

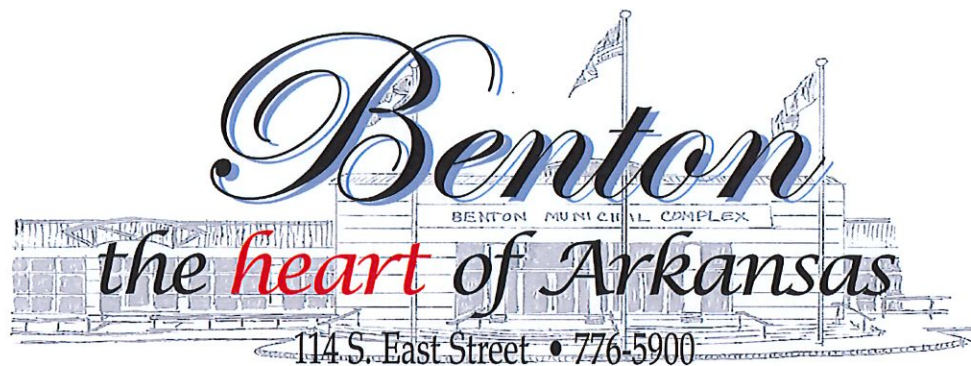
BENTON CITY COUNCIL MEETING

APRIL 10, 2017

7:00 PM



AGENDA MEETING 6:30 PM



BENTON MUNICIPAL COMPLEX
114 SOUTH EAST STREET
COUNCIL CHAMBERS

DAVID MATTINGLY, MAYOR

REGULAR SESSION
April 10, 2017
7:00 PM
AGENDA

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| I. | Call to Order | Mayor Mattingly |
| II. | Invocation | |
| III. | Pledge of Allegiance | Alderman Ponder |
| IV. | Roll Call | City Clerk |
| V. | Approval of Minutes | March 27, 2017
<i>Regular Meeting</i> |
| VI. | Proclamation
<i>National Safe Digging Month – April 2017</i> | Mayor Mattingly |
| VII. | Service Award Presentation
<i>Michael Collier – 35 Years of Service</i> | Mayor Mattingly |
| VIII. | COMMITTEE REPORTS & MOTIONS | |
| | 1. Finance Committee | Alderman Ponder |
| | A.) RESOLUTION NO. 41 OF 2017
<i>A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS; AND AUTHORIZING THE SALE OF THE PROPERTY TO FIRST IN FIRE TRUCKS LLC</i> | |
| | B.) ORDINANCE NO. 18 OF 2017
<i>AN ORDINANCE AMENDING THE 2017 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 62 OF 2016; RECOGNIZING INCOME FROM THE SALE OF A FIRE DEPARTMENT RESCUE VEHICLE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | 2. Community Services/Animal Control | Alderwoman Reed |
| | A.) RESOLUTION NO. 42 OF 2017
<i>A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A LEASE AGREEMENT WITH HENRY BROWN REALTY FOR PROPERTY LOCATED IN THE DOWNTOWN AREA FOR THE PURPOSE OF PUBLIC PARKING; AND FOR OTHER PURPOSES</i> | |
| | B.) RESOLUTION NO. 43 OF 2017
<i>A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PARKING AGREEMENT WITH CW WHITE, INC FOR PROPERTY LOCATED IN THE DOWNTOWN AREA FOR THE PURPOSE OF ADDITIONAL PARKING FOR THE FARMER'S MARKET; AND FOR OTHER PURPOSES</i> | |
| | C.) ORDINANCE NO. 19 OF 2017
<i>AN ORDINANCE AMENDING ORDINANCE 32 OF 2013; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |

D.) RESOLUTION NO. 44 OF 2017

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH DORIS BAILEY FOR THE LEASE OF REAL PROPERTY LOCATED AT 205 EAST SOUTH STREET, SUITE 1 AND 2, IN BENTON; AND FOR OTHER PURPOSES

E.) RESOLUTION NO. 45 OF 2017

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR THE SELECTION OF AN ARCHITECT WHO WILL DESIGN A NEW ANIMAL CONTROL FACILITY; AND FOR OTHER PURPOSES

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|-----------|--|----------------------------|
| 3. | Streets & Drainage Committee | Alderman Baptist |
| 4. | Personnel/Health & Safety Committee | Alderman Donnor |
| 5. | Parks Committee | Alderman Cunningham |
| 6. | Public Utilities Commission | Alderman Herzfeld |

A.) ORDINANCE NO. 20 OF 2017

AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING AND RATIFYING THE PURCHASE OF HUBBELL SWITCHGEAR FOR THE BENTON UTILITIES HURRICANE LAKE SUBSTATION DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

B.) RESOLUTION NO. 46 OF 2017

A RESOLUTION AUTHORIZING THE MANAGER OF THE SEWER DEPARTMENT TO MAKE CERTAIN SEWER CONNECTIONS OUTSIDE THE CORPORATE LIMITS OF THE CITY OF BENTON, ARKANSAS; AND FOR OTHER PURPOSES

- | | | |
|-----------|-----------------------------|-------------------------------|
| 7. | A & P Commission | Alderman Donnor/Ponder |
|-----------|-----------------------------|-------------------------------|

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

MINUTES OF THE BENTON CITY COUNCIL
Regular Session
March 27, 2017
Benton Municipal Complex

The Benton City Council was called to order for a regular session at 7:00 pm.

The Mayor gave the invocation.

Alderman Donnor led the pledge of allegiance.

Roll was called.

The following persons were in attendance:

Alderman Charles Cunningham
Alderman Bill Donnor
Alderman Judd Hart
Alderman Jeff Hamm
Cindy Stracener, City Clerk

Alderman Evelyn Reed
Alderman Jerry Ponder
Alderman James Herzfeld
Brent Houston, City Attorney
David Mattingly, Mayor

When roll was called seven (7) council members were present. Alderman Baptist, Alderman Murphy, and Alderman Lee were absent. A quorum was declared.

The Mayor requested approval for the March 13, 2017 city council meeting minutes. Alderman Ponder made a motion to approve the minutes, seconded by Alderman Cunningham. The Mayor called for a voice vote on the approval of the minutes. All aldermen present replied in the affirmative. The minutes for the March 13, 2017 council meeting were approved with 7 affirmative and 3 absent votes.

Kathy Kirk was recognized for 25 years of service with the city.

Sydnee Ehorn was recognized as the February youth of the month; Will Guerra as the March youth of the month.

Lt. Brian Bigelow was honored as the 2016 Employee of the Year.

Brent Houston read a proclamation declaring the month of April as Autism Awareness Month and April 2nd as World Autism Awareness Day. See attached.

The Mayor read a proclamation declaring the week of April 3rd as Junior Auxiliary Week. See attached.

The Mayor presented each council member with a Riverside Park Medallion.

Alderman Donnor made a motion to adopt Resolution 30 of 2017 – A Resolution Ratifying and Confirming the Reappointment of Judy Pridgen as Commissioner to the Benton Civil Service Commission; and For Other Purposes. Seconded by Alderman Ponder. The resolution was read by the city clerk. The Mayor asked for any comments. None. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm

yes. Resolution 30 of 2017 was adopted with 7 affirmative and 3 absent votes. The Mayor thanked Judy Pridgen for her service.

Alderman Ponder made a motion to adopt Resolution 31 of 2017 – A Resolution Ratifying and Confirming the Reappointment of Terrell Henson as Commissioner to the Benton Civil Service Commission; and For Other Purposes. Seconded by Alderman Hart. The resolution was read by the city clerk. The Mayor asked for any comments. None. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Resolution 31 of 2017 was adopted with 7 affirmative and 3 absent votes. The Mayor thanked Terrell Henson for his service.

Alderman Ponder made a motion to adopt Resolution 32 of 2017 – A Resolution Ratifying and Confirming the Appointment of Berry Beard as Commissioner to the Benton Planning and Zoning Commission; and For Other Purposes. Seconded by Alderman Hart. The resolution was read by the city clerk. The Mayor asked for any comments; none. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Resolution 32 of 2017 was adopted with 7 affirmative and 3 absent votes. The Mayor thanked Berry Beard for his willingness to serve.

The next item on the agenda was committee reports and motions.

Alderman Ponder was recognized for a report from the Finance Committee. Alderman Ponder asked for the first reading of Ordinance 10 of 2017 – An Ordinance Appropriating Funds from the District Court Automation Fund for the Purpose of District Court-Related Technology and For Other Purposes. Seconded by Alderman Herzfeld. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Alderman Ponder made a motion to suspend the rules. Seconded by Alderman Donnor. Roll was called on the motion to suspend which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Motion to suspend was approved with 7 affirmative and 3 absent votes. Alderman Ponder made a motion to adopt Ordinance 10 of 2017 on its second and third readings. Seconded by Alderman Herzfeld. The ordinance was read by title only. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Ordinance 10 of 2017 was adopted with 7 affirmative and 3 absent votes. Alderman Ponder made a motion to adopt the emergency clause. Seconded by Alderman Donnor. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. The emergency clause was adopted with 7 affirmative and 3 absent votes.

Alderman Ponder made a motion to adopt Resolution 33 of 2017 – A Resolution Recognizing the Services of Sergeant Hanley Taylor to the Citizens of Benton and Awarding Him His Badge and Service Weapon in Recognition of Those Services. Seconded by Alderman Reed. The resolution was read by the city clerk. The Mayor asked for any comments; none. Roll

was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Resolution 33 of 2017 was adopted with 7 affirmative and 3 absent votes.

Alderman Ponder asked for the first reading of Ordinance 11 of 2017 – An Ordinance Amending the 2017 Budget for the General Fund as Adopted in Ordinance 62 of 2016; Reallocating Funds for the Police Department; Declaring an Emergency; and for Other Purposes. Seconded by Alderman Herzfeld. The ordinance was read by the city clerk. This is for a digital ticket system. The Mayor asked for any comments; none. Alderman Ponder made a motion to suspend the rules. Seconded by Alderman Donnor. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Motion to suspend was approved with 7 affirmative and 3 absent votes. Alderman Ponder made a motion to adopt Ordinance 11 of 2017 on its second and third readings. Seconded by Alderman Donnor. The ordinance was read by title only. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Ordinance 11 of 2017 was adopted with 7 affirmative and 3 absent votes. Alderman Ponder made a motion to adopt the emergency clause. Seconded by Alderman Herzfeld. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. The emergency clause was approved with 7 affirmative and 3 absent votes.

Alderman Ponder asked for the first reading of Ordinance 12 of 2017 – An Ordinance Amending the 2017 Budget for the General Fund As Adopted in Ordinance 62 of 2016; Reallocating Funds for the Police Department; Declaring an Emergency; And For Other Purposes. Seconded by Alderman Herzfeld. The ordinance was read by the city clerk. This is for bodyworn utility. The Mayor asked for any comments, none. Alderman Ponder made a motion to suspend the rules. Seconded by Alderman Donnor. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Motion to suspend the rules was approved with 7 affirmative and 3 absent votes. Alderman Ponder made a motion to adopt Ordinance 12 of 2017 on its second and third readings. Seconded by Alderman Herzfeld. The ordinance was read by title only. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Ordinance 12 of 2017 was adopted with 7 affirmative and 3 absent votes. Alderman Ponder made a motion to adopt the emergency clause. Seconded by Alderman Donnor. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. The emergency clause was adopted with 7 affirmative and 3 absent votes.

Alderman Ponder made a motion to adopt Resolution 34 of 2017 – An Resolution Declaring Certain Property As Surplus; and Authorizing the Sale of Property at Public Auction.

Seconded by Alderman Herzfeld. The resolution was read by the city clerk. The property is two vehicles from the Street Department. The Mayor asked for any comments, none. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Resolution 34 of 2017 was adopted with 7 affirmative and 3 absent votes.

Alderman Ponder made a motion to adopt Resolution 35 of 2017 – A Resolution Authorizing the Purchase of a Fire Truck and Related Equipment For the Fire Department from Sunbelt Fire, Inc.; Appropriating Funds for this Purchase; and For Other Purposes. Seconded by Alderman Herzfeld. The resolution was read by the city clerk. This fire truck is for the new fire station on Hwy 5. Chief Ford stated that this price includes the truck and the equipment installed. It should come in by February of 2018. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Resolution 35 of 2017 was adopted with 7 affirmative and 3 absent votes.

Alderman Ponder made a motion to adopt Resolution 36 of 2017 – A Resolution Authorizing the City to Enter into a Contract with Advantage Lawn & Landscaping for Providing Lawn Care Services to the City; and For Other Purposes. Seconded by Alderman Reed. The resolution was read by the city clerk. The Mayor asked for any comments, none. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Resolution 36 of 2017 was adopted with 7 affirmative and 3 absent votes.

Alderman Ponder made a motion to adopt Resolution 37 of 2017 – A Resolution Authorizing the City to Enter into a Contract with J&H Cleaning for Providing Janitorial Services to the City; and For Other Purposes. Seconded by Alderman Herzfeld. The resolution was read by the city clerk. The Mayor asked for any comments, none. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Resolution 37 of 2017 was adopted with 7 affirmative and 3 absent votes.

Alderman Ponder asked for the first reading of Ordinance 13 of 2017 – An Ordinance Amending the 2017 Budget for the General Fund as Adopted in Ordinance 62 of 2016; Appropriating Funds for the Animal Control Department; Authorizing the Purchase of Land for a New Animal Control Facility; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Herzfeld. The ordinance was read by the city clerk. The Mayor asked for any comments; none. Alderman Ponder made a motion to suspend the rules, seconded by Alderman Hart. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Motion to suspend was approved with 7 affirmative and 3 absent votes. Alderman Ponder made a motion to adopt Ordinance 13 of 2017 on its second and third readings. Seconded by Alderman Herzfeld. The ordinance was read by title only. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and

Alderman Hamm yes. Ordinance 13 of 2017 was adopted with 7 affirmative and 3 absent votes. Alderman Ponder made a motion to adopt the emergency clause. Seconded by Alderman Herzfeld. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. The emergency clause was adopted with 7 affirmative and 3 absent votes.

Alderman Ponder made a motion to adopt Resolution 38 of 2017 – A Resolution Declaring Certain Property As Surplus; and Authorizing the Sale of the Property at Public Auction. Seconded by Alderman Herzfeld. The resolution was read by the city clerk. The property is a police vehicle and cargo trailer. The Mayor asked for any comments, none. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Resolution 38 of 2017 was adopted with 7 affirmative and 3 absent votes.

Alderman Reed was recognized for a report from the Community Service/Animal Control Committee. Alderman Reed asked for the first reading of Ordinance 14 of 2017 – An Ordinance Adopting the Zoning Rules and Regulations for the City of Benton, Arkansas; Adopting the Zoning Map for the City of Benton, Arkansas; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Donnor. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Alderman Reed made a motion to suspend the rules for the second and third readings. Seconded by Alderman Ponder. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Motion to suspend the rules was approved with 7 affirmative and 3 absent votes. Alderman Reed made a motion to adopt Ordinance 14 of 2017 on its second and third readings by title only. Seconded by Alderman Donnor. The ordinance was read by title only. The Mayor asked for any comments, none. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Ordinance 14 of 2017 was adopted with 7 affirmative and 3 absent votes. Alderman Reed made a motion to approve the emergency clause. Seconded by Alderman Ponder. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. The emergency clause was adopted with 7 affirmative and 3 absent votes.

Alderman asked for the first reading of Ordinance 15 of 2017 – An Ordinance Providing for a Conditional Use for an Assisted Living Community at 2410 Military Road; Declaring an Emergency, and For Other Purposes. Seconded by Alderman Hart. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Alderman Reed made a motion to suspend the rules for the second and third readings. Seconded by Alderman Ponder. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Motion to suspend the rules was approved with 7 affirmative and 3 absent votes. Alderman Reed made a motion to adopt Ordinance 15 of 2017 on its second

and third readings by title only. Seconded by Alderman Cunningham. The ordinance was read by title only. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Ordinance 15 of 2017 was adopted with 7 affirmative and 3 absent votes. Alderman Reed made a motion to approve the emergency clause. Seconded by Alderman Donnor. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. The emergency clause was adopted with 7 affirmative and 3 absent votes.

There was not a report from the Streets and Drainage Committee.

Alderman Donnor stated that there was not a report from the Personnel/Health & Safety Committee.

Alderman Cunningham was recognized for a report from the Parks Committee. Alderman Cunningham asked for the second reading of Ordinance 8 of 2017 – An Ordinance Amending the 2017 Budget for the Parks Fund As Adopted in Ordinance 62 of 2016; Appropriating Funds for the Parks Department; Authorizing the Purchase of Fitness Equipment for the Parks Department From Second Chance Fitness; Declaring an Emergency; and For Other Purposes by title only. Seconded by Alderman Ponder. The equipment is for Riverside Park. The ordinance was read by title only. Alderman Ponder made a motion to suspend the rules for the third reading of Ordinance 8 of 2017. Seconded by Alderman Donnor. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Motion to suspend was approved with 7 affirmative and 3 absent votes. Alderman Cunningham made a motion to adopt Ordinance 8 on its third reading. Seconded by Alderman Hart. The ordinance was read by title only. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Alderman Cunningham made a motion to approve the emergency clause. Seconded by Alderman Ponder. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. The emergency clause was approved with 7 affirmative and 3 absent votes.

Alderman Cunningham made a motion to suspend the rules for the second and third readings of Ordinance 9 of 2017 – An Ordinance Amending the 2017 Budget for the Parks Fund as Adopted in Ordinance 62 of 2016; Appropriating Funds for the Parks Department; Authorizing the Purchase of Protective Floor Covering for the River Center From BSN Sports; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Reed. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Motion to suspend the rules was approved with 7 affirmative and 3 absent votes. Alderman Cunningham made a motion to adopt Ordinance 9 of 2017 on its second and third

readings. Seconded by Alderman Donnor. The ordinance was read by title only. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Ordinance 9 of 2017 was adopted with 7 affirmative and 3 absent votes. Alderman Cunningham made a motion to approve the emergency clause. Seconded by Alderman Reed. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. The emergency clause was approved with 7 affirmative and 3 absent votes.

Alderman Cunningham asked for the first reading of Ordinance 16 of 2017 – An Ordinance Amending the 2017 Budget for the Parks Fund as Adopted in Ordinance 62 of 2016; Appropriating Funds for the Parks Department; Authorizing the Purchase of Signage For the Parks Department From Ace Sign Company; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Herzfeld. The ordinance was read by the city clerk. Alderman Cunningham made a motion to suspend the rules. Seconded by Alderman Reed. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Motion to suspend the rules was approved with 7 affirmative and 3 absent votes. Alderman Cunningham made a motion to adopt Ordinance 16 of 2017 on its second and third readings. Seconded by Alderman Hart. The ordinance was read by title only. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Ordinance 16 of 2017 was adopted with 7 affirmative and 3 absent votes. Alderman Cunningham made a motion to approve the emergency clause. Seconded by Alderman Reed. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. The emergency clause was approved with 7 affirmative and 3 absent votes.

Alderman Cunningham made a motion to adopt Resolution 39 of 2017 – A Resolution Authorizing the Boys and Girls Club to Place Signage at Riverside Park Identifying the Various Fruit Trees and the Orchard on the Property; and For Other Purposes. Seconded by Alderman Herzfeld. The resolution was read by the city clerk. The Mayor asked for any comments, none. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Resolution 39 of 2017 was adopted with 7 affirmative and 3 absent votes.

Alderman Cunningham made a motion to adopt Resolution 40 of 2017 – A Resolution Authorizing the City to Enter into an Agreement with Scott Hill for Operating the Concessions at Bernard Holland Park, Tyndall Park, and All Concessions at Riverside Park; and For Other Purposes. Seconded by Alderman Herzfeld. The resolution was read by the city clerk. The Mayor asked for any comments, none. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman

Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Resolution 40 of 2017 was adopted with 7 affirmative and 3 absent votes.

Alderman Herzfeld was recognized for a report from the Public Utility Commission. Alderman Herzfeld asked for the first reading of Ordinance 17 of 2017 – An Ordinance Accepting the Utility Infrastructure of the Johnson Subdivision, an Addition to the City of Benton, into the City for Maintenance; and For Other Purposes. Seconded by Alderman Reed. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Alderman Herzfeld made a motion to suspend the rules. Seconded by Alderman Donnor. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Motion to suspend was adopted with 7 affirmative and 3 absent votes. Alderman Herzfeld made a motion to adopt Ordinance 17 of 2017 on its second and third readings, seconded by Alderman Reed. The ordinance was read by title only. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. Ordinance 17 of 2017 was adopted with 7 affirmative and 3 absent votes. Alderman Herzfeld made a motion to approve the emergency clause. Seconded by Alderman Donnor. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy absent, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Hamm yes. The emergency clause was approved with 7 affirmative and 3 absent votes.

The minutes from the March 16, 2017 Advertising and Promotion Commission meeting were sent to the city clerk. See attached.

The Mayor asked if anyone wanted to address the council. No one came forward.

There was not any unfinished, new or old business.

Tacos for Life will open around the 15th of April, the Police Department Ceremony is this Friday and Riverside Park grand opening is this Saturday. A press conference will be held in late April concerning downtown.

The meeting adjourned at 8:15 pm.

Cindy Stracener, City Clerk

David Mattingly, Mayor

**2017 World Autism Awareness Day &
Autism Awareness Month Proclamation**

WHEREAS, autism, the fastest growing developmental disability in the United States, affecting more than three million people, is an urgent public health crisis that demands a national response; and,

WHEREAS, autism is the result of a neurological disorder that can affect anyone, regardless of race, ethnicity, gender, or socioeconomic background; and,

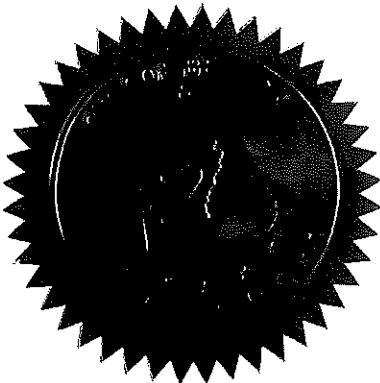
WHEREAS, symptoms and characteristics of autism may present themselves in a variety of combinations and can result in significant lifelong impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal as well as nonverbal communication; and,

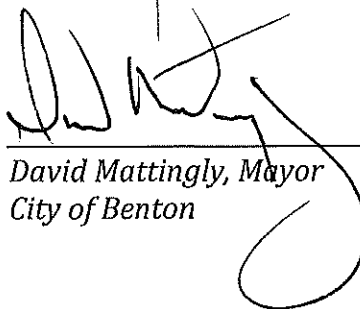
WHEREAS, the effort to address autism continues, doctors, therapists, and educators can help persons with autism overcome or adjust to its challenges and provide early, accurate diagnosis and the resulting appropriate education, intervention, and therapy that are vital to future growth and development; and,

WHEREAS, ensuring that persons living with autism have access to the lifelong care and services needed to pursue the full measure of personal happiness and achieve their greatest potential; and,

WHEREAS, The City of Benton, Arkansas of honored to take part in the annual observance of Autism Awareness Month and World Autism Awareness Day in the hope that it will lead to a better understanding of the disorder; and,

*THEREFORE, I, David Mattingly, do hereby proclaim April 2017 as **AUTISM AWARENESS MONTH** and April 2, 2017 as **WORLD AUTISM AWARENESS DAY** in Benton, Arkansas, to raise public awareness of autism and the myriad of issues surrounding autism, as well as to increase knowledge of the programs that have been and are being developed to support individuals with autism and their families.*





David Mattingly, Mayor
City of Benton

PROCLAMATION

WHEREAS: The Junior Auxiliary of Saline County, Arkansas a Chapter of the seventy-five year old National Association of Junior Auxiliaries, Inc., represents a serious endeavor on the part of women to be active and constructive participants in the community and to assume responsible leadership in meeting community needs; and,

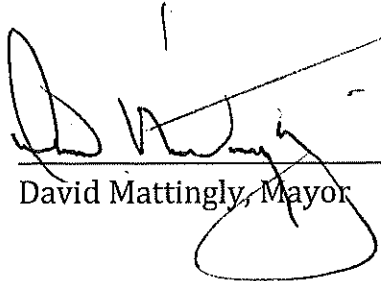
WHEREAS: The mission of the National Association of Junior Auxiliaries, Inc., is to encourage member Chapters to render charitable services which are beneficial to the general public, with particular emphasis on children, and to cooperate with other organizations performing similar services; and,

WHEREAS: The Junior Auxiliary of Saline County, Arkansas works actively to perform the mission of the National Association of Junior Auxiliaries, Inc., in this community, and we appreciate its efforts.

NOW, THEREFORE BE IT PROCLAIMED that I, David Mattingly, Mayor of the City of Benton, Arkansas, do hereby designate the week of April 3, 2017, as JUNIOR AUXILIARY WEEK in Benton, Arkansas, sponsored by the National Association of Junior Auxiliaries, Inc., and urge all citizens, civic and fraternal groups, news media, and other community organizations to join in the salute to Junior Auxiliary volunteers who have been an important presence in this community since 1971.

IN WITNESS WHERE OF, I HAVE HEREUNTO SET MY HAND AND CAUSED THE SEAL OF THE CITY OF, BENTON, ARKANSAS TO BE AFFIXED THIS THE 27th DAY OF MAY IN THE YEAR OF OUR LORD 2017.




David Mattingly, Mayor

BENTON ADVERTISING & PROMOTION COMMISSION

Minutes

March 16, 2017

I. CALL TO ORDER

Chairman Mark Fikes called the regularly scheduled meeting of the Benton Advertising & Promotion Commission to order on March 16, 2017 at 4:05 pm in the boardroom of the Benton Area Chamber of Commerce.

II. ROLL CALL

Commissioners in attendance included: Bill Eldridge, Jerry Ponder, Mark Fikes, Elgin Hamner IV, and Bill Donnor. Absent was Luke Moody and Ashley Burke.

III. OATH OF OFFICE

Bill Donnor was sworn in as a commissioner by Judge Robert Herzfeld.

III. MINUTES

Bill Donnor made the motion to approve the minutes of the February 16, 2017 meeting. Bill Eldridge seconded. Motion carried.

IV. REPORT FROM BENTON EVENT CENTER

Director Nikki Chumley reported that we have had 13 events this period; there have been 8000 people in the building. Several events that reached over more than 2 days were held. There are 10 days in the next 3 months where there is not an event booked.

V. OLD BUSINESS

Budget

The proposed 2017 budget was presented. Gary James thanked Jerry Ponder and Bill Eldridge for their hard work on the budget. Bill Donnor made the motion to approve the budget. Elgin Hamner IV seconded. Motion carried.

Painting

Painting will include the back hall walls and floor and the top part of the ballrooms. Steve Jordan said they had asked those bidding to not use flat paint since this is hard to clean. Commissioners were in consensus to take out the low bid and also the two top bids since they are so high, and let Steve and Nikki work with the other two bidders and make a decision of who should get the painting contract.

Carpet

Nikki explained about the carpet samples that were placed around the room. She also explained the process that would be used. The process is that commissioners should determine the price range for the carpet and the original decorators of the building will

be called to solicit their opinion on which color carpet should be used. After much discussion, Jerry Ponder made the motion that the high grade of carpet should be used, and since there is a 2% discount if Floors and More is used for both painting and carpet that Floors and More should be contracted to do both painting and carpet. Bill Eldridge seconded. Bill Donnor abstained from the vote. Motion carried.

VI. NEW BUSINESS

CD's in First Security Bank

Discussion of what should be done with the CD's was discussed. Jerry Ponder made the motion that new signature cards be secured for all three CD's and that Mark Fikes and Bill Eldridge be the new signees. Motion was seconded by Elgin Hamner IV. Motion carried. Information will be supplied to First Security Bank so new signature cards can be created.

A&P Bank Accounts

Up-to-date information regarding all A&P money will be available at next month's meeting so adequate information will be available to the commissioners when discussing the loan payment that will come due in August.

VII. FUNDING REQUESTS

None.

V III. ADMINISTRATIVE

Jerry Ponder reported that the new owners of Tropical Smoothie have taken possession and that all back A&P taxes have been paid. He indicated that we have 5 or 6 businesses that are in arrears. Mark questioned if the procedure for late or non-payment is being followed.

IX. FINANCIAL REPORTS

The financial reports were presented by Gary James. Gary indicated that 2016 budget numbers are still being used but will be changed after tonight's approval of the 2017 budget.

A&P had a net income of \$1,831.80 for the month.. Monthly sales revenue at the Event Center amounted to \$27,823.67; sales tax revenue was \$8,696.46, making a gross profit of \$36,536.60. Expenses at the center totaled \$21,571.64, making the net income for the month \$14,865.01.

X. OTHER BUSINESS

None

XI. ADJOURNMENT

The meeting was adjourned on the motion of Elgin Hamner IV at 5:00pm.

Mark Fikes
Chairman

Jerry Beaty
Recording Secretary

PROCLAMATION
Safe Digging

WHEREAS, each year, the nation's underground utility infrastructure is jeopardized by unintentional damage by those who fail to call 811 to have underground lines located prior to digging. Undesired consequences such as service interruption, damage to the environment and personal injury and even death are the potential results; and

WHEREAS, the Common Ground Alliance and its 1700 members promote the national Call-Before-You-Dig number, 811, in an effort to reduce these damages. Designated by the FCC in 2005, 811 provides potential excavators and homeowners a simple number to reach their local One Call Center to request utility line locations at the intended dig site; and

WHEREAS, through education of safe digging practices, excavators and homeowners can save time and money keeping our nation safe and connected by making a simple call to 811 in advance of any digging project; waiting the required amount of time; respecting the marked lines by maintaining visual definition throughout the course of the excavation; and finally, digging with care around the marks; and

WHEREAS, all parties agree that safe digging is a shared responsibility. To know what's below, call 811 before you dig.

NOW THEREFORE, I, David Mattingly, acting under my authority as Mayor of the City of Benton, Arkansas, do hereby proclaim the month of April, 2017, as,

National Safe Digging Month

And encourage excavators and homeowners throughout the country to always call 811 before digging. Safe digging is no accident.

IN WITNESS HEREOF, I have hereunto set my hand and caused the Seal of the City of Benton, Arkansas to be affixed at City Hall this 10th day of April in the year of our Lord, two thousand and seventeen.

David Mattingly, Mayor

RESOLUTION NO. 41 OF 2017

**A RESOLUTION DECLARING CERTAIN PROPERTY
AS SURPLUS; AND AUTHORIZING THE SALE OF THE
PROPERTY TO FIRST IN FIRE TRUCKS, LLC**

WHEREAS, the city owns a 2009 Ford F550 four door Super Duty rescue truck which is no longer useful to the city; and

WHEREAS, the City Council authorized the Fire Chief to sell the vehicle at public auction; and

WHEREAS, at public auction the City set a reserve price of \$30,000.00 which was not met; and

WHEREAS, the only bidder at the auction contacted the City and offered to purchase the vehicle at the reserve price following the auction; and

WHEREAS, the City Council having determined that the price of \$30,000.00 is fair and reasonable has also determined that it is in the City's best interest to sell the vehicle to First In Fire Trucks, LLC at the reserve price of \$30,000.00.

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

SECTION 1: The Fire Chief is hereby authorized to sell to First In Fire Trucks, LLC a 2009 Ford F550 four door Super Duty rescue truck, VIN number 1FDAW56R09EA05572.

PASSED AND APPROVED this the _____ day of April, 2017.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

ORDINANCE NO. 18 OF 2017

**AN ORDINANCE AMENDING THE 2017 BUDGET FOR THE GENERAL FUND
AS ADOPTED IN ORDINANCE 62 OF 2016; RECOGNIZING INCOME FROM
THE SALE OF A FIRE DEPARTMENT RESCUE VEHICLE; DECLARING AN
EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City Council has previously authorized the sale of a fire rescue vehicle for \$30,000.00; and

WHEREAS, the City Council needs to amend the 2017 General Fund budget to account for the income from this sale.

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

SECTION 1: Pursuant to the authority granted in A.C.A. Sec. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2017 City of Benton Budget as adopted in Ordinance 62 of 2016. The revised income and expenditures for the operations of the city are attached hereto as Exhibit "1" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

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

PASSED AND APPROVED this the _____ day of April, 2017.

David Mattingly, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



EXHIBIT "1"

FY2017 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2017. This submittal includes a revision for the General Fund.

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

Section 2 is a detailed explanation of the amended Funding and Disbursements that make up this Fiscal Year 2017 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2017

General Fund

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$19,050,404	\$30,000	\$19,080,404
Personnel	\$12,727,030	-0-	\$12,727,030
Operations & Maintenance	\$3,128,574	\$25,000	\$3,153,574
Capital Items	\$3,189,290	\$5,000	\$3,194,290

Section 2: Funding & Disbursements - Fiscal Year 2017

General Fund

Funding

This budget amendment recognizes revenue generated from the sale of a Fire Rescue Truck in the amount of \$30,000.00 (680.060.10.00).

Operations & Maintenance/Capital Items

This budget amendment allows the received funds to be distributed within the Fire Department to the following line items:

\$20,000 in Operations & Maintenance – Facility Maintenance (740.41.13.19)

\$5,000 in Operations & Maintenance – Small Tools (770.72.13.19)

\$5,000 in Capital Items – Non-depreciable Assets (850.90.13.19)

RESOLUTION NO. 42 OF 2017

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A LEASE AGREEMENT WITH HENRY BROWN REALTY FOR PROPERTY LOCATED IN THE DOWNTOWN AREA FOR THE PURPOSE OF PUBLIC PARKING; AND FOR OTHER PURPOSES

WHEREAS, Henry Brown Realty owns certain property in the downtown area which is presently vacant and can be utilized for public parking; and

WHEREAS, the City Council has determined there is a need for parking in the downtown area to assist with the growth and development of the area.

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

SECTION 1: The Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Benton, a lease agreement with Henry Brown Realty for the purpose of establishing a public parking lot in the downtown area and to execute such documents as may be necessary or convenient to accomplish the purpose of this resolution.

PASSED AND APPROVED this the _____ day of April, 2017.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

LEASE AGREEMENT

This Lease is entered into this _____ day of April, 2017, by and between Henry Brown Realty hereinafter "Lessor," and, the City of Benton, Arkansas hereinafter "Lessee."

1. **LEASED PREMISES:** For and in consideration of the covenants and agreements herein entered into and subject to the terms and conditions contained herein, Lessor hereby leases to Lessee the following described property situated in the City of Benton, Saline County, Arkansas, to wit:

LEGAL DESCRIPTION

2. **TERM:** The term of this Lease shall be for one hundred four (104) months, commencing on May 1, 2017, and ending on December 31, 2025. This lease agreement shall automatically renew for a five (5) year term unless the Lessor or the Lessee gives at least thirty (30) days written notice to the other of the intent to not renew the lease agreement at the conclusion of the lease term.

3. **RENT:** Lessee hereby agrees and promises to pay to Lessor one dollar (\$1.00) per calendar year.

4. **USE:** The leased premises will be used by Lessee for the creation of a public parking lot for use in the downtown area.

5. **CLEANING AND MAINTENANCE:** Lessee agrees to keep the premises free of trash or debris during and at the conclusion of the lease term. The Lessee also agrees to maintain the property during the lease term.

6. **IMPROVEMENTS:** Any permanent improvements made to the real property during the term of the lease shall become the property of the Lessor. Any temporary or removable structures or equipment which are placed on the real property shall remain the property of the Lessee and shall be removed within thirty (30) days of the conclusion of the lease term.

7. **BINDING EFFECT:** This Lease shall inure to the benefit of and be binding upon the parties hereto, their respective successors, legal representative, heirs, and assigns.

8. **REIMBURSEMENTS:** The Lessee shall reimburse the cost of any real estate improvements taxes which the Lessor incurs as a result of the improvements made to the property. This amount shall be determined by multiplying the applicable tax rate by the difference between the assessed value each year during the lease term and the assessed value in 2015. (Tax Rate * (Assessed Value – 2015 Assessed Value). In addition thereto, the

Lessee shall reimburse the Lessor for the cost of premises liability insurance which provides up to \$1,000,000.00 in coverage per occurrence.

8. RIGHT OF FIRST REFUSAL: The Lessee shall have the right of first refusal for any offer to purchase the leased property from the Lessor. This right however does not apply to any offer to purchase or otherwise acquire the property which occurs between the existing co-tenant owners of the property.

HENRY BROWN REALTY

By: _____
Authorized Signature
Lessor

CITY OF BENTON

By: _____
Mayor
Lessee

Attest:

City Clerk

RESOLUTION NO. 43 OF 2017

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PARKING AGREEMENT WITH CW WHITE, INC. FOR PROPERTY LOCATED IN THE DOWNTOWN AREA FOR THE PURPOSE OF ADDITIONAL PARKING FOR THE FARMER'S MARKET; AND FOR OTHER PURPOSES

WHEREAS, CW White, Inc. owns certain property in the downtown area which presently serves as a private commercial parking lot and part of which may be utilized for public parking for the Farmer's Market; and

WHEREAS, the City Council has determined there is a need for additional parking for the proposed Farmer's Market and desires to enter into an agreement with CW White, Inc. for additional parking spaces.

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

SECTION 1: The Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Benton, a parking agreement with CW White, Inc. for the purpose of establishing a parking lot to serve as additional parking for the Farmer's Market and to execute such documents as may be necessary or convenient to accomplish the purpose of this resolution.

PASSED AND APPROVED this the _____ day of April, 2017.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

PARKING AGREEMENT

THIS PARKING AGREEMENT ("Parking Agreement") is made and entered into as of the ____ date of May 1, 2017, by and between the City of Benton, Arkansas and its successors and assigns ("Benton") and CW White, Inc., an Arkansas Corporation ("CW White") and its successors and assigns, as follows, to wit:

W I T N E S S E T H

WHEREAS, CW White owns certain property located at 206 South Market in Benton, Saline County, Arkansas; and

WHEREAS, Benton is attempting to establish a Farmer's Market in the downtown area which will need additional parking during events; and

WHEREAS, Benton and CW White desire to allow additional parking on CW White's property during the times the Farmer's Market is holding an event, subject to the reservations made herein, which will aid in the development of the downtown area for both the businesses and the property owners, of which CW White is included.

NOW THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged and stated, the parties hereto agree as follows:

1. CW White as the owner of 206 South Market does hereby authorize Benton to use the designated parking spaces which are more fully described in Exhibit "1" to this Parking Agreement for use as additional parking for the Farmer's Market. Benton may during events at the Farmer's Market place temporary signage and ropes on the parking lot for the purpose of designating the additional parking which will be available for individuals who are using the Farmer's Market.

2. CW White may notify Benton the parking lot will be needed on certain dates and times for its own purposes. On such occasions, Benton shall not use the lot for additional parking. CW White shall give Benton reasonable notice that Benton may not use the lot.

3. It is understood that this Parking Agreement is not intended to create a public easement on the property or to allow public parking of a general nature on the property at any other time. It is intended that the only purpose of this Parking Agreement is to allow additional parking for events at the Farmer's Market.

4. This Parking Agreement may be cancelled at any time by either party by giving at least thirty (30) days written notice to the other party.

IN RATIFICATION OF THIS AGREEMENT, the parties have placed their signatures and seals below, by and through their duly authorized officers on this date, May 1, 2017.

THE CITY OF BENTON

By: _____

Witness:

By: _____
Cindy Stracener, City Clerk

CW WHITE, INC.

By: _____

Name: Bill White, Authorized Agent

ORDINANCE NO 19 OF 2017

**AN ORDINANCE AMENDING ORDINANCE 32 OF 2013;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Benton, Arkansas, adopted Ordinance 32 of 2013 which provided for the limited use and sale of fireworks within the City of Benton during certain times of the year, and prescribed penalties for the violation of same; and

WHEREAS, it has been determined that Section 2.B (2) of Ordinance 32 of 2013 needs to be amended to reconcile the current zoning classifications with the new zoning classifications;

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

SECTION 1: Section 2.B (2) of Ordinance 32 of 2013 shall be amended by deleting the language in the first sentence "(highway commercial, neighborhood commercial, or service commercial)" and replacing it with "(neighborhood commercial- C1, general commercial – C2, or service commercial – C3); and,

SECTION 2: Ordinance 29 of 2015 is hereby repealed along with any other ordinances or parts of ordinances in conflict with the provisions of this ordinance;

SECTION 3: Due to the necessity for clarification prior to the application for firework stand permits within the city, an emergency is hereby declared and this ordinance shall be in full force and effect and after its passage and approval.

PASSED AND APPROVED this the ____ day of _____, 2017.

David Mattingly, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. 44 OF 2017

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH DORIS BAILEY FOR THE LEASE OF REAL PROPERTY LOCATED AT 205 EAST SOUTH STREET, SUITE 1 AND 2, IN BENTON; AND FOR OTHER PURPOSES

WHEREAS, the City of Benton, Arkansas desires to lease office space from Doris Bailey.

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

SECTION 1: The Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Benton, a contract with Doris Bailey for the lease of office space located at 205 East South Street, Suite 1 and 2, Benton, Arkansas. This contract is attached hereto as Exhibit "1". The mayor is also authorized to pay the monthly lease payments when due.

PASSED AND APPROVED this the _____ day of April, 2017.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

LEASE AGREEMENT

This agreement made and entered into this day 24 of March 2017
by and between City of Benton are hereinafter
called lessees, and Stinson and Doris Bailey hereinafter called lessors.

1. Lessors for consideration, purposes and covenants hereinafter
set out to do hereby, let lease and demise unto lessees for the period of 1
year, the following property in Benton, Saline County, Arkansas to wit:
205 E. So. Street Sk 1. To have and to hold same unto said
lessees for and during the time aforesaid upon the terms and conditions
herein expressed.

2. Lessees agree to pay 4850⁰⁰ per month payable between
the 1st and 5th day of each and every month during
the time hereof; the payment shall be as follows; 850⁰⁰ cash
per month for rent.

3. It is understood and agreed that the term of this lease shall be
from March 24²⁰¹⁷ until April 28²⁰¹⁸.

4. Lessees will at the expiration hereof promptly deliver the
property and any improvements in as good as condition as they
are now or as good as their high state of improvements may
have been during the term, normal wear and tear expected and
shall deposit the sum of \$ N/A. This is to be used
for cleaning the premises when their lease expires, but in the

event the premises are left clean and in good condition as was
when they moved in, their \$ N/A will be refunded to
them.

5. Lessees shall pay for the deposits of any and all of the utilities
EXCEPT WATER and shall make the deposits and monthly
payments therefore.
6. All rental payments shall be made to Stinson or Doris Bailey
located at 318 Edison Ave. Ste 2 Benton, Ar. 72015
7. Lessees assumes all risk and liability of damages to persons
and property arising during the term of this lease from the
present or future condition of the lease premise and agree to
save lessors harmless therefrom.

LESSORS;

Doris Bailey

LESSEES;

LEASE AGREEMENT

This agreement made and entered into this day 24 of March 2017
by and between City of Benton are hereinafter
called lessees, and Stinson and Doris Bailey hereinafter called lessors.

1. Lessors for consideration, purposes and covenants hereinafter
set out to do hereby, let lease and demise unto lessees for the period of 1
year, the following property in Benton, Saline County, Arkansas to wit:
205 E. So. Street Ste 2. To have and to hold same unto said
lessees for and during the time aforesaid upon the terms and conditions
herein expressed.

2. Lessees agree to pay \$850⁰⁰ per month payable between
the 1st and 5th day of each and every month during
the time hereof; the payment shall be as follows; 850⁰⁰ cash
per month for rent.

3. It is understood and agreed that the term of this lease shall be
from March 24²⁰¹⁷ until April 28²⁰¹⁸

4. Lessees will at the expiration hereof promptly deliver the
property and any improvements in as good as condition as they
are now or as good as their high state of improvements may
have been during the term, normal wear and tear expected and
shall deposit the sum of \$ N/A. This is to be used
for cleaning the premises when their lease expires, but in the

event the premises are left clean and in good condition as was
when they moved in, their \$ N/A will be refunded to
them.

5. Lessees shall pay for the deposits of any and all of the utilities
~~EXCEPT WATER~~ and shall make the deposits and monthly
payments therefore.
6. All rental payments shall be made to Stinson or Doris Bailey
located at 318 Edison Ave. Ste 2 Benton, Ar. 72015
7. Lessees assumes all risk and liability of damages to persons
and property arising during the term of this lease from the
present or future condition of the lease premise and agree to
save lessors harmless therefrom.

LESSORS;

Doris Bailey

LESSEES;

RESOLUTION NO. 45 OF 2017

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR THE SELECTION OF AN ARCHITECT WHO WILL DESIGN A NEW ANIMAL CONTROL FACILITY; AND FOR OTHER PURPOSES

WHEREAS, the City Council has recently authorized the purchase of land for the purpose of constructing a new animal control facility; and

WHEREAS, the City Council also wishes to authorize the Mayor to publish a request for qualifications for the selection of an architect who will design the facility, which is a professional service.

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

SECTION 1: The Mayor is hereby authorized to publish a request for qualifications for the selection of an architect, which is a professional service, who will design a new animal control facility.

PASSED AND APPROVED this the _____ day of April, 2017.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

ORDINANCE NO. 20 OF 2017

AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING AND RATIFYING THE PURCHASE OF HUBBELL SWITCHGEAR FOR THE BENTON UTILITIES HURRICANE LAKE SUBSTATION DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

WHEREAS, The Mayor and the City Council of the City of Benton, Arkansas have determined that the City should purchase Hubbell Switchgear for the Benton Utilities Hurricane Lake Substation, without competitive bidding in connection therewith; and

WHEREAS, The City Council wishes to authorize and approve the transaction described below;

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

SECTION 1. It is in the best interest of the City to purchase from Arkansas Electric Cooperative, Inc., (AECI), Little Rock, AR 72209 all parts necessary for a Hubbell Switchgear in the amount of \$65,657.24 including tax, this charge will include all materials and equipment. Copies of said quote and supporting documents are attached to this ordinance and incorporated herein by reference. Benton Utilities is authorized and directed to purchase, from the vendors set out in said quote, the parts listed, at a total cost of \$65,657.24 including tax. All actions of Benton Utilities in pursuing the purchase authorized herein from AECI prior to the formal adoption of this ordinance are hereby confirmed, ratified and approved.

SECTION 2. The requirement of competitive bidding for the purchase hereby authorized is deemed not feasible or practical and, therefore, is waived.

SECTION 3. The Mayor and City Clerk are hereby authorized and directed to execute such additional documentation as may be necessary or convenient to affect the purposes of this ordinance.

SECTION 4. The immediate entry into, implementation of, and payment for all and materials for the purchase of the Hubbell Switchgear, are authorized herein, and the ratification of actions taken to date, are necessary for the City to properly and timely perform tasks required of Benton Utilities currently underway, and any delay in

the same adds intolerable inconvenience to the delivery of necessary services to the public. 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 April, 2017.

David Mattingly, Mayor

Cindy Stracener, City Clerk

Hurricane Lake Substation		AECI		Anixter		Techline	
Switches, Air Breaks, and appurtenances		Hubbell	Royal Switchgear	Southern States	Southern States	Hubbell	
(24) switch, disconnect, 15 KV, 1200 AMPS, "V" hookstick		\$ 21,912.00	\$ 8,544.00	\$ 15,216.00	\$ 14,928.00	\$ 22,350.00	
(5) switch, 15 KV, 1200 AMPS, 3PST vertical air break		\$ 28,285.00	\$ 18,815.00	\$ 30,410.00	\$ 29,800.00	\$ 28,849.00	
(1) switch, 15 KV, 3 PST vertical air break w/ interrupter		\$ 10,039.00	\$ 7,474.00	\$ 11,644.00	\$ 11,410.00	\$ 10,237.50	
		\$ 60,236.00	\$ 34,833.00	\$ 57,270.00	\$ 56,138.00	\$ 61,436.50	
tax		\$ 5,421.24	\$ 3,134.97	\$ 5,154.30	\$ 5,052.42	\$ 5,529.29	
		\$ 65,657.24	\$ 37,967.97	\$ 62,424.30	\$ 61,190.42	\$ 66,965.79	
		4	1	3	2	5	

RESOLUTION NO. 46 OF 2017

A RESOLUTION AUTHORIZING THE MANAGER OF THE SEWER
DEPARTMENT TO MAKE CERTAIN SEWER CONNECTIONS
OUTSIDE THE CORPORATE LIMITS OF THE CITY OF BENTON,
ARKANSAS; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton, Arkansas has authorized in Ordinance 68 of 2005 and in Ordinance 8 of 2008 that sewer connections made be made outside the corporate limits of the City; and

WHEREAS, the General Manager of the utility department has requested that certain sewer connections be authorized by the City Council.

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

SECTION 1: Pursuant to Ordinance 8 of 2008 the Manager of the Sewer Department is hereby authorized to connect sewer to the following property which is located outside the corporate limits of the City of Benton, Arkansas:

2701 Salem Road
Benton, AR 72015

PASSED AND APPROVED this the day of April, 2017.

David, Mattingly, Mayor

Cindy Stracener, City Clerk