Donnor. The ordinance was read by title only. The City Attorney asked for any comments., none. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 24 of 2020 was adopted with 7 affirmative votes and 3 absent. Council Member Reed made a motion to approve the emergency clause for Ordinance 24 of 2020. Seconded by Council Member Lee. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 7 affirmative votes and 3 absent votes.

Council Member Donner was recognized for a report from the Personnel/Health & Safety Committee. Council Member Donner asked for the first reading of Ordinance 18 of 2020 – An Ordinance Addressing Leave Policies in Times of Public-Health Emergency Declared by the Governor of the State of Arkansas in Response to the COVID-19 Virus; Declaring an Emergency; and for Other Purposes. Seconded by Council Member Reed. The ordinance was read by the city clerk. The City Attorney asked for any comments from the council or public. Council Member Hart asked what if the Mayor is on self-quarantine himself and a matter needs to be addressed. The City Attorney stated that the Mayor is still in control of

the city even though he may be at home. If there is a point in time when he believes that he is unable to fulfill his functions, the appointment he has made is for me the City Attorney to fulfill his duties during that time period. Council Member Donner made a motion to suspend the rules for the second and third readings. Seconded by Council Member Reed. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, 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 7 affirmative votes and 3 absent votes. Council Member Donner made a motion adopt Ordinance 18 of 2020 on its second and third readings by title only. Seconded by Council Member Lee. The ordinance was read by title only. The City Attorney asked for any comments, none. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 18 of 2020 was adopted with 7 affirmative votes and 3 absent. Council Member Donnor made a motion to approve the emergency clause for Ordinance 18 of 2020. Seconded by Council Member Lee. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 7 affirmative votes and 3 absent votes.

Council Member Hart was recognized for a report from the Parks Committee. There was not a report.

Council Member Herzfeld was recognized for a report from the Public Utilities Commission. He stated that he asked Council Member Lee to present the items. Council Member Lee made a motion to suspend the rules to read Ordinance 19 of 2020 by title only for all three readings. Seconded by Council Member Donnor. Mr. Houston asked that the roll be called. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion was approved with 7 affirmative votes and 3 absent votes. Council Member Lee made a motion to adopt Ordinance 19 of 2020 – An Ordinance Waiving Competitive Bidding and Authorizing and Ratifying the Purchase of Three (3) Handheld F16501-GM Sensus Devices with Docking Stations, Chargers and Sync Cables for the Benton Utilities Billing Department; Declaring an Emergency; and for Other Purposes on its first, second and third readings by title only. Seconded by Council Member Herzfeld. The ordinance was read by title only. The City Attorney requested Mr. Vondran, PUC Director explain the requests. Mr. Vondran stated that these devices are what is used to obtain meter readings that are not the auto read devices. The cost for 3 is \$20,097.67. The City Attorney asked for any comments from council or public, none. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 19 of 2020 was adopted on all three readings with 7 affirmative votes and 3

absent. Council Member Lee made a motion to approve the emergency clause for Ordinance 19 of 2020. Seconded by Council Member Reed. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 7 affirmative votes and 3 absent votes.

Council Member Lee made a motion to suspend the rules and read Ordinance 20 of 2020 – An Ordinance Waiving Competitive Bidding and Authorizing and Ratifying the Use of Herman Reeves Dirt Works, Inc. for the Benton Utilities Department; Declaring an Emergency; and for Other Purposes on all three readings by title only. Seconded by Council Member Herzfeld. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, 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 7 affirmative votes and 3 absent votes. Council Member Lee made a motion to adopt Ordinance 20 of 2020 on all three readings by title only. Seconded by Council Member Donnor. The ordinance was read by title only. Mr. Houston stated the contract calls to pay Herman Reeves \$48,750 for dirt work. Mr. Vondran stated that we are asking council to waive the formal competitive sealed bid process but we did get bids from other companies so that it would still be a competitive process. Because of weather and time this is needed for the development of the Exit 114 property. Mr. Reeves was the low quoter. Mr. Houston asked for any questions from the council or public, none. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 20 of 2020 was approved with 7 affirmative votes and 3 absent votes. Council Member Lee made a motion to approve the emergency clause. Seconded by Council Member Herzfeld. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 7 affirmative votes and 3 absent votes.

Council Member Lee made a motion to suspend the rules and read Ordinance 21 of 2020 – An Ordinance Waiving Competitive Bidding and Authorizing and Ratifying the Purchase of all Parts and Equipment Needed to Install Hardware & Software for a New Dell Poweredge R640, Intel Xeon Silver 4215 Processor for Benton Utilities; Declaring an Emergency; and for Other Purposes on all three readings by title only. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend was approved with 7 affirmative votes and 3 absent votes. Council Member Lee made a motion to adopt Ordinance 21 of 2020 on all three readings by title only. Seconded by Council Member Herzfeld. The ordinance was read by title only. Mr. Vondran stated that

this is part of the continuing process of Benton Utilities separating the network from the city of Benton. In the interest of cyber security related to our system, the commission has elected to proceed with Allied. The contract is for \$153,710.85. This is considered professional services and we did not shop prices but qualifications. Mr. Houston asked for any questions or comments from the council or public. None. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 21 of 2020 was adopted with 7 affirmative votes and 3 absent. Council Member Lee made a motion to approve the emergency clause for Ordinance 21 of 2020. Seconded by Council Member Reed. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 7 affirmative votes and 3 absent votes.

Council Member Lee made a motion to suspend the rules to read Ordinance 22 of 2020 – An Ordinance Waiving Competitive Bidding and Authorizing and Ratifying the Purchase of a Euro Drive Assembly, H40ALT, CW, 0.04 RPM Gear Drive with Manifold Seal & Clamp Kit for Benton Utilities Wastewater Treatment Department; Declaring an Emergency; and for Other Purposes on all three readings by title only. Seconded by Council Member Herzfeld. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, 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 7 affirmative votes and 3 absent votes. Council Member Lee made a motion to adopt Ordinance 22 of 2020 on all three readings by title only. Seconded by Council Member Reed. The ordinance was read by title only. This contract is for \$38,674. Mr. Vondran stated that this is a replacement of in-kind equipment and because of definition of sales territories in the State of Arkansas with this manufacture we are requesting that we have the opportunity to use this sole source vendor. The City Attorney asked for any questions by the council or public, none. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 22 of 2020 was adopted with 7 affirmative votes and 3 absent. Council Member Lee made a motion to approve the emergency clause for Ordinance 22 of 2020. Seconded by Council Member Herzfeld. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 7 affirmative votes and 3 absent votes.

Council Member Lee made a motion to suspend the rules to read Ordinance 23 of 2020 – An Ordinance Establishing Electrical Rates for Customers of the City of Benton, Arkansas; Repealing Electrical Rate Structures Adopted by the City of Benton in Ordinance No. 58 of

2018; Declaring an Emergency; and for Other Purposes on all three readings by title only Seconded by Council Member Herzfeld. Roll was called which resulted in Council Member Baptist absent, Council Member Brown no, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart no, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion failed with 5 affirmative, 2 negative and 3 absent votes.

Council Member Lee asked for the first reading of Ordinance 23 of 2020. Seconded by Council Member Donnor. The ordinance was read by the city clerk. Mr. Vondran stated that this is a continuation of what was started with our cost of service study that was conducted a couple of years back. That study showed that our electric utility is paying for wastewater and water. This is an effort to amend that so that wastewater and water start to stand on their own. It is an additional burden on our large power users and we are adjusting their rate and customer charge. Council Member Hart asked when they planned on looking at the other things. Mr. Vondran stated September and we would bring the draft to the committee for implementation October 1. Council Member Lee made a motion to suspend the rules for the second and third readings by title only. Seconded by Council Member Hart. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, 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 7 affirmative votes and 3 absent votes. Council Member Lee made a motion adopt Ordinance 23 of 2020 on its second and third readings by title only. Seconded by Council Member Herzfeld. The ordinance was read by title only. The City Attorney asked for any comments from the council or public. None. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 23 of 2020 was adopted with 7 affirmative votes and 3 absent. Council Member Lee made a motion to approve the emergency clause for Ordinance 23 of 2020. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 7 affirmative votes and 3 absent votes.

A question from the public for utilities is are there going to be any considerations for customers utility bills. Mr. Vondran stated currently we have suspended all disconnects. So, any customers for sickness, economic reasons, lost their job etc. we have suspended disconnects. Each customer that does need assistance, needs to call us and we will work with them on a one on one basis.

Council Member Brown was recognized for a report on the A&P Commission. Council Member Brown made a motion to adopt Resolution 37 of 2020 – A Resolution Ratifying and Confirming the Appointment of Brandi Crabtree as Commissioner to the Benton A&P Commission; and for Other Purposes. Seconded by Council Member Donner. The resolution was read by the city clerk. The City Attorney asked for any questions from the council or

public, none. Roll was called which resulted in Council Member Baptist absent, Council Member Brown yes, Council Member Cash absent, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 37 of 2020 was adopted with 7 affirmative votes and 3 absent. Mr. Houston thanked Mark Fikes for his service and leadership to the A&P Commission.

The City Attorney asked if there was any new business or old business. None. He asked for any public comments, none.

The meeting adjourned at 8:15 pm.

Cindy Stracener, City Clerk

Tom Farmer, Mayor

CITY OF BENTON UTILITY COMMISSIONERS MEETING
MONDAY, MARCH 2, 2020, 6:00 P.M.,
ELECTRIC UTILITY BUILDING
1827 DALE AVENUE

The City of Benton Utility Commissioners met in regular session Monday, March 2, 2020 at the Electric Utility Building, 1827 Dale Avenue.

In Attendance:

Doug Stracener, Chairman

Charlie Best, Member

Jim Martin, Member

Phil Miller, Member

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

The first item of business was approval of the minutes from the regular meeting of February 10, 2020. Member Martin made a motion to approve the January 23rd & February 10th minutes as presented with a second by Member Miller. A vote was taken and approval given.

Departmental Reports

A. January Employee of the Month

Brent Davis

Mr. Davis said as promised they will have two presentations tonight for the employee of the month. Mr. Greg Becker for January and Mrs. Cindy Hawkins for February. Mr. Becker presented Mr. Carl Counts and said that they depended greatly upon him and he fills in shifts whenever we needed him. I have called him on short notice to cover shifts 24 hours, 7 days a week and covering the overnight shifts when no one else will. I get a call in that someone is sick and can't make it in and he is always willing to cover those shifts, cover weekends and cover holidays. I depend heavily upon him and don't know how I would make it without him. Even more important than that, I just found out last week his wife is pregnant with their first child. He greatly deserves it and couldn't make it without him. Chairman Stracener said we don't have the plaque and everything. Mr. Davis thought that he had given it to Mr. Becker and Mr. Becker said he had not but Mr. Davis said he will fix

that. Mr. Counts was thanked for this service and given a round of applause. Mrs. Hawkins said she would like to introduce Dorothy Cox, she has been with us for 5 years now and I selected her for employee of the month and she could actually be employee of the year because she has been my right arm for a while now. As you know, Valeria Holden, who was the supervisor of Billing Services became too ill to continue to work and had to retire at the end of the year. Ms. Cox was promoted into her position and has also been learning what I do since I will be retiring at the end of this year. Mr. Vondran has said to start training your replacement so she has had a double load on her plate. She is the only one I know that is happy to make less money and work longer hours. I really appreciate her. She works long hours, she is there every minute that I am there, she won't hardly leave if I am still there and pitches in and does everything. She has a vast amount of knowledge about everything and how it works over there and I just appreciate her so much. I want to thank her so much. Ms. Cox was given a certificate and a round of applause.

B. January Financials

Karen Scott

Mrs. Scott said on the January financials on page 2, it compares January 2020 to January 2019. Revenues over expenditures are very similar between the two. We had \$566,342 revenues over expenditures in January of 2020 and in 2019 that number was 547,313. On page 13, you see the results between the different departments, electric, water and wastewater and she is happy to say that every single department had revenues over expenditures, even wastewater. It could be because I was a little more conservative in my revenue projections but revenues were exceeding budgeted and in all three departments, expenditures were less than expected. Because again, we had budgeted to lose \$215,000 across the three systems and we made \$566,000. I can't promise that it is going to be that way every month but that is how January 2020 turned out. On page 7, we wrote off a little over \$12,000 in bad debts and collected \$3,400. As you know this is the time when we are writing off the higher bills for the summer. They kind of have these highs and lows between the two, collections versus recovered in some months and January is one of those. Chairman Stracener said, I did notice on page 21, we've got what we pay the city \$155,000 is what we paid in January for franchise fees. Mrs. Scott said the \$155,000 is booked in January and paid in February. The \$155,000 is based on the revenues that we pay franchise fees on from January, the calendar month of January and then we cut them a check normally by the 10th of the next month. We did cut them a check on February 11th of this year for \$155,717.19 and it cleared the bank February 13th. We generally try to

pay those around the 10th of the month and we work really hard to make that happen. Also, we hand carry those checks to the City. Member Best made a motion to accept the financials as presented with a second by Member Martin. A vote was taken and approval given.

C. Crane for One Ton Pickup

Nathan Schultz

Mr. Schultz said that they put out for bids to try to put a crane on our one ton truck where they do not have to schedule an appointment with the Electric Department or rent a crane. We are also implementing a maintenance program so we are pulling pumps every week and cleaning pumps out instead of waiting until it burns up or we have a problem. Right now if Mr. Willie Howerton is using the crane they have to wait or if it is a small pump we can pull it up with a chain by hand but with this crane truck it will pull every pump that we have in our system except in Hurricane Lake. We have a system now where we can pull that up and we had to do that because our new alert system alerted us that both pumps were halfway clogged and weren't running so the new alert system is working good. We can take that and put it on our truck. We could have went small and still dealt with it or we could have went with the big crane, put it on the one ton and take care of everything. Chairman Stracener asked what the load capacity was and Mr. Schultz said 1800 pounds load capacity at zero degrees, minimum of 20 foot reach at zero degrees. Member Miller asked if this was in the budget. Mr. Schultz said it was. Terex was the only bid that came in and they will set it up with outriggers. Wastewater should have had one of these a long time ago because we are pulling pumps all the time and having preventative maintenance on pumps because we are going through pumps and if we don't get alerted they are just going to burn up. Now, we check all of our stations and they are going to be pulling them and cleaning them, going through them and putting them back in. Member Miller made a motion to approve the purchase of a Terex Dodge Auto Crane for \$42,113.72 and Member Martin seconded the motion. Chairman Stracener said he believed they would have to waive competitive bidding because this is the only bid. Ms. Linda McAdoo, Purchasing Manager said they took sealed bids and ran an ad in the paper. Chairman Stracener asked, we don't need an ordinance of anything and Ms. McAdoo said they didn't. A vote was taken and approval given.

D. Clarifier # 2 Gear Drive

Greg Becker

Mr. Becker said, I put forth the motion to waive competitive bidding for the purchase of that drive for clarifier #2. I provided some information which is kind of a breakdown of the cost as well as a letter from the manufacturer that they are a sole source provider for that type of drive assembly. We are budgeted for it. We budgeted \$150,000 but it is coming in right at \$50,000. We are quite a bit less than we budgeted. We want to try and get this done as soon as possible before any further damage is done to that clarifier 2. It could possibly drop and once we get the new assembly that would increase the cost to get that replaced. I went ahead and submitted some quotes from the vendor as well as quotes for the crane usage and the electrical work with everything added up it came out to be roughly that \$47,075. Just for your own benefit I did add some pictures to show the extent of that. Member Miller asked if this was in the budget already with \$150,000 budgeted and on paying roughly \$47,000. Mr. Becker said it was and I am trying to get that in as soon as we could. When they did the inspection last year and we replaced number 1 it was just a matter of time before number 2 drops as well. Member Miller said these are the only manufactures they say and Mr. Becker said yes, they are the sole source provider and the vendor, Environmental Technical Services is the only one in the State of Arkansas. Member Martin made a motion to authorize the staff to move forward on the acquisition of clarifier drive assembly. Chairman Stracener said we will waive competitive bidding. Member Best seconded the motion. A vote was taken and approval given.

E. Share Program Update

Cindy Hawkins

Mrs. Hawkins said you should have a two page form and you will notice the highlighted sections, the light yellow is for 2019 and the dark yellow is total since the inception of the program. You will notice that last year in 2019 there were fewer applications than normal and I attribute that to the fact that CADC had winter and summer funds that extended longer than normal so there was less need for the Share Program. If you go down to the last section on the first page where we put the average per customer \$154.78, that brought that up from the last couple of years because there was simply few customers so they were able to give them a little more. A concerning trend that we have been noticing on the back page, the last section, is the amount that we collect each month. If you will notice the first year of inception in 2008 we collected 75,713 and last year we collected \$56,286. Some of it has to do with 9/11, people were more giving. They are less generous now. One of the issues that I have found, when people fill out applications for new service we have a section in there, would you like to participate in the Share Program. A lot of

people were not marking it at all. We give them the information to read and the girls were assuming that to be a no and I said if they don't mark at all we assume that to be a yes. We hope that is going to recover a little bit this year. At least once a month we have someone apply for Share Program and they didn't mark that they wanted to be in the Share Program on the application so they are eligible for six months. I think we are going to solve two problems with this, we will have more funds coming in plus we won't be disappointing those people who can't apply for assistance because they thought they were on it when they weren't. Another issue we have is that we only have 5 members on the Share Board right now, We have several people who, One her term was not up but she was busy doing other things so she went off of the board at the end of the year and then we had two others that there time was just up. We got one replacement and then another lady decided she didn't want to do it after January so we are down to 5 people. We have ran ads in the paper and put it on the Facebook page, Ms. Mollie Wright put out a newsletter and haven't found anybody who wants to help so if you guys know somebody that you could send our way we have to have 4 for a quorum. If we have anybody sick we are getting in trouble. Member Miller asked if they had to live in Benton and Mrs. Hawkins said they do have to live in Benton and have our services.

F. Exit 114 Easement Clearing

Jacob Gillip

Mr. Gillip said he would like to thanks Mrs. Scott, it seems things are going well this month and for that report. Chairman Stracener said and you are going to blow out of the water right. He said, I think you have a certified bid tab in your packet. We are looking at doing some route clearing so that the Electric Department can go in and build their wood pole lines over the north side of the Moudy property and then down Mountain View to the CTE site. It is about 9400 feet and they are clearing a 30 foot swath. As you can see the numbers were all over the place. This was not done as a normal bid process, it was sent out last week to three bidders to get prices because of the time constraint to get this area cleared. Herman Reeves is the low bidder and he has actually done the other clearing on the south side of the interstate, both of those and he did a good job. He had two mishaps with the forcemain but we had not problems with him other than that. Chairman Stracener asked if he was handling all of the aspects of the swell or is that just piling it. Mr. Gillip said it depends on how he does it, a lot of times he will use a wood chipper so he doesn't actually disturb any soil if the trees are small enough. There are a few places that he would have to do with a dozer and he would do SWPPP

(stormwater pollution prevention plan) for those but those would not be the majority probably less than one acre if he does. Member Martin asked if Mr. Reeves was already on site and Mr. Gillip said no but he could probably mobilize pretty quickly once we get his insurance squared away. Garrett Excavating is on site so we thought that would make them more competitive but they are a big company and they are used to using big equipment so they were the high bidder there. Cliff Childress is a general contractor but a portion of their work is the clearing like Herman Reeves does so they are a little higher. Member Miller made a motion to give a bid to Herman Reeves. Mrs. Scott explained that it needed to go to the City Council for waiving bidding because even though there was three bids, they did not advertise because they thought that it would not be over \$20,000 and they just solicited bids from them. Member Best said that was the way to do it and just explain that to the City Council. Mr. Gillip said there was also the time constraints. Member Miller amended the motion to give a bid to Herman Reeves after City Council waives competitive bidding. Member Best seconded the motion. A vote was taken and approval given.

Old Business

Mr. Vondran was not in attendance at this meeting and asked Ms. Madeline Wilson to inform the commission on his requests for the following items.

A. Allied Technology Group Contract David Vondran

Ms. Wilson said that Mr. Vondran would like a motion to authorize him to execute the contract. Chairman Stracener said an ordinance would have to go to the City Council to waive bidding since it was over \$20,000. Member Miller made a motion to waive competitive bidding and Member Martin seconded the motion. Ms. Wilson asked, did you also give him the authorization to sign it and Chairman Stracener said yes, that will go with the ordinance once executed. A vote was taken and approval given.

B. Class 500 (LPS) Electric Rates David Vondran

Ms. Wilson said that on this issue Mr. Vondran would like a motion to authorize him to proceed with an ordinance for the City Attorney's review and then to take it to City Council. Member Best made a motion to approve the class 500 rates as presented and allow Mr. Vondran to present them to the City

the side of the banks so that the drill bit can't migrate out and get into the river. If the drill foot did find a way through there part of it is because of the slope and part of it is kind of because of the kind of soil that is there. They are worried that if it got through there it would just blow out the side of the bank and addition to leaking drill fluid it could also destabilize that bank and mess up the bore and potentially any other existing utilities. We coordinated with the city flood plain administrator and the simplest was to do it is with the placement of fill. Chairman Stracener asked if any of this was on the highway's portion for reimbursement or is this all on us. Mr. Gillip said no sir, this is the new construction. Member Martin said we don't have a choice obviously. Mr. Gillip said we have negotiated the price down from their first request of \$63,000, we went back and forth with them and got that down. Member Martin asked if the Corp (of Engineers) signed off on this and had to have a mitigation covenant. Mr. Gillip said no they removed the mitigation corridor along the interstate so we have 100 foot from the right of way that we don't have to worry about. We are not in a mitigation area but we did have to get it approved by the FEMA flood plain administrator and that has been done. Member Martin said wherever you excavate you have to put it back and Mr. Gillip said well, we can actually change it but we have to balance out the volume of material. If we take out 600 cubic yards we have to put in 600 cubic yards so as it works out there is that lower end and there is that ridge next to it which is the logical place to excavate from. Member Martin made a motion to approve the change order to Kajacs Contractors. Member Miller seconded the motion. A vote was taken and approval given.

B. Scoopy's Homemade Ice Cream

Nathan Schultz

Mr. Ethan Simmons said he and his wife are attempting to open a homemade ice cream shop, it is something he has had an interest in. I have been in construction all of my life, I am a retired building contractor and we have run into a situation here where we didn't realize we were going to have to put in such an elaborate grease trap system. The quotes that I have gotten from plumbers have been as high as, well the highest one was close to \$20,000. What we do is, we are going to make homemade ice cream. There is one ice cream machine, it is self-cleaning. It cleans once a day, maybe twice a day at the most and in the process of trying to get all of this together and getting quotes from plumbers, we have come across some information that several businesses here in Benton have been allowed an exception or variance to having to put in a 1,000 gallon grease trap. They have been allowed to put in what they call an under the sink type grease trap, a little bit smaller, 15 to 20

gallon or whatever, varying sizes and a whole lot less expense. One of them that I discovered was the trampoline park up near Harbor Freight. That place was allowed to put one in and they serve pizza, a really greasy food. The miniscule amount of fats, oils and grease that we are going to produce by washing off ice cream utensils throughout the course of the day is going to be so miniscule it just boggles my mind as to why we would have to put in a 1,000 gallon grease trap. We won't be doing anything but washing ice cream scoops and cleaning one machine so he can't see having to have a 1,000 gallon grease trap. I would think that it would take a lifetime to get enough fats, oils and grease to fill that. We will not have any cooking whatsoever, none and other facilities, there have been couple of daycares that have been allowed to have an under the sink type of grease trap or grease interceptor, I think they call them. So we are just here before you guys asking for you to consider a variance so we might be able to put in one a lot less expensive than the \$15 to \$20,000 grease trap that they are wanting us to put in. That is our request. Chairman Stracener asked how much waste would be created during the day and Mr. Simmons said that is just it we won't have any grease what so ever. I have learned there is such a thing as fats and oils also, FOG is the acronym that they give it. There will be a little bit of fats and a little bit of oils from the ice cream but we are going to rinse ice cream scoops off. Chairman Stracener said, my question is for the machine itself, Mr. Simmons said, we start out with a light ice cream, vanilla, then we progress through to the darker ones and usually end up with chocolate. When you do that you don't have to rinse it off ever time, you wait until the end of your process. We won't be making ice cream every single day, we will have freezers and we will making six gallon batches at a time and will have it in the freezers. So we won't have to make it very often and it just going to produce very, very little fats and oils, no grease. I do have a suggestion that if we are allowed to put in an under the sink type I would agree in writing to hire a licensed plumber to come whatever period of time, maybe 90 days to have them inspect it and clean it out and send a report to you guys every time they do that. I understand if you are producing a lot of it, then it can clog up the wastewater system and I understand that but what we are going to be producing is so little that the cost of putting in a 1,000 gallon one is really outside our budget. Mr. Schultz said our policy in the City of Benton is that we do not allow under the sink grease traps. The only grease traps that we allow that are in our specs are outside grease traps. We do have a waiver if they are not prepping any food, they do not have any mop sinks, everything is paper that can be through away and there is no washing there is a waiver and then we have that on file and then periodically we go and check to make sure that they didn't expand and create

something that is going down into the drains. I gave you a bunch of information on other cities, the ice cream shops, the milk and everything is causing a big problem. We have to report to ADEQ for our overflows and 80% of our overflows are grease related overflows. Big Red and Baskin Robins, they were both made to put in grease traps. Just Ice Cream on North Market they have a grease trap. Any restaurant or daycare or anything like that are required to put in a grease trap. Our minimum is 1,500 gallons, we went down to 1,000 gallons and that is as low as we can go on this shop here. Chairman Stracener asked Mr. Simmons, you mentioned the trampoline park has one under the sink and Mr. Simmons said yes, in getting quotes from licensed plumbers, I have had several of them tell me there has been a couple of day cares that have been provided exceptions. One of them has 80 to 100 children and then he told me that the trampoline park was allowed to put one in either adjacent to the sink or under the sink, I am not exactly sure, I didn't go in there and look but he said that they serve pizza which produces grease. We are going to be producing frozen ice cream, it is going to be in containers, we are going to be dipping it out, putting it in paper ice cream cups, giving plastic spoons to eat with and all of the trash is going to be thrown away. The only things that we are going to be doing is rinsing off the scoops and cleaning the machines. Member Miller said, I think Just Ice Cream already had one because there was a restaurant in there before and they did cook a lot of different foods so, they already had one. Mr. Schultz said if they just came in they would be forced to put one in now. Daycares not only have to put in a grease trap if they are cooking, they also have to put in a Muffin Monster because like the jails and schools they are flushing things down the toilet. Urban Air, they are not cooking anything. They are heating up in ovens and throwing away the plastic, they have not put in a drain sink or any floor drains that is why a waiver was given to them. They are just reheating stuff, they are not cooking anything or prepping anything. Member Miller asked Mr. Simmons, will you be cooking and Mr. Simmons said no sir, we have no cooking equipment whatsoever. We have one ice cream machine and that's it. Mr. Schultz said we have be entertaining under the sink grease traps and he has had plumbers tell him that a lot of people they just take the under the sink grease traps and just empty them into the toilet when it gets clogged up. We are trying to figure out how we can regulate that but as of now as our policy or ordinance stands we have been forcing everybody to put in a grease trap. Member Miller asked if this was an ordinance or just a policy and Mr. Schultz said on Section 8 of the ordinance it just says that the grease interceptor shall be provided in the opinion of the superintendent that is necessary to handle the proper liquids and there is a whole section on that.

Member Stracener asked what ordinance is that and Mr. Schultz said it was Ordinance 19 of 1995 Member Best asked if the health department recommended having a grease trap, he knows that it is regulated by the city but do they recommend one. Mr. Schultz said the plumbing code said any kind of grease laden waste located in food preparation areas are required to have a grease trap. A lot of the plumbing codes, back in 2006 or the most recent one is what we go off of and our regulations are on some things a little bit higher than State Code. Member Miller said his family was in the gourmet chocolate business for 40 years and we had more waste go down the drain than probably the Pizza Hut and they never had to have a grease trap. Mr. Schultz said a lot of cities are enforcing this because they have gotten hammered real hard and a lot of cities have been fined and ADEQ is pushing it because 80% of overflows are caused by grease in the lines. I am not saying that is all businesses but the businesses where their grease trap isn't working properly or you have residential grease. Member Miller said ordinance aside do you think that the under the sink grease trap would work for these people or do you think that it wouldn't. Mr. Schultz said personally on the ice cream, everything that I have read that you would need a 1,000 gallon grease trap. Member Martin said, so you don't find any grounds Nathan that would justify a waiver in this situation. Mr. Schultz said no sir, not to keep in line with what we have been doing with other businesses that come into town. Our ordinance is kind of vague and I am preparing documentation to clean this up but as of know I can only go by what we have been doing based on what is out there from ADEQ, the plumbing code and Ordinance 19 of 1995 as well as the knowledge that he has had in the last 10 years on the growth and the grease traps. Member Best asked Mr. Simmons what makes this so expensive, \$20,000 seems awful high. Mr. Simmons said I am a retired building contractor and people have to make a living. The lease expensive quote was just under \$15,000 and the highest one was just under \$20,000. The grease trap itself costs \$3,000 and they are probably going to require traffic lids which is another \$700.00, so the cost of the tank, we have asphalt out that is going to have to be cut up and it is a major, major deal just for dipping ice cream. If we have enough sales that we create as much as Mr. Schultz says I will put a 1,000 gallon tank in and be happy to do it. We are thinking we will have 10,15,20,30 sales a day which is minuscule. This is something we wanted to start in a real small building. We are going to have 6 tables, 12 chairs. It would be nice if we had to expand and go to a larger building. Member Miller asked Mr. Simmons, are you renting your building and Mr. Simmons said yes. Member Miller then asked what they were next to and Mr. Simmons said nothing, this used to be a car lot, Bailey's Motors on the corner

of East and Edison. The guy that came out from the wastewater department said it used to be a donut shop a long time ago. Member Miller said it should have a grease trap and Mr. Simmons said that is what they thought but they didn't find one. There is a business next door to it but it has been closed down for a long time and there is nothing really there and on the other side there is a thrift shop and it is right across from the Dollar General. Member Best asked Mr. Schultz if they had spoken to other towns about what they do for an ice cream shop. Mr. Schultz said we don't have many places in town that just do ice cream they do cooking and a lot of the places that I researched is that they start out with ice cream and if they don't sell a lot so they have to go into cooking and other things. He gave the Commissioners a hand out and said the front part on the ice cream part is the report on the dairy food is the one that he found that talks strictly on dairy products. Chairman Stracener asked what we are going to do on the air trampoline place if they decide that making frozen pizza isn't enough. Mr. Schultz said we have everything on our waiver and it says if we come back and they do more than what they told us then they will have to install a grease trap. Member Miller asked Mr. Simmons how much do you think that you will throw away a day and Mr. Simmons said he hopes that they throw away a lot but they will feel blessed if they have 25 to 30 sales per day. This will be served in typical paper cups with plastic spoons and when they are done they will just throw it all away. Mr. Dewayne Hood, Water Distribution Manager asked Mr. Shultz, did you say that Baskin Robbins had to have a grease trap and Mr. Schultz said they did. Member Miller said but they cook and Mr. Simmons said they do all kinds of things. Mr. Simmons said I give my word before God that we will not increase anything without talking to you guys and ask permission then put in a larger grease trap. Member Martin said he had a question, I have a very close friend who wanted to put in a cake shop, they found a place downtown, it was going to ideal with good parking and low and behold they ran into a problem, they had to have a grease trap and all they were going to do was make a few muffins and cakes to sell. They had to abandon that desire because of our regulations and there was no way that it would work to put in a 1,000 gallon grease trap so they went outside the county. Mr. Simmons said I had 6 to 8 people suggest I go to Bryant and open up there. This is an ordinance, I understand the concept behind it and the reasoning behind it because if you are putting a lot of waste down the wastewater system it is going to clog up and it is an expense to go in there and clean it up. I understand that but a one size fit all ordinance, it's just not right. There needs to be some leeway as this is going to be a husband and wife operation, it's just me and my wife, no employees whatsoever and no cooking equipment. We will agree that if anything changes

we will come before you guys again and ask for permission. Mr. Chuck Thompson said that I spoke to Bryant and fire department concession stands are the only thing that Bryant will allow to have under the sink grease traps. In Little Rock that put grease traps in on ice cream shops. The main thing about the ice cream is the way that it congeals in the sewer pipe. The way the molecules react so yeah you are not cooking bacon but it congeals worse. From a safety point it puts our workers out in the middle of East and Edison, that is where their lives will go and if you have ever been out at the corner of East and Edison it is not a fun place to be in the middle of that road. I understand this is a major expense and all of the plumbers have been calling me questioning some of the things they were told about what was required at this location. I understand that it is a major expense, I hate it but it is a major concern that you're not cooking but the way the molecules react on ice cream is pretty serious, they do congeal in the pipe. Mr. Simmons said whichever way you go, we are going to respect your decision and live with it. It is what it is. I just ask you to consider if we are allowed to go the less expensive way whatever conditions you put on it we will obey and follow them. If we need to get a licensed plumber out there to check it once a month or whatever time might be feasible would be we would certainly agree to. Chairman Stracener said based on the ordinance that was referenced here, we don't make these ordinances the City Council does but we have to live with what they deem necessary, I am not sure where we can do anything at this point. Member Miller said that is the ordinance. Chairman Stracener said I think you are going to take it up with the City Council and if they were to modify that where we can do more then you can bring it back to us and we will consider it again. That's a long hard road and I will tell you that. Member Best said I don't think we have a choice. The only thing you might can do, and Mr. Schultz has been doing his homework and that is try and do some research. Again, go to the Health Department tell them what it is and you are going to get some people pushing it from another direction. Mr. Schultz said we have been doing a lot of research and are currently testing a smaller outside grease trap at a business to see if that will work. We are always growing and technology is growing and we don't want to stand still. It is on the outside so we can look at it, we can regulate it and inspect it. Chairman Stracener asked if they needed a volunteer for a second spot. Mr. Schultz said not at this time. Member Miller asked what the time limit was on that before you could seek approval for it and Mr. Schultz said it just been in for a little bit so they will just have to wait and see. Mr. Thompson said the place they are trying it on has no floor drains, no mop sink and 1-three drain sink. That is the other think about the sink traps, they do not catch the mop or the floor drains just the one

item. The Health Department all it says in law is if a grease trap is installed it is installed per law. They do not spec out anything other than if you do put one in it will be put in according to the municipality law. No action was taken at this time.

Announcements

- A. Next Commission meeting date: Monday, March 16, 2020
- B. Chamber Banquet, March 10th at the Event's Center. Mrs. Scott asked what time and Ms. Wilson said she didn't know. Chairman Stracener said 6:30p.m. Member Martin asked where it was and Ms. Wilson told him at the Benton Event Center.
Member Miller told everyone that on March 17th the Golden Kiwanis are having their big spaghetti dinner, don't miss it.

A motion was made by Member Miller to adjourn with a second by Member Martin. Meeting adjourned at 7:05 p.m.

Executive Session

None

Doug Stracener, Chairman

Madeline Wilson, Recording Secretary

RESOLUTION NO. 38 OF 2020

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION (ARDOT) FOR THE SALE OF PROPERTY LOCATED AT THE CITY OF BENTON FIRE AND POLICE SUBSTATION FOR THE SUM OF \$82,650.00 IN ORDER FOR ARDOT TO WIDEN HIGHWAY 5; AND FOR OTHER PURPOSES

WHEREAS, the City of Benton desires to enter into an agreement with the Arkansas Department of Transportation (ARDOT) wherein the City shall sell to ARDOT certain real property situated at the City of Benton Fire and Police Substation located along Highway 5.

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

SECTION 1: The City Council does hereby authorize the Mayor and City Clerk to execute any necessary documents and action as shall be necessary to enter into an agreement with the ARDOT for the sale of certain property located at the City of Benton Fire and Police Substation on Highway 5. A copy of the agreement and related documents are attached hereto collectively as Exhibit "1" to this resolution. The City shall receive the sum of \$82,650.00 for the sale of the property.

PASSED AND APPROVED this the _____ day of May, 2020.

APPROVED:

Tom Farmer, Mayor

ATTEST:

Cindy Stracener, City Clerk

JOB NAME: I-30 – ALCOA RD. (BENTON) (S)

JOB
TRACT

061508
036

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

Grantor: City of Benton
Address: P. O Box 60; Benton, AR 72018-0607

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except such minerals therein and thereunder, as oil, gas, distillate, condensate, salt water and its component parts, and all other hydrocarbons which do not interfere with the surface use for highway purposes, situated in the County of Saline, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of the Southeast Quarter of the Northeast Quarter of Section 30, Township 1 South, Range 14 West, Saline County, Arkansas, more particularly described as follows:

Commencing at a point being used as the Northeast Sixteenth Corner of Section 30; thence South 01°57'24" West along the West line of the Southeast Quarter of the Northeast Quarter of Section 30 a distance of 590.89 feet to a point on the Southeasterly prescriptive right of way line of Arkansas State Highway 5 as established by AHTD affidavit dated August 14, 2014; thence North 53°28'31" East along said right of way line a distance of 279.70 feet to a point; thence in a Northeasterly direction along said right of way line on a curve to the right having a radius of 2,261.83 feet a distance of 27.75 feet having a chord bearing of North 53°49'37" East a distance of 27.75 feet to a point; thence continue in a Northeasterly direction along said right of way line on a curve to the right having a radius of 2,261.83 feet a distance of 119.44 feet having a chord bearing of North 55°41'28" East a distance of 119.43 feet to the POINT OF BEGINNING; thence continue in a Northeasterly direction along said right of way line on a curve to the right having a radius of 2,261.83 feet a distance of 22.00 feet having a chord bearing of North 57°28'58" East a distance of 22.00 feet to a point; thence North 57°45'41" East along said right of way line a distance of 135.33 feet to a point; thence South 12°24'05" East a distance of 42.01 feet to a point on the Southeasterly right of way line of Arkansas State Highway 5 as established ARDOT Job 061508, thence South 56°54'07" West along said right of way line a distance of 159.61 feet to a point; thence North 10°40'43" West a distance of 44.95 feet to the point of beginning and containing 0.15 acres more or less as shown on plans prepared by the ARDOT referenced as Job 061508.

WHK
07/23/2018
Rev. WHK
01/03/2019

- Uncontrolled Access
- Partially Controlled Access – Access break from Station _____ to Station _____
- Fully Controlled Access
- Fully Controlled Access with a frontage road
- Maintenance Agreement

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator

By _____ Date _____

IMPROVEMENTS	APPRAISED SALVAGE VALUE	RETAINED BY GRANTOR		AMOUNT OF BOND REQUIRED	WILL GIVE ACTUAL POSSESSION OF IMPROVEMENTS NOT RETAINED
		YES	NO		
Concrete Drive	-0-			-0-	At Closing

Grantor(s) agrees that the items checked for removal for salvage will be removed on or before 30 days after closing and expressly waives all claims for damage, injury or loss on account of such removal by him, or removal after this date by the Arkansas State Highway Commission, due to failure of Grantor(s) to complete removal by the designated date. If Grantor is being relocated from the primary residential dwelling and has elected to salvage the dwelling, salvage must be completed on or before 30 days after the final vacate date and any extensions of time granted by the Department.

COMPENSATION BREAKDOWN:

APPRAISED VALUE of Real Estate Including Damages to Remainder \$ 82,250.00

LESS SALVAGE VALUE - IMPROVEMENTS RETAINED \$ _____

NET PAYMENT DUE \$ _____

The Grantor(s) agrees to put up bond at the time of closing of this transaction for the removal of improvements retained, in the amount of N/A.

Grantor(s) further agrees neither to sell nor encumber the said real estate during the term of the Contract to Sell. In the event that any buildings, fixtures, appurtenances, or other improvements are to pass to and become the property of the Commission in connection with the real property herein covered, Grantor(s) agrees to keep the same in good condition without waste, damage or destruction. Grantor(s) also agrees to allow the Commission permission to enter upon that part of the remaining property necessary for the sole purpose of removing any improvements acquired by the Commission, which lies outside the right of way, and not retained by the Grantor, or for the removal of foundations of improvements which are retained.

The Commission shall have the irrevocable right to exercise the "Contract to Sell" at any time within (90) days from date; and it is agreed that if, within the time above specified, the said Commission shall declare its intention to exercise this "Contract to Sell", including the right to purchase the said land, the Grantor(s) will sign and execute a General Warranty Deed when presented by the Commission and receive payment of the stated "Net Payment Due" from the said Commission, less any amount that may be found due and payable to any mortgagee. Unless stated to the contrary herein the conveyance shall include buildings, improvements, and appurtenances to the land described. It is expressly understood that the said commission shall not be obligated further unless stated herein to wit:

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	<p>1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.</p> <hr/> <p>2 Business name/disregarded entity name, if different from above</p> <hr/> <p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p><input type="checkbox"/> Individual/sole proprietor or single-member LLC</p> <p><input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____</p> <p>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</p> <p><input type="checkbox"/> Other (see instructions) ▶ _____</p>	<p>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p><small>(Applies to accounts maintained outside the U.S.)</small></p>
	<p>5 Address (number, street, and apt. or suite no.) See instructions.</p> <hr/> <p>6 City, state, and ZIP code</p> <hr/> <p>7 List account number(s) here (optional)</p>	<p>Requester's name and address (optional)</p>

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number												
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				-				-				
or												
Employer identification number												
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25px; border: 1px solid black;"> </td> <td style="width: 25px; border: 1px solid black;"> </td> <td style="width: 25px; border: 1px solid black;"> </td> <td style="width: 25px; border: 1px solid black;"> </td> <td style="width: 20px; text-align: center;">-</td> <td style="width: 25px; border: 1px solid black;"> </td> <td style="width: 25px; border: 1px solid black;"> </td> <td style="width: 25px; border: 1px solid black;"> </td> <td style="width: 25px; border: 1px solid black;"> </td> <td style="width: 25px; border: 1px solid black;"> </td> <td style="width: 25px; border: 1px solid black;"> </td> <td style="width: 25px; border: 1px solid black;"> </td> </tr> </table>					-							
				-								

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶ _____	Date ▶ _____
------------------	----------------------------------	--------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

MORTGAGE AUTHORIZATION

Form must be filled out completely, signed and submitted to the
Right of Way Division/Administrative Section immediately following first contact.

Job #: _____	Tract#: _____
Property Owner:	_____
Address:	_____

Telephone #:	_____

Mortgage Company:	_____
Address:	_____

Telephone #:	_____
Loan #:	_____
Contact Person:	_____

Due to the construction of the above-mentioned project, we are acquiring property from your mortgagor. It will be necessary to obtain a Partial Release from your company. The mortgagor is aware that some or all the proceeds from this transaction may be required to be applied to the principal balance of the mortgage. The mortgagor is also aware that we will be negotiating only with the mortgagor and that any checks for funds conveyed will be made to the property owner.

If no mortgage exists, write "NONE and sign below where indicated."

This form must be completed and signed by the property owner, whether a mortgage exists or not.

By our signatures we are authorizing the Arkansas Department of Transportation to enter into the process necessary to obtain a Partial Release.

Property Owner / Mortgagor's Signature: _____ Date: _____

_____ Date: _____



ARKANSAS DEPARTMENT OF TRANSPORTATION

ARDOT.gov | IDriveArkansas.com | Scott E. Bennett, P.E., Director

RIGHT OF WAY DIVISION

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261
Phone: 501.569.2311 | Fax: 501.569.2018 | Toll Free: 877.569.0120

Date

City of Benton
P.O. Box 607
Benton, AR 72018-0607

Job 061508
I-30- Alcoa Rd. (Benton) (S)
Saline County
Tract 36

Dear Property Owner(s):

An acquisition agent for the Arkansas State Highway Commission has presented to you a Contract to Sell offering to purchase the fee simple title to your property needed for highway purposes. A description of the property needed is attached. The acquisition agent will contact you within 10 business days for your response that should include all issues or concerns you may have regarding the offer. It is anticipated that negotiations should be concluded within 30 calendar days from the date of the initial contact.

The following buildings, structures, and other improvements, including fixtures located upon the lands needed are as follows: concrete drive, cost to cure sign – flagpole, concrete (flagpole), and spotlights

In the event you desire to retain any of the building, structures or other improvements, including fixtures listed above for salvage value of \$0.00, you must do so prior to the date of closing of a Contract to Sell or eminent domain proceedings.

The offer of \$82,650.00 is based on the opinion of a qualified real estate appraiser. The offered amount is based on the market value concept and is broken down as follows: \$82,250.00, as just compensation for the realty to be acquired, \$2,400.00, for temporary construction easement, and \$-0- for market damage to the remaining lands.

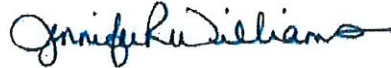
Should you elect to accept this offer, the State will determine if you can convey a merchantable title, and if so, a property deed conveying the land to the Arkansas State Highway Commission will be prepared and you will be paid the amount contained in the written offer.

If you make a final rejection of this offer, and if the Arkansas State Highway Commission elects to do so, a condemnation suit will be filed, and the amount that the Arkansas State Highway Commission has determined to be estimated just compensation for your property will be deposited into the Registry of the Circuit Court of Saline County. You may at this time elect to accept the amount deposited as just compensation for your property. If you elect to do so, the Circuit Court will be asked to enter Judgment in the sum of the estimated just compensation, and this amount will be paid to you thereby disposing of the condemnation suit.

If you do not elect to accept the amount deposited as estimated just compensation, then you may withdraw the amount placed on deposit as estimated just compensation without prejudice to your rights to claim additional compensation. In this event, you will be entitled to a trial by jury by the Circuit Court of Saline County in which your lands are situated to determine just compensation for your lands condemned.

In either event, payment of the estimated just compensation will be made available to you prior to vacating your property.

Yours truly,



Jennifer R. Williams, P.E.
Division Head
Right of Way Division

JRW: tm

RIGHT OF WAY SIGNS AND SYMBOLS

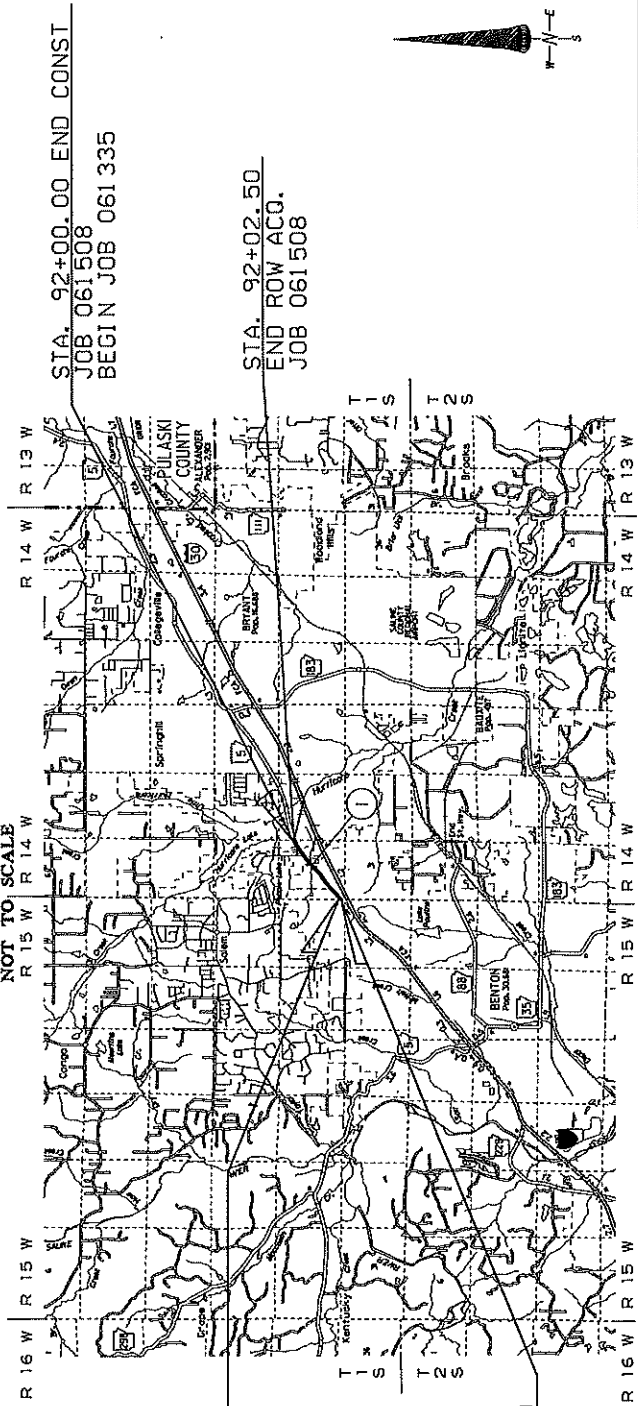
- SECTION CORNER
- QUARTER CORNER
- QUARTER QUARTER CORNER
- SECTION CENTER
- STATE LINE OR CITY LIMITS
- COUNTY LINE
- TOWNSHIP LINE
- QUARTER SECTION LINE
- PROPERTY LINE
- EXISTING R/W LINE
- PROPOSED R/W LINE
- EXISTING CONTROL OF ACCESS
- PROPOSED CONTROL OF ACCESS
- PROPOSED R/W & CONTROL OF ACCESS
- EXISTING R/W DIMENSION
- PROPOSED R/W DIMENSION
- TEMPORARY & PERMANENT EASEMENT LINE
- EXISTING BRIDGE OR SEPARATION STRUCTURE
- PROPOSED BRIDGE OR SEPARATION STRUCTURE
- EXISTING CULTIVAT
- RAILROAD
- PAVED ROADS
- GRAVEL ROAD
- DRIVEWAY
- FENCE
- CONSTRUCTION LIMITS
- LEVEL
- TRAIL
- RESIDENTIAL & COMMERCIAL BUILDING
- HEDGE ROW
- SMALL STREAM
- LARGE STREAM
- POOD OR LAKE
- TELEPHONE POLES
- POWER POLES
- TRANSMISSION LINES
- TREES
- DITCHES & WOODS
- SET AND R/W MONUMENT
- TEMPORARY EASEMENT POINT
- PERMANENT EASEMENT POINT
- EXISTING R/W POINT
- PROPERTY LINE POINT
- FOUND MONUMENT
- SURVEY CALCULATED POINT

STATE OF ARKANSAS
STATE HIGHWAY COMMISSION

ARDOI
OF TRANSPORTATION

RIGHT OF WAY MAP
I-50 - ALCOA RD.
(BENTON) (S)
SALINE COUNTY
ROUTE 5 SECTION 8
JOB 061508

LAYOUT
NOT TO SCALE



STA. 28+85.00
BEGIN ROW ACC.
JOB 061508

STA. 92+02.50
END ROW ACC.
JOB 061508

STA. 92+00.00 END CONST
JOB 061508
BEGIN JOB 061335



09/18/2018

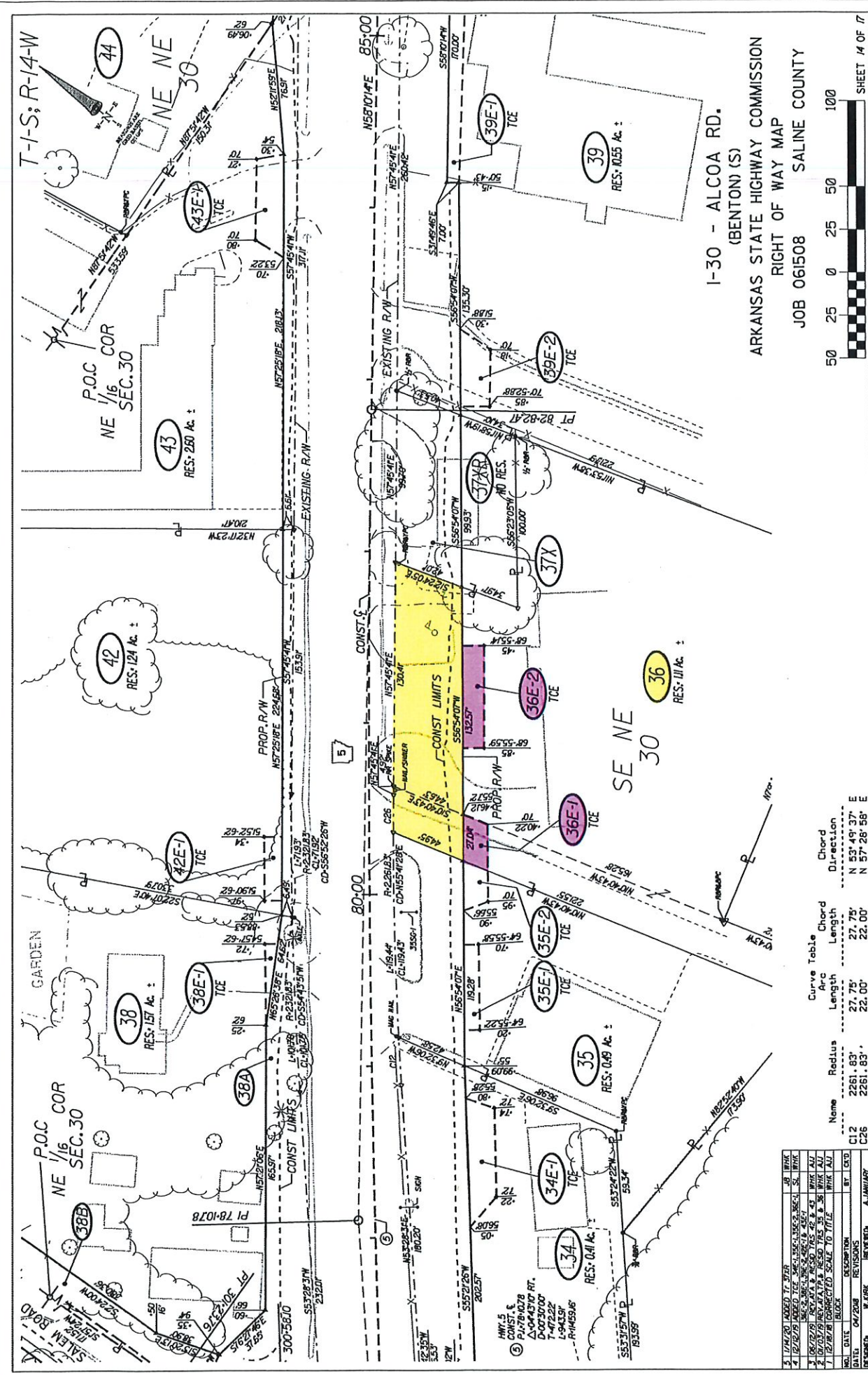
061508

LOT SCHEDULE
LONG HILLS SUBDIVISION

TRACT/LOT	SO. FT.	ACQ.	RESIDUAL
9	10.04	3522	4392
9	10.04	3345	4759
9	10.04	3403	4667
12	17.923	2462	1578
12	17.995	2056	15319

TRACT	OWNER	REV.	AREA IN ACRES	PARCEL TO ACQUIRE	AREA IN ACRES	PARCEL TO ACQUIRE	ENVIRONMENTAL RESTRAINING CONDITION	BSQD	R	PRIORITY TRACT
49	RUSSELLVILLE MAN & WOMEN, LLC	59	0.96	0.01	47533	380	TCE 40E+0.01 AC: OR 45 SOFT:; TCE 40E+0.01 AC: OR 484 SOFT:;		15/7	R
47	NORTHERN PROPERTIES, INC. LAI THI BUI	52 53 REV.	1.06 0.51	0.01 0.04	46341 22046	1946	TCE 46E+0.03 AC: OR 5886 SOFT:; TCE 46E+0.03 AC: OR 1491 SOFT:;		15	
46	DOORWOOD LAKE LIMITED PARTNERSHIP	52	20.77	0.02	504631	703	TCE 46E+0.03 AC: OR 5886 SOFT:;		15	
45	ESCH FAMILY LIMITED PARTNERSHIP	51	0.57	0.01	24688	667	TCE 46E+0.03 AC: OR 1491 SOFT:;		15	
44	SERVE ONE, LLC	50 REV. 47 REV.	1.89 2.66	0.01 0.06	82497 15733	496 2645	TCE 46E+0.03 AC: OR 5886 SOFT:; TCE 46E+0.03 AC: OR 876 SOFT:;		14	
42	MAURY MITCHELL ASSOCIATES - HIGHWAY 5, LLC	45	1.27	0.03	55412	1384	TCE 42E+0.01 AC: OR 383 SOFT:;		14/5	
41	ARKANSAS HIGHWAY COMMISSION	60	0.21	0.14	9458	634	TCE 39E+0.04 AC: OR 1880 SOFT:; TCE 39E+0.02 AC: OR 584 SOFT:;		15/7	U
39	LANGERS LAND COMPANY, LLC	14, 115	4.76	0.55	207308	24016	TCE 39E+0.04 AC: OR 1880 SOFT:; TCE 39E+0.02 AC: OR 584 SOFT:;		15/6/7	U
38	MARY HELEN WALLACE	43	1.98	0.41	86490	1782	TCE 39E+0.04 AC: OR 1880 SOFT:; TCE 39E+0.02 AC: OR 584 SOFT:;		12/314	UR
37X	MICHAEL & DANE MOORE FAMILY TRUST	49	0.06	0.09	7078	3459	TCE 39E+0.04 AC: OR 1880 SOFT:; TCE 39E+0.02 AC: OR 584 SOFT:;		14	UR
36	CITY OF BENTON	46/52	1.26	0.15	54934	6432	TCE 39E+0.04 AC: OR 1880 SOFT:; TCE 39E+0.02 AC: OR 584 SOFT:;		14	U
35	DC BEARY PROPERTIES, LLC	46 REV.	0.60	0.11	26447	4949	TCE 39E+0.04 AC: OR 1880 SOFT:; TCE 39E+0.02 AC: OR 584 SOFT:;		14	U
34	B & B WHOLESALE, INC.	44	0.58	0.17	25124	7297	TCE 34E+0.02 AC: OR 1031 SOFT:; TCE 34E+0.02 AC: OR 1240 SOFT:;		12/314	U
33	DELETED									
32	CUATRO HERMANOS, INC	38 REV. 46 REV.	0.97 0.97	0.08 0.08	42462 42361	7933 3333	TCE 32E+0.01 AC: OR 234 SOFT:; TCE 32E+0.01 AC: OR 234 SOFT:;		12	U
31	LILLIAN STREET CHURCH OF CHRIST	36	0.37	0.06	46328	3333	TCE 31E+0.01 AC: OR 591 SOFT:; TCE 31E+0.01 AC: OR 591 SOFT:;		12	U
30	DENNIS PROPERTIES, LLC	34	1.08	0.16	46950	6773	TCE 30E+0.01 AC: OR 3408 SOFT:; TCE 30E+0.01 AC: OR 3408 SOFT:;		12	U
29	ARVEST BANK	40	1.09	0.12	47541	5226	TCE 29E+0.01 AC: OR 396 SOFT:;		12/3	U
28	HATHAS SHOPPING CENTERS, INC	39	4.39	0.26	81355	1082	TCE 28E+0.01 AC: OR 527 SOFT:; TCE 28E+0.03 AC: OR 1240 SOFT:;		14/2	U
27	KEITH F. BPAGE	37	0.92	0.11	40411	4736	TCE 27E+0.01 AC: OR 311 SOFT:;		14/2	U
26	CHARLES E.D. ALMA F. PAPER LIVING TRUST	35	0.45	0.09	19493	2601	TCE 26E+0.03 SOFT:;		11	U
25	DAUGHERTY FAMILY REVOCABLE TRUST	33	12.40	0.06	19493	2601	TCE 26E+0.03 SOFT:;		11	U
24	GEORGE J. JANTELJAN	31	2.99	0.13	130401	5751	TCE 26E+0.03 SOFT:;		10/12	U
23	BENTON SC INVESTMENT PARTNERS, LLC	32 REV.	2.255	0.82	999526	35926	TCE 22E+0.04 AC: OR 1673 SOFT:; TCE 22E+0.04 AC: OR 1673 SOFT:;		10/12	U
22X	DOUGLAS C & LISA GROFFES, HW	28	2.82	1.05	187211	45228	TCE 22E+0.04 AC: OR 1673 SOFT:; TCE 22E+0.04 AC: OR 1673 SOFT:;		22/25/28/29/30/2	U
21X	LENZ PROPERTIES, LLC	24 REV. 24 REV.	12/3	1.91	528387	81328	TCE 20E+0.01 AC: OR 1431 SOFT:; TCE 20E+0.05 AC: OR 2380 SOFT:;		22/25/28/29/30/2 TCE 20E+0.01 AC: OR 1431 SOFT:; TCE 20E+0.05 AC: OR 2380 SOFT:;	U
20	TARGETT PROPERTIES, LLC	24 REV. 24 REV.	2.22	0.03	96777	1231	TCE 20E+0.01 AC: OR 1431 SOFT:; TCE 20E+0.05 AC: OR 2380 SOFT:;		9	U
19	GRANDLAND, LLC	20, 22	5.63	0.60	246005	26134	TCE 18E+0.03 AC: OR 187 SOFT:;		9	U
18	SIEBERT MOBILITY, INC	18, 16	2.03	0.22	28136	9717	TCE 18E+0.03 AC: OR 187 SOFT:; TCE 18E+0.03 AC: OR 1317 SOFT:;		8/9	UR
17	FEDORSIAN PROPERTIES, LLC	16	1.98	0.37	86178	6102	TCE 17E+0.01 AC: OR 648 SOFT:;		8	U
16	DELETED									
15E	LONGHILLS LAND DEVELOPMENT	64					TCE 15E+0.01 AC: OR 262 SOFT:;		6	
14	CHURCH OF GOD	17	0.73	0.05	31249	2308	TCE 15E+0.01 AC: OR 262 SOFT:;		8	U
13	DANIEL A. BARTLETT	15	0.41	0.05	18108	2482	TCE 15E+0.02 AC: OR 668 SOFT:;		7/8	U
12	JORGETTA D. KIMMELAN	15 REV. 15 REV.	0.82	0.10	35318	4218	TCE 15E+0.02 AC: OR 668 SOFT:;		7	U
11	MICHAEL WAYNE GRIFFITH	9	0.41	0.06	17935	2738	TCE 15E+0.02 AC: OR 668 SOFT:;		7	U
10	MARK & GWENDOLYN GARLAND, HW	7	0.41	0.08	17967	3541	TCE 15E+0.02 AC: OR 668 SOFT:;		7	U
9	JAGO ENTERPRISES, LLC	5	1.24	0.20	54078	8722	TCE 15E+0.02 AC: OR 668 SOFT:;		7	U
8	THE GREENS AT LONGHILLS LAKEVIEW COMMUNITY DEVELOPMENT, LLC	1	UNABLE	0.08	UNABLE	3679	TCE 15E+0.02 AC: OR 668 SOFT:;		6	U
7	CAMARATO PROPERTIES, LLC	14 REV-1	0.97	0.16	42442	7688	TCE 15E+0.02 AC: OR 668 SOFT:;		7	U
6	RICHARD W. AILEY & LISA ACKLEY LIVING TRUST	12	0.45	0.03	19456	1241	TCE 15E+0.02 AC: OR 668 SOFT:;		7	U
5	SALT CREEK REAL ESTATE, LLC	10 REV. 8 REV.	0.95	0.04	41380	1826	TCE 15E+0.02 AC: OR 668 SOFT:;		7	U
4	SOUTH CENTRAL ARKANSAS REALTORS ASSOCIATION	6 REV.	0.30	0.02	13281	865	TCE 15E+0.02 AC: OR 668 SOFT:;		7	U
3	TRAVIS W & ROBERTA E. WRIGHT, HW	6	0.23	0.01	10082	594	TCE 15E+0.02 AC: OR 668 SOFT:;		7	U
2	JERRY D & CONNIE HARPER, HW	4	0.55	0.04	24047	1829	TCE 15E+0.02 AC: OR 668 SOFT:;		6/7	U
1	MAGRIS FAMILY REVOCABLE TRUST	2	4.44	0.03	19332	1493	TCE 15E+0.02 AC: OR 668 SOFT:;		6	UR

I-30 - ALCOA RD.
(BENTON) (S)
ARKANSAS STATE HIGHWAY COMMISSION
RIGHT OF WAY MAP
JOB 061508
SALINE COUNTY



I-30 - ALCOA RD.
(BENTON) (S)
ARKANSAS STATE HIGHWAY COMMISSION
RIGHT OF WAY MAP
JOB 061508 SALINE COUNTY



NO.	DATE	BY	DESCRIPTION
1	04/20/08	W. J. PARK	REVISIONS
2	04/20/08	W. J. PARK	REVISIONS
3	04/20/08	W. J. PARK	REVISIONS
4	04/20/08	W. J. PARK	REVISIONS
5	04/20/08	W. J. PARK	REVISIONS

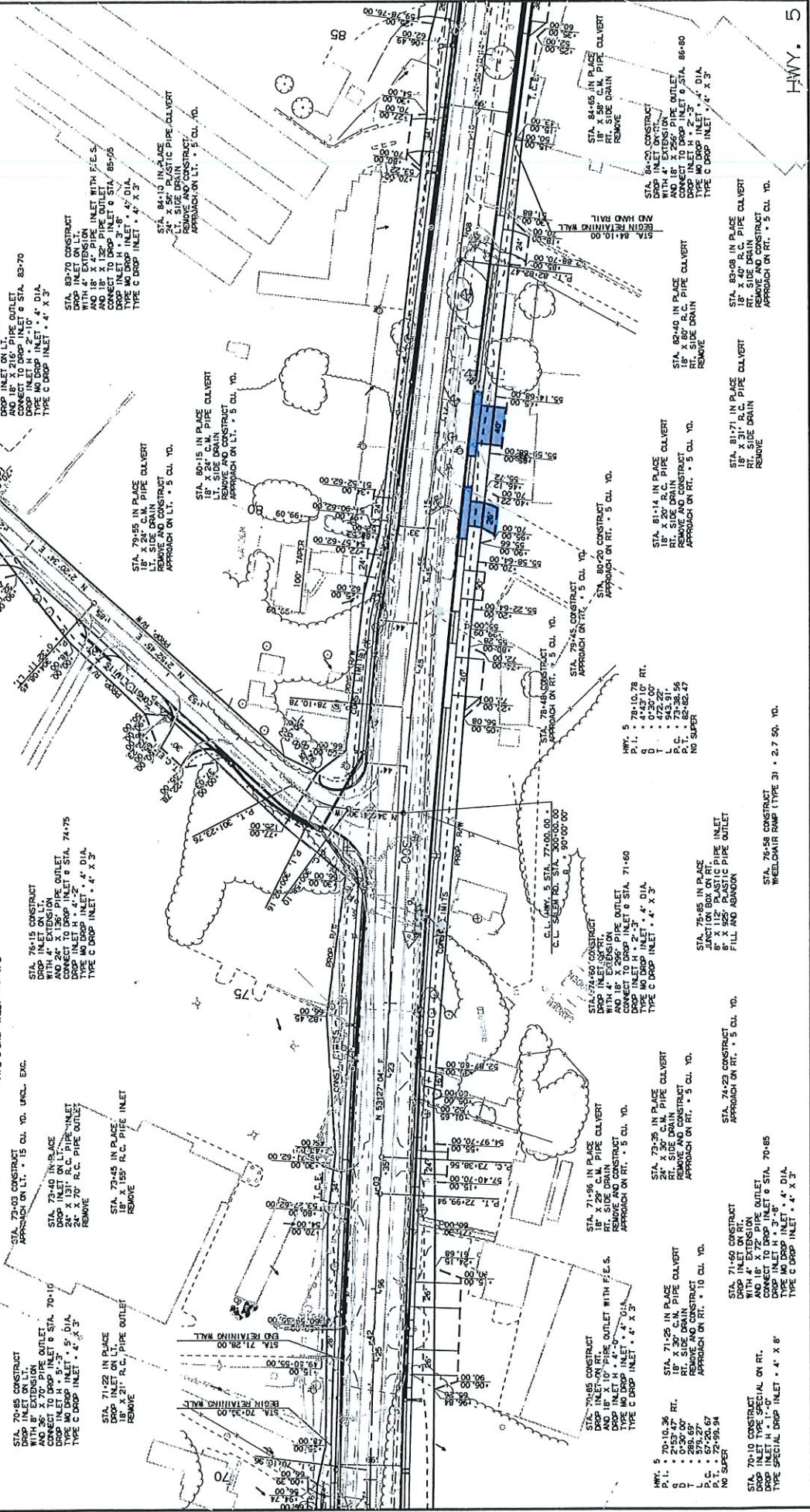
Curve Table	Arc Length	Chord Length	Chord Direction
C12	27.75'	22.00'	N 53° 49' 37" E
C26	2261.83'	22.00'	N 57° 28' 58" E

HWY 5
CONST. 5
P. 178-1078
Δ-047310 RT.
D-0031000
T-47222
L-94319
R-114559.6'

DATE REVISED	BY	REASON	DATE REVISED	BY	REASON

PRELIMINARY
SUBJECT TO REVISION

PLAN AND PROFILE SHEETS
SHEET NO. 06508
DATE 6 A.M.
STATE



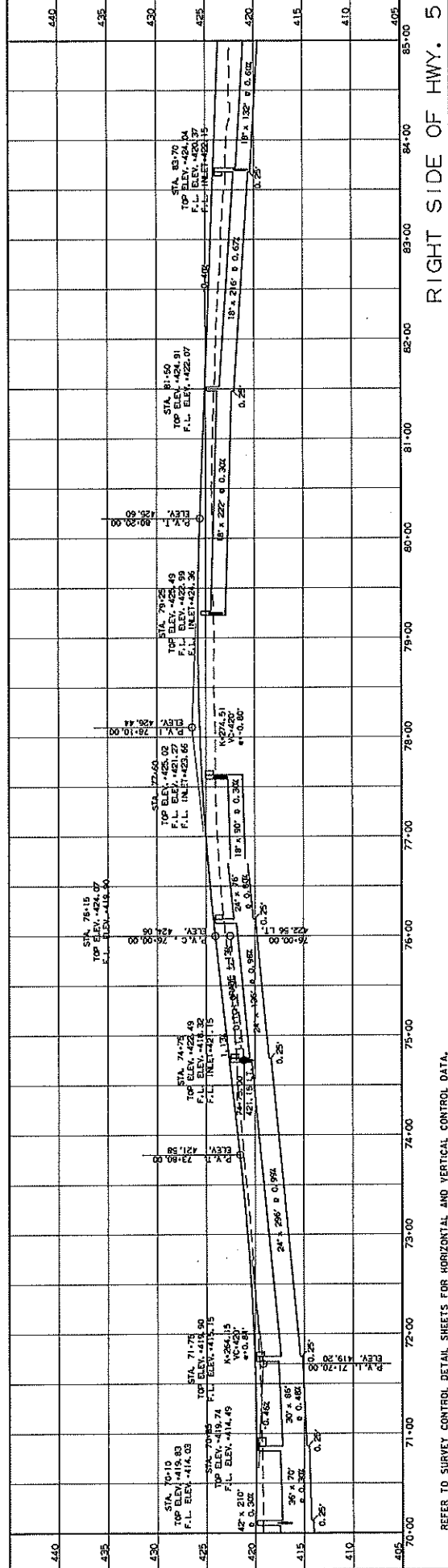
HWY. 5

DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION
DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION

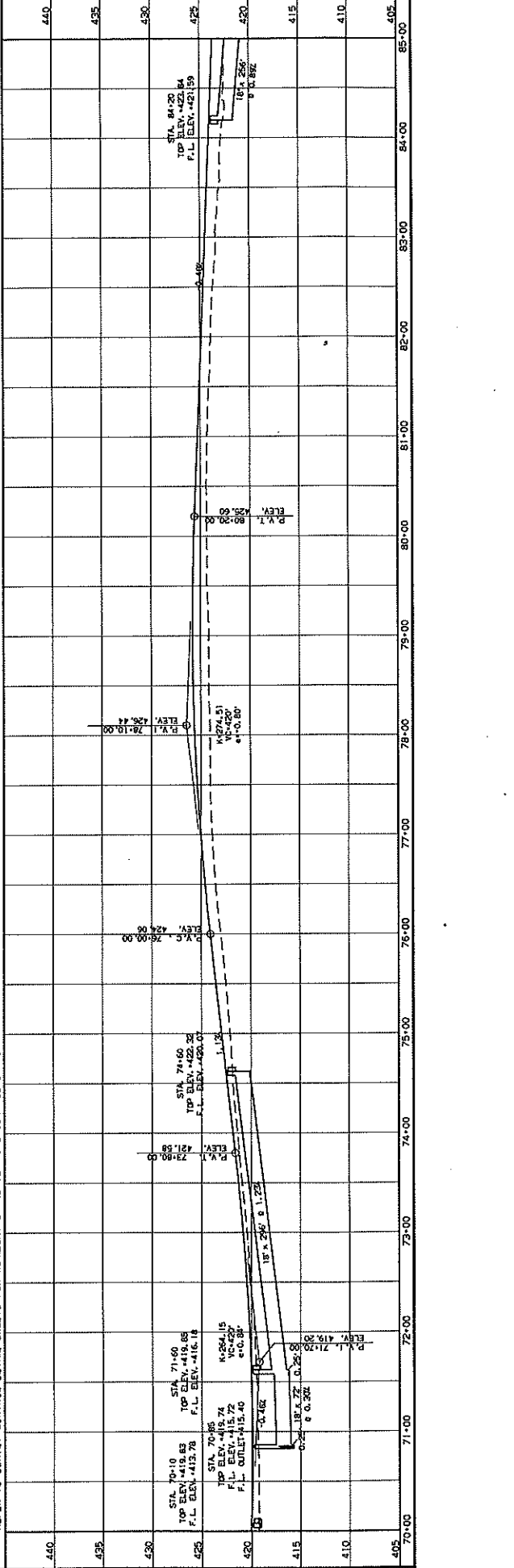
② PLAN AND PROFILE SHEETS

PRELIMINARY
SUBJECT TO REVISION

LEFT SIDE OF HWY. 5



RIGHT SIDE OF HWY. 5



REFER TO SURVEY CONTROL DETAIL SHEETS FOR HORIZONTAL AND VERTICAL CONTROL DATA.

ARKANSAS DEPARTMENT OF TRANSPORTATION

Right of Way Division - Appraisal Section

SUPPLEMENT

March 2, 2020

TO: Maurice Jackson, Acquisition Section Head, Right of Way Division

FROM: Brian V. Moore, Appraisal Section, Right of Way Division *om*

SUBJECT: Supplement to Tract 36, Job 061508

A plan change, dated December 12, 2019, added temporary construction easements 36E-1 and 36E-2. The total compensation has been altered as follows:

UPDATED ALLOCATION OF COMPENSATION

Land: 6,432 ± square feet @ \$10.40/square foot =	(rnd)	\$	66,900.00
Permanent Easements:		\$	
Temporary Easements: 36E-1 - 386± SF @ Rental Value =		\$	825.00
36E-2 - 754± SF @ Rental Value =		\$	1,575.00
Improvements: Concrete Drive		\$	8,550.00
Damages:		\$	
Cost to Cure Items: Sign – Flagpole		\$	3,300.00
Concrete (Flagpole)		\$	500.00
Spotlights		\$	1,000.00
Total Compensation:		\$	82,650.00



Concur

3/2/2020
Date

RESOLUTION NO. 39 OF 2020

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE LAWSUITS IN THE SALINE COUNTY CIRCUIT COURT SEEKING TO ABATE PUBLIC NUISANCES LOCATED AT FOURTEEN PROPERTIES INSIDE THE BENTON CITY LIMITS; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton has been presented with photographs of the conditions of each of the properties listed below which are attached as Exhibit "1" to this Resolution; and

WHEREAS, the City Council finds that the conditions at these properties are unsightly and pose a significant risk to the public health, safety and welfare and in particular to the neighbors who live in the vicinity of each such property; and

WHEREAS, the City Council finds and declares that these properties are a nuisance to the public and should be abated; and

WHEREAS, it has been determined that the best course of action for the city is to direct the City Attorney to file suit against each property owner(s) and anyone who maintains an interest in the property and ask the Saline County Circuit Court to also find that the property conditions constitute a public nuisance which should be abated.

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

SECTION 1: For the reasons stated above, the City Attorney is hereby authorized to bring a cause of action in the Saline County Circuit Court seeking a court order to abate public nuisances located at the following addresses in Benton:

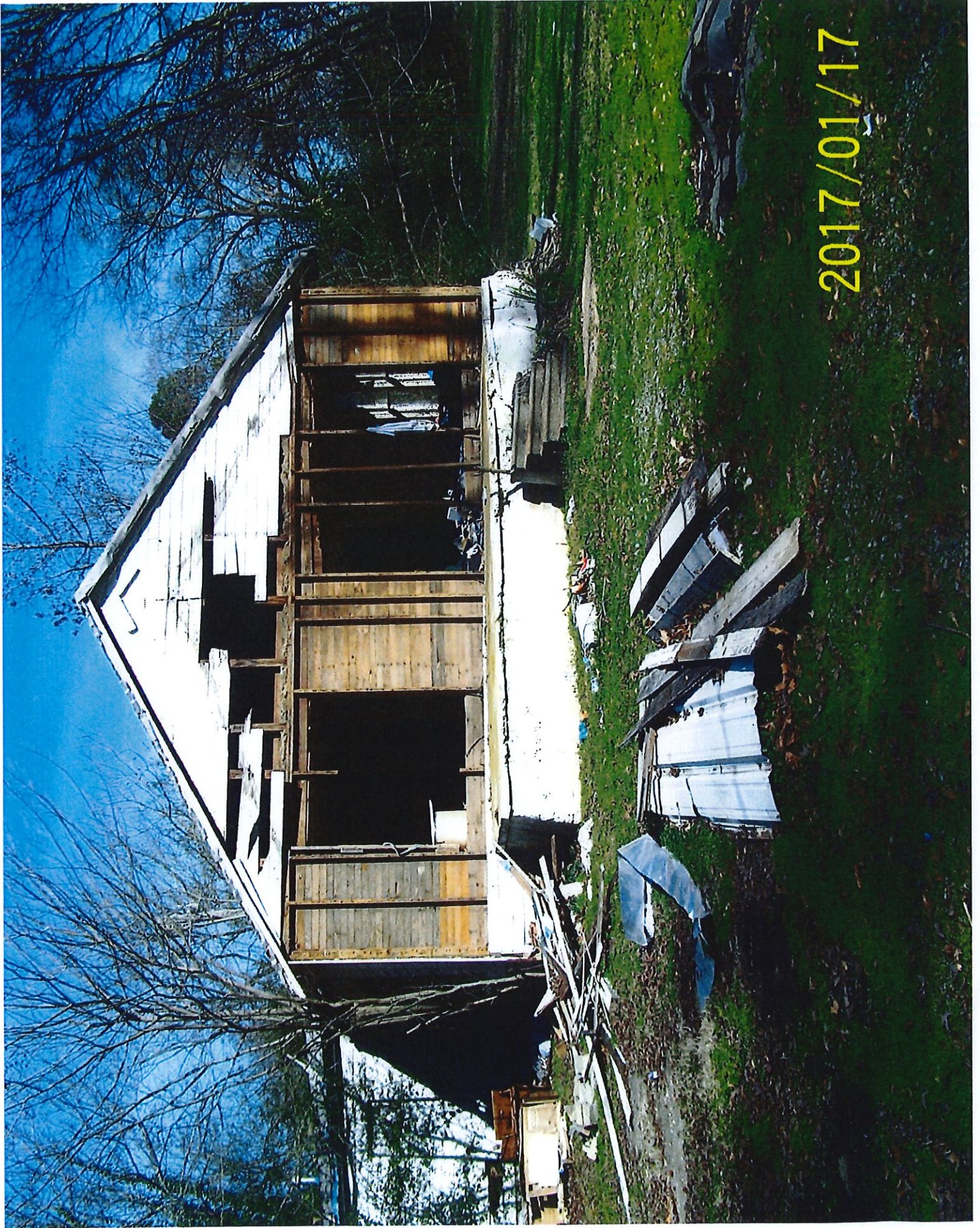
Address

1. 1221 S. Summit
2. 300 Valley St
3. 1824 Chatfield Rd
4. 2211 Chatfield Rd
5. 1600 Gum St - parcel 800-12667-000 (building #1 on same parcel)
6. 1604 Gum St - parcel 800-12667-000 (building #2 on same parcel)
7. Building on Oak & Brown - parcel 800-12667-000 (building #3 on same parcel)
8. 1509 Cedar St
9. 1602 Sorrell Rd
10. 1504 Sorrell Rd
11. 320 Clark St
12. 326 Clark St
13. 328 Clark St
14. 508 Thompson St

PASSED AND APPROVED this the _____ day of May, 2020.

Tom Farmer, Mayor

Cindy Stracener, City Clerk



2017/01/17





02.16.2020



02.28.2019

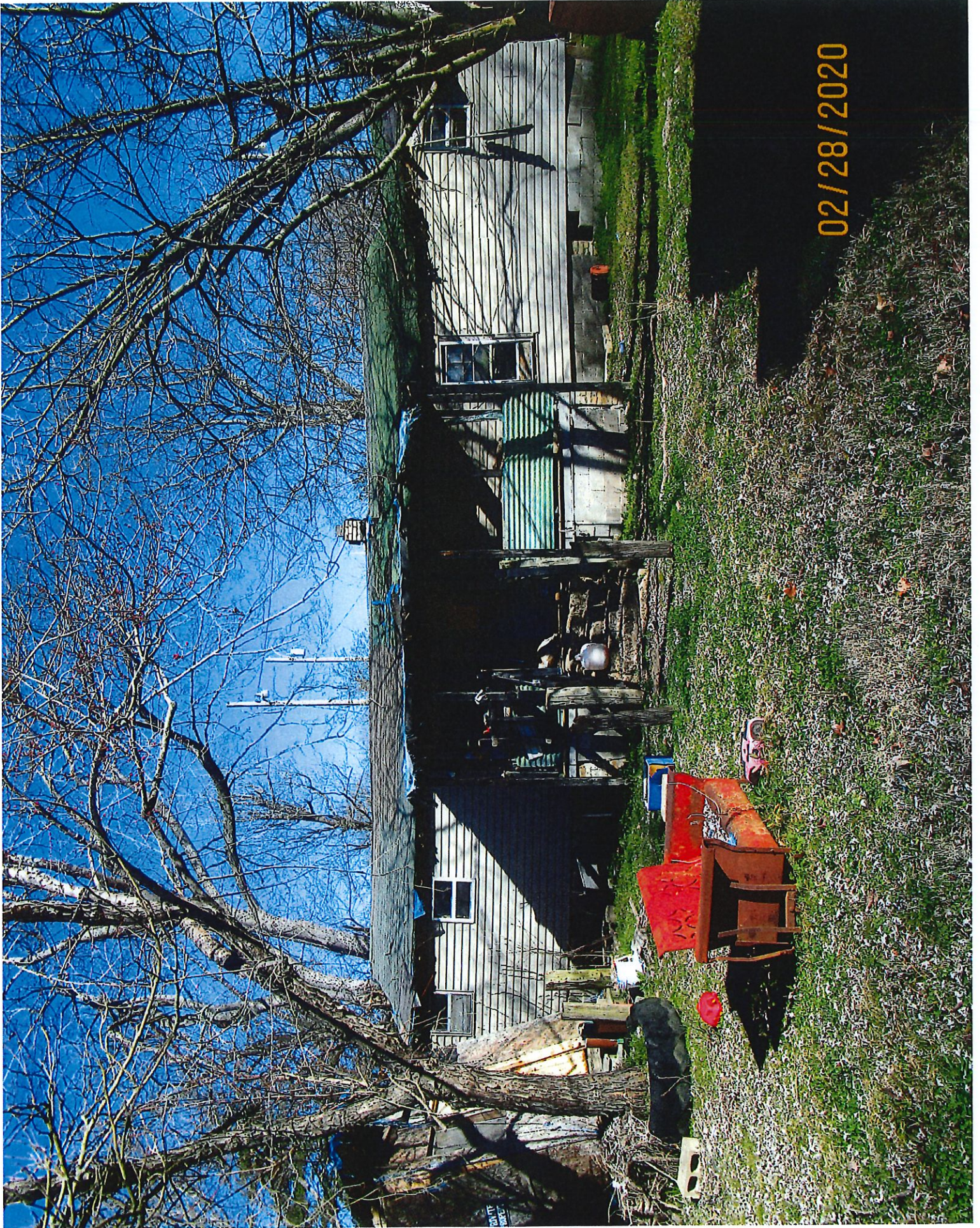


04.24.2019

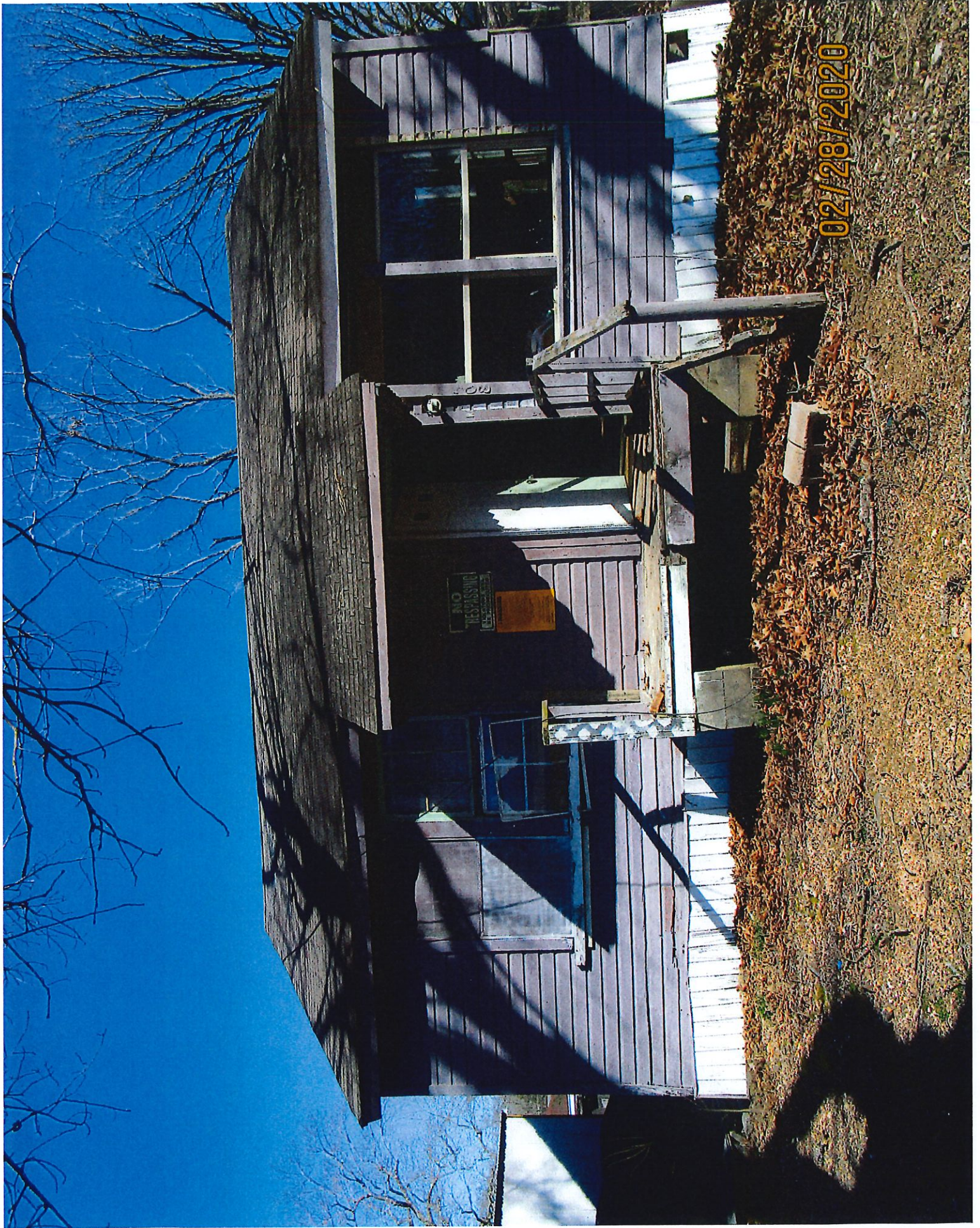




01/16/2020



02/28/2020



02/28/2020



02/28/2020



03/04/2020



WARNING
This structure is unstable and may collapse without warning. Do not enter or stand near this structure. Contact your local emergency services for assistance.

03/05/2020



03/10/2020



03/10/2020

RESOLUTION NO. 40 OF 2020

A RESOLUTION ESTABLISHING THE TIME OF THE COUNCIL MEETINGS, SETTING ITS MEETING AGENDA AND ESTABLISHING RULES FOR CONDUCTING COUNCIL, AND COMMITTEE MEETINGS; AND FOR OTHER PURPOSES

WHEREAS, ACA §14-43-501 requires the City Council to organize annually at its first council meeting in January to determine the rules of its proceedings, and

WHEREAS, in accordance with this statutory requirement, the City Council does hereby adopt the following rules for its proceedings for the coming year.

NOW, THEREFORE; be it resolved by the City Council of the City of Benton, Arkansas that:

SECTION 1. The City Council shall meet in regular session at 7:00 pm on the fourth Monday of each month, unless by a 2/3rds (7 of the 10 member council) vote, the council votes to reschedule the meeting at least 20 days prior to the normally scheduled monthly meetings. In the month of December only one council meeting may be held on a date determined by the Mayor. Should the Mayor determine that there is insufficient business for the City Council he may cancel the meeting on the Friday before the regularly scheduled date.

SECTION 2. In accordance with ACA §14-43-502(b)(2) special council meetings may be called by the Mayor or any three members of the City Council. Notice must be given at least 48 hours prior to the meeting. Emergency meetings may be called on shorter notice, provided however that at least the two (2) hour notice required by the Arkansas Freedom of Information Act is given to the representatives of the news media in accordance with ACA§25-19-106(b)(2).

SECTION 3. An agenda meeting shall be held at a time designated by the Mayor prior to the regularly scheduled council meeting to review those items on the agenda and to hear any informal reports from the Mayor, City Attorney or a Council Member. Discussion of the agenda items will be limited to the Council Members, Mayor, City Attorney, any employee of the city and any individual who has scheduled business before the council that day. Public comment concerning items on the agenda shall occur during the regularly called

meeting and during any specially called meeting. Public comment is also welcome at any committee meeting of the city council on the matters before it.

SECTION 4. The agenda for any business to be considered at any regularly scheduled council meeting shall be prepared by the Mayor and available to all members of the Council and to any citizen on or about 12:00 noon on Friday prior to the any regularly scheduled council meeting or when it is otherwise complete by posting it on the city's website. The agenda may include any item sponsored by the Mayor or any member of the City Council, city commission or any member of the general public provided that such item or items have been submitted to the Mayor or the Mayor's designee no later than 12:00 pm on the Monday preceding said regularly scheduled meeting. No item, whether new or old business, may be added to the agenda unless at the agenda meeting which precedes the regularly scheduled meeting, the council suspends the rule by at least a 2/3 vote of all members of the whole council to add any item or items to its agenda. Any item, whether new or old business, may also be added to the agenda by the Mayor at or before the agenda meeting. A report of any item added to the agenda during the agenda meeting shall be made during the council meeting.

SECTION 5. All ordinances and resolutions shall first be considered and approved by the appropriate committee or commission before being placed on the council meeting agenda, unless the council waives this requirement by at least a 2/3 vote of the whole council in the agenda meeting. Any item may also be placed on the council agenda if it is sponsored by the Mayor without the approval of a committee or commission. If a committee or commission determines that a matter should not be considered by the full council, it shall not be placed on the council agenda. However, during the agenda meeting, a matter which did not obtain the approval of the committee or commission, may be added to the council agenda by at least a 2/3 affirmative vote of all members of the whole council.

SECTION 6. The Mayor shall be ex-officio president of the council and shall preside at its meetings including the agenda meeting. In the absence of the Mayor, the council shall elect a president pro-tempore to preside at that meeting. All proceedings of the council shall be governed by the Procedural Rules for Municipal Officials. The order of business for all regularly scheduled meetings shall be as follows:

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call

5. Approval of previous meeting Minutes (and special meeting minutes)
6. Special presentations or proclamations
7. Approval of the financial report from the previous month (when applicable)
8. Reports of all standing committees by the committee chair
9. Reports of any special and ad hoc committees
10. Unfinished Business
11. New Business
12. Announcements
13. Adjournment

SECTION 7. All ordinances of a general or permanent nature shall be read fully and distinctly one (1) time. By passage of this resolution and as authorized by A.C.A. §14-55-202, the rules are hereby suspended for the second and third readings on all ordinances considered this year and the one (1) reading shall constitute all three readings. Voting on the ordinance may occur after the first full reading. However, should any Council Member or the Mayor request during the meeting that an ordinance be read fully on the second and third readings, the rules shall be deemed to not be suspended and the ordinance shall read fully and distinctly on the second and third readings commencing at the next City Council meeting unless the City Council votes to suspend the rules in accordance with A.C.A. §14-55-202. The City Council may also waive the one (1) full reading requirement should two-thirds (2/3's) of the City Council vote to read by title only. Each ordinance shall designate whether or not it is being published.

With respect to resolutions, the title of the resolution shall contain sufficient information to inform a person about the relevant contents of the Resolution. All resolutions shall be read by title only unless any Council Member or the Mayor requests during the meeting that the resolution be read fully.

SECTION 8. Any and all discussions, comments, and/or debates by any member of the council, mayor, and other interested persons shall be limited to no more than five (5) minutes per person, per measure. Extensions of this time may be granted by the city council by majority vote. Explanations of a measure as well as responses to questions about the measure, which are made by a Council Member, official, department head, employee or citizen who is bringing the measure before the council, or any advice by the City Attorney, shall not be included in the council's five (5) minute time limit.

SECTION 9. A quorum of the council members must be present for any council meeting or special council meeting to be held. Council working sessions may be called when no quorum is present, however no decisions or votes shall be taken by the members.

SECTION 10. Committee meetings will be scheduled during the second full week of the month and may be scheduled or called on an as-needed-basis by the chair of the committee, if notice is given 48 hours prior to the meeting. Emergency committee meetings may be called on shorter notice, provided that at least the two (2) hour notice required by the Arkansas Freedom of Information Act is given to the representatives of the news media in accordance with ACA §25-19-106(b)(2). Committee chairs shall be responsible to work with the committee's staff liaison to notify the media, the public, the Mayor and all elected officials of all regular and special committee meetings.

SECTION 11. A quorum of the committee members must be present for the committee meeting. The presence of a council member may be by telephone, video conference or other electronic means. When any such member has a virtual presence at the meeting, the chair of the committee shall insure that the council member is properly identified, the council member is able to hear the discussion of the committee and the attendees in the room may also hear the council member as well. A committee member present by virtual means shall be counted to determine if a quorum is present. If less than a quorum of the committee members are present, the committee may discuss and take public comment but no vote shall occur on any matter before the committee. If a quorum of the committee members is present, the committee chairman shall have the exclusive decision regarding the voting procedures of the committee; however, all council members present either in person or virtually shall be allowed to vote at the meeting on any pending measure. No committee member shall have more than one vote. Committee assignments shall take place at the organizational meeting of the city council.

SECTION 12. A brief summary of all discussions and decisions of the committee shall be reported at the following council meeting by the chair of the committee or his/her committee representative. The committee chairs shall insure that the document retention policy of the city is abided by with respect to committee meeting records.

SECTION 13. The agenda for any business to be transacted at any special meeting or committee meeting shall be limited to the purpose for which said meeting was called. The committee chair in conjunction with the city administration shall set the agenda for each committee meeting. Items may be added to the agenda by the committee chair with the consent of the majority of the committee members present during the meeting.

SECTION 14. Council members shall always treat city employees with professional courtesy. Council members shall not berate, harass, intimidate, or admonish any city employee.

SECTION 15. All cell phones will be silenced during City Council meetings with the exception of public safety employees who are in attendance.

SECTION 16. The officers and the governing body of the City shall perform the following duties during the course of the year:

- a. The Mayor, pursuant to A.C.A.§14-43-504, shall serve as the Chief Executive Officer of the City and shall have all powers and duties conferred upon the office in accordance with the foregoing statute as well as any other applicable statute or ordinance in managing the business affairs of the City.
- b. The City Council as a collective body, pursuant to A.C.A.§14-43-502, shall serve as the legislative branch of the City and shall have all corporate powers and duties assigned to it, which have not otherwise been conferred upon another officer of the City or which may be prohibited by law, in accordance with the foregoing statute as well as any other applicable statute or ordinance.
- c. The City Clerk, pursuant to A.C.A.§14-43-313 and A.C.A.§14-43-506, shall maintain custody of all the laws and ordinances of the City and shall also keep a regular and correct journal of the proceedings of the City Council and shall perform such other duties as may be prescribed by the City Council by ordinance as well as such other duties which may be prescribed by statute.
- d. The City Treasurer, pursuant to A.C.A.§14-43-506 and A.C.A.§14-43-507, shall submit quarterly a full report and detailed statement of the financial condition of the City and shall perform such other duties as may be prescribed by the City Council by ordinance as well as those prescribed by statute.
- e. The City Attorney, pursuant to A.C.A.§14-43-313, shall perform such duties as may be prescribed by the City Council by ordinance and shall also perform such other duties which may be prescribed by statute.

SECTION 17. It is recommended that all committees meet no earlier than 6:00 pm or at the discretion of the committee chair. It is also recommended that committee meetings not overlap with meetings of other committees as well as the Public Utility Commission.

Section 18. The City Attorney shall at the end of each quarter meet with the Community Services Committee to review the city's litigation report.

Section 19. As authorized by Act 2 of 2020, should the Governor declare a disaster emergency under the Arkansas Emergency Services Act of 1973, § 12-75-101 et. seq., the City Council or any City Commission or any committee thereof, may assemble, gather, meet, and conduct an open public meeting through electronic means, including without limitation by: (A) Telephone; (B) Video conference; or (C) Video broadcast.

If an open public meeting is held under this section the following shall occur: (A) The public may attend the open public meeting using electronic means; and (B) Notice of the method the public may attend the open public meeting shall be published with the notice of the open public meeting.

Physical presence of the public or of an individual member of the public entity at the open public meeting is not required under this section. The open public meeting shall be recorded in the format in which it is conducted, including without limitation: (A) A sound-only recording; (B) A video recording with sound and picture; or (C) A digital or analog broadcast capable of being recorded. The City Clerk shall maintain the records of an open public meeting held under this subsection for a minimum of one (1) year from the date of the open public meeting. The chair of any commission or a committee holding a public meeting under this section shall be responsible for making certain copies of the recordings required herein are transmitted to the City Clerk for record keeping.

PASSED AND APPROVED this the _____ day of May, 2020.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

ORDINANCE NO. 25 OF 2020

AN ORDINANCE PROVIDING FOR A CONDITIONAL USE FOR A
DUPLEX AT 909 WEST SEVIER STREET; DECLARING AN
EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, an application for a Conditional Use Permit was filed with the Planning Commission of the City of Benton, Arkansas, by Our Lady of Fatima Catholic Church requesting that property at 909 West Sevier Street (Parcel 805-17531-000) be issued a Conditional Use Permit for the purpose of having a duplex in a TC1 Zone; and

WHEREAS, the Planning Commission ordered a public hearing to be held on the 14th day of April, 2020 at 6:00 o'clock P.M., for the purposes of hearing said application, that notice of said hearing having been published in a newspaper having a bona fide circulation in Saline County, Arkansas, evidence having been submitted that all property owners or lessees within 300 feet of the property hereinafter described having either consented to or been notified of said hearing and at said hearing the Planning Commission resolved to approve the Application for a Conditional Use Permit; and

WHEREAS, the City Council of the city of Benton desires to grant a Conditional Use Permit to Our Lady of Fatima Catholic Church for having a duplex situated on the property in a TC1 Zone.

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

Section 1. Our Lady of Fatima Catholic Church is hereby granted a Conditional Use Permit for having a duplex at the following location:

909 West Sevier, Benton, Arkansas (Parcel 805-17531-000)

Section 2. It is hereby found and determined that there is an immediate need to authorize the conditional use of the property in order to allow a duplex to be situated thereon, which will assist with the local

housing needs which exist at this time. 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 _____, 2020.

Mayor, Tom Farmer

Attest: _____
City Clerk, Cindy Stracener

Designated for Publication

PZ Vote: Yes – 8

No-0

RESOLUTION NO. 41 OF 2020

A RESOLUTION CREATING THE CITY OF BENTON PARKS AND RECREATION SCHOLARSHIP PROGRAM WITHIN THE CITY OF BENTON IN ORDER TO MAKE RECREATION SERVICES MORE ACCESSIBLE TO COMMUNITY MEMBERS WHO MAY NOT HAVE THE OPPORTUNITY TO PARTICIPATE DUE TO FINANCIAL LIMITATIONS; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton, Arkansas desires to create a scholarship program which is designed to make recreation services more accessible to community members who may not have the opportunity to participate due to financial limitations; and

WHEREAS, funding of the scholarship program shall be from grants and donations to the City; and

WHEREAS, the City wishes to create the City of Benton Parks and Recreation Scholarship Program which is more fully described in Exhibit "1" to this Resolution.

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

SECTION 1: The City Council of the City of Benton hereby adopts the City of Benton Parks and Recreation Scholarship Program as set forth in Exhibit "1" to this Resolution.

PASSED AND APPROVED this the ____ day of May, 2020.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

Benton Parks and Recreation Scholarship Program

Benton Parks and Recreation scholarship program was designed to help make recreation services more accessible to community members who may not have the opportunity to participate due to financial limitations.

- Scholarships are limited to a maximum of \$100 per household, per calendar year and must be used by December 31st of the year scholarship funds are received. Recipients are required to pay any fees above the \$100 maximum household scholarship amount.
- Scholarships are available on a first-come, first-served basis until all scholarship funds are exhausted.
- Individuals may only receive the amount of funds needed for registration for a specific class or program.
- Applicants requesting financial assistance through the Benton Parks and Recreation Scholarship Program must show proof of residency and financial need.
- Failure to attend a program paid for by a scholarship or failure to follow program or facility rules may result in the loss of future financial assistance.
- Submittal of an application does not guarantee scholarship.
- Scholarships are not retro-active.

Programs Not Eligible for Scholarships

- Adult programs, fitness classes and personal training.
- River Center membership passes and drop-in admission.

Eligibility Requirements

- Applicants must be a resident and provide either a valid driver's license or other picture ID indicating residency in the City of Benton.
- Proof of participation in an assistance program such as SNAP (EBT cards), Aid to the Needy and Disabled (AND), CCAP Child Care Assistance Program (CCAP), foster care, free or reduced lunch, Low Income Home Energy Assistance Program (LIHEAP), Medicaid, Medicare Savings Program, Old Age Pension (OAP), Supplementary Security Income/ Social Security Disability Income, or Temporary Assistance for Needy Families (TANF).
- If the applicant is not on a qualifying assistance program but their income is within federal low-income guidelines, they may submit a copy of their most recent 1040 tax return with their social security number blacked out. To view the federal low-income guideline chart visit <https://aspe.hhs.gov/poverty-guidelines>.
- To help the City of Benton receive funding for scholarships in the future, recipients must be willing to provide a written testimonial (on the application) describing how the scholarship will benefit their family, child, or self.

How Do I Apply?

- Applicants may pick up a scholarship application at the River Center front desk or download a copy online at betonar.org.
- Applicants must bring the completed scholarship application and acceptable forms of eligibility to River Center front desk.



Scholarship Application

Your application will be confidentially reviewed.

Name: _____

Parent/Guardian Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Program Applying for: _____ Fee: _____

How will you or your child benefit from the recreation activity you are applying to receive scholarship funds for?

Signature of Applicant: _____ Date: _____

**Incomplete forms will not be processed.*

FOR OFFICE USE ONLY

Date Received: _____ Date Approved: _____ Amount Awarded: \$ _____

Approved By: _____



SCHOLARSHIP PROGRAM FAQs



WHAT PROGRAMS ARE *NOT* ELIGIBLE FOR SCHOLARSHIPS?

- Adult programs, fitness classes and personal training.
- River Center membership passes and drop-in admission.

WHO ADMINISTERS THE BENTON PARKS SCHOLARSHIP PROGRAM?

The Parks Director and Assistant Parks Director will administrator the scholarship program.

CAN SOMEONE APPLY FOR A SCHOLARSHIP AFTER THEY HAVE REGISTERED FOR OR PARTICIPATED IN A PROGRAM?

No, scholarships are not retro-active.

WHAT ARE THE ELIGIBILITY REQUIREMENTS?

- Applicants must be a resident and provide either a valid driver's license or other picture ID indicating residency in the City of Benton.
- Proof of participation in an assistance program such as SNAP (EBT cards), Aid to the Needy and Disabled (AND), CCAP Child Care Assistance Program (CCAP), foster care, free or reduced lunch, Low Income Home Energy Assistance Program (LIHEAP), Medicaid, Medicare Savings Program, Old Age Pension (OAP), Supplementary Security Income/ Social Security Disability Income, or Temporary Assistance for Needy Families (TANF).
- If the applicant is not on a qualifying assistance program but their income is within federal low-income guidelines, they may submit a copy of their most recent 1040 tax return with their social security number blacked out. To view the federal low-income guideline chart visit <https://aspe.hhs.gov/poverty-guidelines>.
- To help the City of Benton receive funding for scholarships in the future, recipients must be willing to provide a written testimonial (on the application) describing how the scholarship will benefit their family, child, or self.

HOW DO PATRONS APPLY?

- Applicants may pick up a scholarship application at the River Center front desk or download a copy online at betonar.org.
- Applicants must bring the completed scholarship application and acceptable forms of eligibility to River Center front desk.

WHAT DO I DO WHEN SOMEONE SUBMITS A SCHOLARSHIP APPLICATION?

Ask the applicant if they have submitted the required proof of eligibility documents. Because personal information is included on the scholarship application, immediately put applications in an inner office envelope and send it to the scholarship administrator. Applications must be kept strictly confidential.

HOW DO YOU DETERMINE WHO GETS A SCHOLARSHIP?

Scholarships are awarded on a first-come, first-served basis to anyone who meets the eligibility requirements and until all scholarship funds are exhausted.

WHAT HAPPENS AFTER I SEND AN APPLICATION TO THE SCHOLARSHIP ADMINISTRATOR?

- Applications will be reviewed by the scholarship administrator every Friday.
- The scholarship administrator will determine if the applicant is eligible by verifying the eligibility requirements are met and required documentation has been submitted.
- If the applicant is awarded funds, the scholarship administrator will create a household in Activenet (if one does not exist) and create a credit for the amount of the scholarship in their account.
- Applicants will be contacted by the scholarship administrator within two weeks of applying to inform them of their application status. If they are awarded funds, the scholarship administrator will direct them to register online or by calling the River Center front desk.
- The scholarship administrator is responsible for filing and tracking all applications and monitors the distribution of funds to ensure grant requirements are met.

WHERE DO FUNDS FOR THE SCHOLARSHIP PROGRAM COME FROM?

The Benton Parks and Recreation Scholarship Program is funded primarily with donations and/or available grant funding.

CAN SOMEONE APPLY MORE THAN ONCE PER YEAR?

Scholarships are limited to a maximum of \$100 per household, per calendar year. If a scholarship recipient has not received the maximum scholarship amount, they may apply for additional funds. They will be required to submit a new application but do not need to resubmit proof of eligibility.

SCHOLARSHIP PROGRAM

Benton Parks and Recreation

Est. 2020

Our Mission

Benton Parks and Recreation scholarship program was designed to help make recreation services more accessible to community members who may not have the opportunity to participate due to financial limitations. Your support of the scholarship program will help create a healthier, more vibrant community for all.

Platinum Sponsor: \$1,000

- Logo prominently displayed in scholarship advertisements on social media and print
- Logo displayed on Benton Parks and Recreation website as a Platinum Sponsor of the scholarship program for one year
- Complimentary booth space at an approved Benton Parks Special Event.

Gold Sponsor: \$500

- Logo prominently displayed in scholarship advertisements on social media and print
- Logo displayed on Benton Parks and Recreation website as a Gold Sponsor of the scholarship program for one year

“Creating a Benton Parks and Recreation Scholarship Program will make a long lasting impact in our community. I want to provide the best services to our community members, while giving the youth of our community as many opportunities as possible.”

*- Stephanie Jones
Director of Parks and Recreation*



APPLICATION REQUIRED

Scholarships are available on a first-come, first-served basis until all scholarship funds are exhausted.

Applicants requesting financial assistance through the Benton Parks and Recreation Scholarship Program must show proof of residency and financial need.



YOUTH SOFTBALL

SCHOLARSHIP OVERVIEW

SCHOLARSHIP OVERVIEW

Benton Parks and Recreation scholarship program was designed to help make recreation services more accessible to community members who may not have the opportunity to participate due to financial limitations. The scholarship program is administered by the Parks Director and Assistant Parks Director.

- Scholarships are limited to a maximum of \$100 per household, per calendar year and must be used by December 31st of the year scholarship funds are received. Recipients are required to pay any fees above the \$100 maximum household scholarship amount.
- Scholarships are available on a first-come, first-served basis until all scholarship funds are exhausted.
- Individuals may only receive the amount of funds needed for registration for a specific class or program.
- Applicants requesting financial assistance through the Benton Parks and Recreation Scholarship Program must show proof of residency and financial need.
- Failure to attend a program paid for by a scholarship or failure to follow program or facility rules may result in the loss of future financial assistance.
- Submittal of an application does not guarantee scholarship.



BLASTBALL

SCHOLARSHIP PROGRAM FAQs

WHAT PROGRAMS ARE *NOT* ELIGIBLE FOR SCHOLARSHIPS?

- Adult programs, fitness classes and personal training.
- River Center membership passes and drop-in admission.

WHO ADMINISTERS THE BENTON PARKS SCHOLARSHIP PROGRAM?

The Parks Director and Assistant Parks Director will administrator the scholarship program.

CAN SOMEONE APPLY FOR A SCHOLARSHIP AFTER THEY HAVE REGISTERED FOR OR PARTICIPATED IN A PROGRAM?

No, scholarships are not retro-active.

Scholarship Program FAQs



LITTLE SPIKERZ

FATHER-DAUGHTER DANCE

YOUTH TRACK

WHAT ARE THE ELIGIBILITY REQUIREMENTS?

- Applicants must be a resident and provide either a valid driver's license or other picture ID indicating residency in the City of Benton.
- Proof of participation in an assistance program such as SNAP (EBT cards), Aid to the Needy and Disabled (AND), CCAP Child Care Assistance Program (CCAP), foster care, free or reduced lunch, Low Income Home Energy Assistance Program (LIHEAP), Medicaid, Medicare Savings Program, Old Age Pension (OAP), Supplementary Security Income/ Social Security Disability Income, or Temporary Assistance for Needy Families (TANF).
- If the applicant is not on a qualifying assistance program but their income is within federal low-income guidelines, they may submit a copy of their most recent 1040 tax return with their social security number blacked out. To view the federal low-income guideline chart visit <https://aspe.hhs.gov/poverty-guidelines>.
- To help the City of Benton receive funding for scholarships in the future, recipients must be willing to provide a written testimonial (on the application) describing how the scholarship will benefit their family, child, or self.

HOW DO PATRONS APPLY?

- Applicants may pick up a scholarship application at the River Center front desk or download a copy online at betonar.org.
- Applicants must bring the completed scholarship application and acceptable forms of eligibility to River Center front desk.

WHAT DO I DO WHEN SOMEONE SUBMITS A SCHOLARSHIP APPLICATION?

Ask the applicant if they have submitted the required proof of eligibility documents. Because personal information is included on the scholarship application, immediately put applications in an inner office envelope and send it to the scholarship administrator. Applications must be kept strictly confidential.

HOW DO YOU DETERMINE WHO GETS A SCHOLARSHIP?

Scholarships are awarded on a first-come, first-served basis to anyone who meets the eligibility requirements and until all scholarship funds are exhausted.

WHAT HAPPENS AFTER I SEND AN APPLICATION TO THE SCHOLARSHIP ADMINISTRATOR?

- Applications will be reviewed by the scholarship administrator every Friday.
- The scholarship administrator will determine if the applicant is eligible by verifying the eligibility requirements are met and required documentation has been submitted.
- If the applicant is awarded funds, the scholarship administrator will create a household in Activenet (if one does not exist) and create a credit for the amount of the scholarship in their account.
- Applicants will be contacted by the scholarship administrator within two weeks of applying to inform them of their application status. If they are awarded funds, the scholarship administrator will direct them to register online or by calling the River Center front desk.
- The scholarship administrator is responsible for filing and tracking all applications and monitors the distribution of funds to ensure grant requirements are met.

WHERE DO FUNDS FOR THE SCHOLARSHIP PROGRAM COME FROM?

The Benton Parks and Recreation Scholarship Program is funded primarily with donations and/or available grant funding.

CAN SOMEONE APPLY MORE THAN ONCE PER YEAR?

Scholarships are limited to a maximum of \$100 per household, per calendar year. If a scholarship recipient has not received the maximum scholarship amount, they may apply for additional funds. They will be required to submit a new application but do not need to re-submit proof of eligibility.