

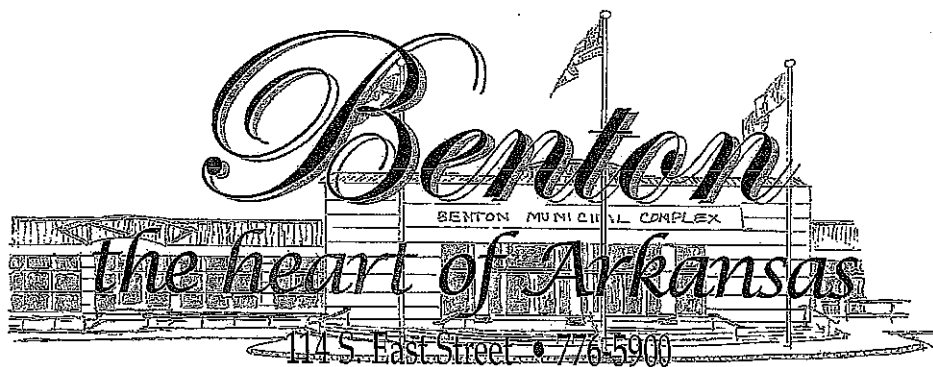
# BENTON CITY COUNCIL MEETING

FEBRUARY 13, 2017

7:00 PM



AGENDA MEETING 6:30 PM



BENTON MUNICIPAL COMPLEX  
114 SOUTH EAST STREET  
COUNCIL CHAMBERS

**DAVID MATTINGLY, MAYOR**

**REGULAR SESSION**  
**February 13, 2017**  
**7:00 PM**  
**AGENDA**

- |              |  |   |
|--------------|--|---|
| <b>I.</b>    | <b>Call to Order</b>   | <b>Mayor Mattingly</b>                            |
| <b>II.</b>   | <b>Invocation</b>  |   |
| <b>III.</b>  | <b>Pledge of Allegiance</b>  | <b>Alderman Cunningham</b>                        |
| <b>IV.</b>   | <b>Roll Call</b>   | <b>City Clerk</b>                                 |
| <b>V.</b>    | <b>Approval of Minutes</b>   | <b>January 23, 2017</b><br><i>Regular Meeting</i> |
| <b>VI.</b>   | <b>Service Awards</b><br><i>Sergeant Eric Porter, 10 years</i><br><i>Sergeant Quinton Jackson, 15 years</i>  | <b>Mayor Mattingly</b>                            |
| <b>VII.</b>  | <b>Youth of the Month</b><br><i>Madison Bailey, January 2017</i>   | <b>Amber Heath</b>                                |
| <b>VIII.</b> | <b>COMMITTEE REPORTS &amp; MOTIONS</b>   |   |
|              | <b>1. Finance Committee</b>  | <b>Alderman Ponder</b>                            |
|              | <b>A.) RESOLUTION NO. 18 OF 2017</b><br><i>A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS; AND AUTHORIZING THE SALE OF THE PROPERTY AT PUBLIC AUCTION</i>  |   |
|              | <b>B.) RESOLUTION NO. 19 OF 2017</b><br><i>RESOLUTION OF THE COUNCIL OF BENTON, ARKANSAS CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (The Consolidated Incentive Act of 2003, Section 15-4-2706(d)), AND FOR OTHER PURPOSES.</i>            |   |
|              | <b>2. Community Services/Animal Control</b>  | <b>Alderwoman Reed</b>                            |
|              | <b>A.) RESOLUTION NO. 20 OF 2017</b><br><i>A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR FOR OPERATION AND MAINTENANCE OF THE GAGING STATION ON THE SALINE RIVER; APPROPRIATING THE FUNDS THEREFORE; AND FOR OTHER PURPOSES</i> |   |
|              | <b>B.) RESOLUTION NO. 21 OF 2017</b><br><i>A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID FOR THE POLICE DEPARTMENT RENOVATION AT CITY HALL; AND FOR OTHER PURPOSES</i>  |   |
|              | <b>C.) ORDINANCE NO 5 OF 2017</b><br><i>AN ORDINANCE WAIVING CONSTRUCTION RELATED FEES FOR THE POLICE DEPARTMENT RENOVATION PROJECT; AND FOR OTHER PURPOSES</i>  |   |

**D.) RESOLUTION NO. 22 OF 2017**

*A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE A LAWSUIT IN THE SALINE COUNTY CIRCUIT COURT SEEKING TO ABATE A NUISANCE LOCATED AT 2501 DENISE DRIVE, BENTON, ARKANSAS; AND FOR OTHER PURPOSES*

**E.) RESOLUTION NO. 23 OF 2017**

*A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE A LAWSUIT IN THE SALINE COUNTY CIRCUIT COURT SEEKING TO ABATE A NUISANCE LOCATED AT 2109 MILITARY ROAD, BENTON, ARKANSAS; AND FOR OTHER PURPOSES*

**F.) RESOLUTION NO. 24 OF 2017**

*A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE A LAWSUIT IN THE SALINE COUNTY CIRCUIT COURT SEEKING TO ABATE A NUISANCE LOCATED AT 1509 OAK STREET, BENTON, ARKANSAS; AND FOR OTHER PURPOSES*

**G.) RESOLUTION NO. 25 OF 2017**

*A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE A LAWSUIT IN THE SALINE COUNTY CIRCUIT COURT SEEKING TO ABATE A NUISANCE LOCATED AT 1613 CEDAR STREET, BENTON, ARKANSAS; AND FOR OTHER PURPOSES*

- |           |  |                               |
|-----------|--|-------------------------------|
| <b>3.</b> | <b>Streets &amp; Drainage Committee</b>        | <b>Alderman Baptist</b>       |
| <b>4.</b> | <b>Personnel/Health &amp; Safety Committee</b> | <b>Alderman Donnor</b>        |
| <b>5.</b> | <b>Parks Committee</b>                         | <b>Alderman Cunningham</b>    |
| <b>6.</b> | <b>Public Utilities Commission</b>             | <b>Alderman Herzfeld</b>      |
| <b>7.</b> | <b>A &amp; P Commission</b>                    | <b>Alderman Donnor/Ponder</b> |

**IX. Unfinished Business**

**X. New Business**

**XI. Old Business**

**XII. Announcements**

**XIII. Adjourn**

**MINUTES OF THE BENTON CITY COUNCIL**  
**Regular Session**  
**January 23, 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 Murphy led the pledge of allegiance.**

**Roll was called.**

**The following persons were in attendance:**

**Alderman Kerry Murphy  
Alderman Evelyn Reed  
Alderman Jerry Ponder  
Alderman Steve Lee  
Brent Houston, City Attorney  
David Mattingly, Mayor**

**Alderman Charles Cunningham  
Alderman Bill Donnor  
Alderman James Herzfeld  
Alderman Jeff Hamm  
Cindy Stracener, City Clerk**

**When roll was called eight (8) council members were present. Alderman Frank Baptist and Alderman Judd Hart were absent. A quorum was declared.**

**The Mayor requested approval for the January 9, 2017 city council meeting minutes. Alderman Herzfeld made a motion to approve the minutes, seconded by Alderman Reed. The Mayor called for a voice vote on the approval of the minutes. All aldermen present replied in the affirmative. The minutes for the January 9, 2017 council meeting were approved with 8 affirmative and 2 absent votes.**

**Cynthia Nesbitt was honored as the December employee of the month.**

**The youth of the month for January, Madison Bailey was unable to attend.**

**The next item on the agenda was committee reports and motions. Alderman Ponder was recognized for a report from the Finance Committee; there was not a report.**

**Alderman Reed was recognized for a report from the Community Service/Animal Control Committee. Alderman Reed asked for the first reading of Ordinance 3 of 2017 – An Ordinance Rezoning Certain Land in the City of Benton, Saline County, Arkansas, Declaring an Emergency; and For Other Purposes. Seconded by Alderman Ponder. The ordinance was read by the city clerk. The property is located on Winchester Drive and is being rezoned from highway commercial to multi-family for duplexes. 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 Cunningham. Roll was called on the motion to suspend which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Motion to suspend was approved with 8 affirmative and 2 absent votes. Alderman Reed made a motion to adopt Ordinance 3 of 2017 on its second and third readings by title**

only; seconded by Alderman Herzfeld. The ordinance was read by title only. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Ordinance 3 of 2017 was adopted with 8 affirmative and 2 absent votes. Alderman Reed made a motion to adopt the emergency clause; seconded by Alderman Donnor. The Mayor asked that the roll be called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. The emergency clause for Ordinance 3 of 2017 was adopted with 8 affirmative and 2 absent votes.

Alderman Reed asked for the first reading of Ordinance 4 of 2017 – An Ordinance Annexing Certain Territory into the City of Benton, Saline County, Arkansas; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Ponder. This property has a preannexation agreement; Ordinance 10 of 2016. The development is called Westlake Village and is located off of Salem Road. It consists of 36.24 acres. The ordinance was read by the city clerk. The Mayor asked for any comments. David Vondran, General Manager of Benton Utilities stated that they would like to make note at this time that we encourage this development and welcome it into the city. We would like to recognize that it is in the electrical service area of First Electric and will not be serviced by Benton Utilities; however it is in our service area for water and sewer and we will be providing water and sewer to this development. However the connection for the sewer must go through the improvement district located around Hurricane Lake Estates. The caveat that this developer has is that he will have to get permission and or pay tie on fees to the improvement district and that is out of our hands at Benton Utilities. We just wanted to make that clear.

Alderman Reed made a motion to suspend the rules for the second and third readings. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called on the motion to suspend. Roll call resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Motion to suspend was approved with 8 affirmative and 2 absent votes. Alderman Reed made a motion to adopt Ordinance 4 of 2017 on its second and third readings by title only. Seconded by Alderman Donnor. The ordinance was read by title only. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Ordinance 4 of 2017 was adopted with 8 affirmative and 2 absent votes. Alderman Reed made a motion to adopt the emergency clause. Seconded by Alderman Donnor. Roll was called for the emergency clause which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. The emergency clause was adopted with 8 affirmative and 2 absent votes.

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

Alderman Donnor was recognized for a report from Personnel/Health & Safety Committee. He stated that he had nothing to report.

**Alderman Cunningham was recognized for a report from the Parks Committee. Alderman Cunningham made a motion to adopt Resolution 15 of 2017 – A Resolution Authorizing the City to Enter into a Contract with Central Arkansas Development Council for Providing Certain Services to the Senior Adults of Benton; and For Other Purposes. Seconded by Alderman Herzfeld. The resolution was read by the city clerk. Mr. Houston stated that he represents CADC on a pro bono basis; however with respect to this agreement CADC retained private counsel and I represented the city. That is disclosed in the lease agreement. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Resolution 15 of 2017 was adopted with 8 affirmative and 2 absent votes.**

**Alderman Cunningham made a motion to adopt Resolution 16 of 2017 – An Resolution Authorizing the Placement of Certain Historical Memorabilia in the River Center; and For Other Purposes. Seconded by Alderman Donnor. The resolution was read by the city clerk. The Mayor asked for any comments. Alderman Cunningham stated that no taxpayer dollars were involved. The Mayor pointed out all the framed documents which were on display in the council chambers for the public to see. The staff gave the framed pictures to the Mayor for Christmas. The Mattingly's decided to loan the documents to the city for an indefinite time for display because of their historical significance. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Resolution 16 of 2017 was adopted with 8 affirmative and 2 absent votes.**

**Alderman Cunningham made a motion to adopt Resolution 17 of 2017 – A Resolution Authorizing the Placement of a Plaque Thanking Mayor Mattingly for His Work in Creating Riverside Park; and For Other Purposes. Seconded by Alderman Donnor. The resolution was read by the city clerk. The Mayor asked for any comments. Jim Handley stated that he got transferred here in 1981 and there was a quality of life issue in 1981. Several of us have discussed this over many years. Several mayors said they were going to do something but did not. We elected Dave Mattingly and an excellent council. All that council needed was some vision and leadership and Dave Mattingly supplied that vision and leadership. All council members did a great job in supporting and so did I; but without the leadership of Mayor Mattingly none of this could have gotten off. I tell people tongue in cheek; this is the best thing that has happened to Benton since Bauxite. Alderman Hamm stated that he came on this council because he wanted the opportunity to support the Mayor and the city officials in this city. The council has done a marvelous job. Since this is done for the Mayor by the Friends of the Mayor and no maintenance costs for the city or the council having to be voted on; I feel this is very appropriate and I applaud and am for it. The Mayor said "Thank you". Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Resolution 17 of 2017 was adopted with 8 affirmative and 2 absent votes.**

**Alderman Ponder stated that a Finance Committee meeting would be held Thursday.**

**Alderman Herzfeld was recognized for a report from the Public Utility Commission. He stated that he did not have a report.**

**Alderman Ponder was recognized for the Advertising and Promotion Commission report. He stated that he did not have anything. The minutes from the January 19, 2017 commission meeting were sent to the city clerk. See attached.**

**The meeting adjourned at 7:23 pm.**

**Cindy Stracener, City Clerk**

**David Mattingly, Mayor**

# BENTON ADVERTISING & PROMOTION COMMISSION

## Minutes

January 19, 2017

I. CALL TO ORDER

Chairman Mark Fikes called the regularly scheduled meeting of the Benton Advertising & Promotion Commission to order on January 19, 2017 at 4:07 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 Alison Burch

III. MINUTES

Luke Moody made a motion to approve the minutes of the December 17 meeting. Elgin Hamner IV seconded. Motion carried.

IV. REPORT FROM BENTON EVENT CENTER

Director Nikki Chumley reported that CHI-St Vincent is continuing to use the Event Center for various meetings. The group has been in the building four times in the last couple of weeks. Energy is there today for a training meeting. There is lots of activity and people there. It was exciting to watch how all the trucks were washed.

V. OLD BUSINESS

None

VI. NEW BUSINESS

Chairman Fikes appointed the following to serve on the 2017 Budget Committee: Bill Eldridge, Jerry Ponder, Gary James, and Nikki Chumley

VII. FUNDING REQUESTS

Little Rock Comic Con submitted a request. The event is held at the Event Center and the entire facility is rented for the event. This will be the third year for the event here. The vote will be taken at the next meeting. The group is requesting \$1000.

VIII. ADMINISTRATIVE

Jerry Ponder reported that tax revenue shows a 10% increase in tax revenue in 2016. He will be checking to see the progress of the hearing for one of the delinquent accounts.

IX. FINANCIAL REPORTS

The financial reports were presented by Gary James. A&P shows a deficit for the year of \$3,749.91 rather than the budgeted \$12,204.87. Net profit for the Event Center increased to \$195,999.92 rather than the budgeted net profit of \$169,414.22. Without tax income, Event Center profit would be \$79,000 for the year. Gary said we must continue to market the building as there is more competition now. Payment on the bond can begin in August; expectation is that payment at that time can be 1 1/2 million. The commissioners want to highly publicize this.

X. OTHER BUSINESS

None

XI. ADJOURNMENT

The meeting was adjourned on the motion of Luke Moody at 4:30.

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Mark Fikes  
Chairman

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Jerry Beaty  
Recording Secretary

**RESOLUTION NO. 18 OF 2017**

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

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 desires to declare this vehicle as surplus property and to authorize its sale at public auction.

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 at public auction a 2009 Ford F550 four door Super Duty rescue truck, VIN number 1FDAW56R09EA05572.

PASSED AND APPROVED this the \_\_\_\_\_ day of February, 2017.

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David J. Mattingly, Mayor

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Cindy Stracener, City Clerk

**RESOLUTION No. 19 of 2017**

**RESOLUTION OF THE COUNCIL OF BENTON, ARKANSAS CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (The Consolidated Incentive Act of 2003, Section 15-4-2706(d)), AND FOR OTHER PURPOSES.**

*WHEREAS*, the local government must endorse a business to participate in the Tax Back Program and benefit from the refunds/tax credits as provided in the Consolidated Incentive Act of 2003, Section 15-4-2706(d); and

*WHEREAS*, said endorsement must be made on specific form available from the Arkansas Department of Economic Development; and

*WHEREAS*, ACDI located at 403 North Main Street, Benton, Arkansas has sought to participate in the program and more specifically has requested benefits accruing from construction of the specific facility; and

*WHEREAS*, ACDI has agreed to furnish the local government all necessary information for compliance.

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

1. ACDI is hereby endorsed by the City of Benton, Arkansas for benefits from the refunds/tax credits as provided in the Consolidated Incentive Act of 2003, Section 15-4-2706(d).
2. The Department of Finance and Administration is hereby authorized to refund local sales and use taxes to ACDI.
3. This resolution shall take effect immediately.

\_\_\_\_\_  
David J. Mattingly, Mayor

Date Passed: \_\_\_\_\_

Attest: \_\_\_\_\_  
Cindy Stracener, City Clerk

**RESOLUTION NO. 20 OF 2017**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR FOR OPERATION AND MAINTENANCE OF THE GAGING STATION ON THE SALINE RIVER; APPROPRIATING THE FUNDS THEREFORE; AND FOR OTHER PURPOSES**

WHEREAS, the city of Benton desires to enter into a joint funding agreement with the United States Department of the Interior for the operation and maintenance of the gaging station on the Saline River which serves as a Flood Warning Information Station: and

WHEREAS, the city of Benton desires to authorize the Mayor and City Clerk to undertake such action as is necessary for the city to renew this annual agreement and enter into such an agreement for 2017.

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 a joint funding agreement with the United States Department of the Interior for the operation and maintenance of the gaging station on the Saline River which serves as a Flood Warning Information Station. This authorization shall include, but is not limited to, the Joint Funding Agreement which is attached hereto as Exhibit "A".

SECTION 2: The funds required to be paid by the city of Benton in the Joint Funding Agreement shall hereby be deemed appropriated.

PASSED AND APPROVED this the \_\_\_\_\_ day of February, 2017.

APPROVED:

\_\_\_\_\_  
David J. Mattingly, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Stracener, City Clerk



United States Department of the Interior

U.S. GEOLOGICAL SURVEY  
Lower Mississippi-Gulf Water Science Center  
Little Rock Office  
401 Hardin Road  
Little Rock, Arkansas 72211

January 19, 2016

Mr. Tim Tennant  
City of Benton  
Community Development Department  
114 South East Street  
Benton, Arkansas 72015  
(501) 776-5938

Dear Mr. Tennant:

Attached are two copies a Joint Funding Agreement (JFA) (Agreement No. 17ESAR000000025) for operation and maintenance of the Saline River at Benton gaging station as a Flood Warning Information Station during the 2017 calendar year. The total cost of this agreement is \$1,000. If the proposed program meets your approval, please have Mayor Mattingly sign both JFAs and return a signed copy to the attention of Roxanne Childers at the above address. Roxanne can be reached at (501) 228-3654.

Work performed with funds from this agreement will be conducted on a fixed-price basis and billed annually. We acknowledge you to be the technical and financial point of contact for this project. Our funding contact is Desvin Jones, (225) 298-5481, ext. 3114.

The results of all work under this agreement will be available for publication by the U.S. Geological Survey.

We appreciate your agency's cooperation on this very worthwhile project. If you have any questions, please contact William Baldwin, (501) 228-3602.

Sincerely,

*acting for*  
*William J. Wolfe*  
W. Scott Gain, Director  
USGS LMG Water Science Center

Enclosures

WEB:rkc

Form 9-1366  
(April 2015)

**U.S. DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY**

**JOINT FUNDING AGREEMENT**

FOR

Water Resources Investigations

Customer #: 6000000784  
 Agreement #: 17ESAR000000025  
 Project #:  
 TIN #: 71-6000806  
 Fixed Cost  
 Agreement YES

**THIS AGREEMENT is entered into as of the, 1st day of January, 2017 by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the CITY OF BENTON, party of the second part.**

1. The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation for the operation and maintenance of the Saline River at Benton gaging station as a Flood Warning Information Station, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) includes In-Kind Services in the amount of
  - (a) by the party of the first part during the period
 

Amount	Date	to	Date
\$0.00	January 1, 2017		December 31, 2017
  - (b) by the party of the second part during the period
 

Amount	Date	to	Date
\$1,000.00	January 1, 2017		December 31, 2017
  - (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of:  
  
 Description of the USGS regional/national program:
  - (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
  - (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.
3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

9-1366 (Continuation)

Customer #:


6000000784

Agreement #:

17ESAR000000025

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
8. The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.
9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered annually. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

<p style="text-align: center;"><b>U.S. Geological Survey</b>  <b>United States</b>  <b>Department of the Interior</b>  <u><b>USGS Point of Contact</b></u></p>	<p style="text-align: center;">CITY OF BENTON</p>
<p>Name: William E. Baldwin          Address: USGS LMG Water Science Center          Little Rock Office          401 Hardin Road          Little Rock, AR 72211          Telephone: (501) 228-3602          Email: bbaldwin@usgs.gov</p>	<p style="text-align: center;"><u><b>Customer Point of Contact</b></u></p> <p>Name: David Mattingly          Address: City of Benton          Post Office Box 607          Benton, AR 72018          Telephone: (501) 776-5900          Email: mayormattingly@bentonar.gov</p>

<u>Signatures and Date</u>			
Signature:	Date:	Signature:	Date:
 Name: <i>W. Scott Galt</i> Title: Director, USGS LMG Water Science Center	1-20-17	Name: David Mattingly Title: Mayor, City of Benton	

RESOLUTION NO. 21 OF 2017

A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID  
FOR THE POLICE DEPARTMENT RENOVATION AT CITY HALL;  
AND FOR OTHER PURPOSES

WHEREAS, the City of Benton, after having advertised for bids for the renovation of the Police Department at City Hall, the City Council has determined that the bid submitted by Powell & Sons Construction, LLC is the lowest acceptable bid for this construction project and that the City should award the contract to this lowest acceptable bidder.

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

SECTION 1: The bid of Powell & Sons, Inc. in the amount of \$139,400.00 is the lowest acceptable bid for the renovation of the Police Department at City Hall from the bid tabulation sheet with is attached as Exhibit "1" to this Resolution. It has been determined that the bid of Shields & Associates, Inc. was not complete and was therefore rejected and not considered.

SECTION 2: The Mayor is authorized to execute, on behalf of the City of Benton a contract for the renovation of the Police Department at City Hall with the successful bidder and to execute such other documents as may be necessary and convenient to accomplish this purpose. The Mayor is likewise authorized on behalf of the City to pay Powell & Sons Construction, LLC, those sums which become due and payable over the course of contract term.

PASSED AND APPROVED this the \_\_\_\_\_ day of February, 2017.

\_\_\_\_\_  
David J. Mattingly, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk



Black, Corley Owens and Hughes PA

Benton Police Office Remodel  
Benton, AR

Date: January 19th 2017  
Time: 2:00pm

	D & N Construction	Delk Construction	Floyd Parker Const.	J Fagan Const.
License No		29190317	189420417	189550317
Bid Bond		Yes	Yes	Yes
Addenda		1,2,3	1,2,3	1,2,3
Base Bid		\$188,149.00	\$286,590.35	\$175,000.00
Days		120	60	210
Trenching or Excavation		\$0.00	\$5,000.00	\$10,000.00
Mechanical		Kenned AC & Plumbing	3D Air	Morehart Htg & Air Inc.
Electrical		Life Safety Services	Life Safety Services Inc.	Plant Electric Co.

PENNY J. MARSHALL  
Arkansas - Saline County  
Notary Public - Comm# 12398648  
My Commission Expires May 28, 2024

Notary

*Penny J. Marshall*

Black, Corley Owens and Hughes PA

Benton Police Office Remodel  
Benton, AR

Date: January 19th 2017  
Time: 2:00pm

	Lantrip Construction	Massey Construction	Powell and Sons	Shields and Assoc.
License No			331130317	172580117
Bid Bond			Yes	Yes
Addenda			1,2,3	1,2,3
Base Bid			\$139,400.00	\$113,000.00
Days			100	
Trenching or Excavation			\$100.00	\$100.00
Mechanical			A&M Heat & Air	Comfort Systems
Electrical			Glover Electric	All Bright Electric

Notary

PENNY J. MARSHALL  
Arkansas - Saline County  
Notary Public - Comm# 12398648  
My Commission Expires May 26, 2024

*Penny J. Marshall*

Black, Corley Owens and Hughes PA

Benton Police Office Remodel  
Benton, AR

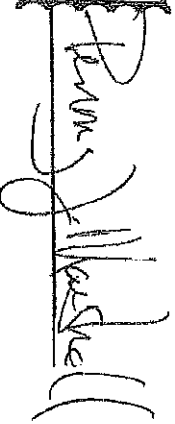
Date: January 19th 2017

Time: 2:00pm

	Western Millwright			
License No	0059840417			
Bid Bond	Yes			
Addenda	1,2,3			
Base Bid	\$155,750.00			
Days	180			
Trenching or Excavation	\$100.00			
Mechanical	Lasley Heat and Air			
Electrical	Life Safety Services			

Notary

PENNY J. MARSHALL  
 Arkansas - Saline County  
 Notary Public - Comm# 12398648  
 My Commission Expires May 26, 2024



ORDINANCE NO. 5 OF 2017

AN ORDINANCE WAIVING CONSTRUCTION RELATED FEES FOR THE POLICE DEPARTMENT RENOVATION PROJECT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Benton, Arkansas has assessed certain fees which are to be charged for the issuance of building permits, conducting inspections, and storm-water fees which are associated with the construction of buildings; and

WHEREAS, the City Council, in order to reduce the cost of the construction, desires to waive the hereto for stated fees which are associated with this project.

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

SECTION 1. All building permit fees, inspection fees, and storm-water fees for the Police Department Renovation project are hereby waived. The Contractor and all subcontractors must obtain the permits and call for all required inspections however the aforementioned fees will not be required, except all State Surcharge fees must be paid in full at the time the permits are issued.

SECTION 2. All other ordinances in conflict with this Ordinance are hereby repealed to the extent that such a conflict exists, but not otherwise.

SECTION 3. It is hereby found and determined that there is an immediate need to adopt this ordinance in order to proceed with the project, 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
**David J. Mattingly**  
Mayor

Attest:

\_\_\_\_\_  
**Cindy Stracener**  
City Clerk

RESOLUTION NO. 22 OF 2017

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE A  
LAWUIT IN THE SALINE COUNTY CIRCUIT COURT SEEKING  
TO ABATE A NUISANCE LOCATED AT 2501 DENISE DRIVE,  
BENTON, ARKANSAS; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton has been presented with photographs of the conditions of the property located at 2501 Denise Drive in Benton, these photographs are attached hereto as Exhibit" 1" collectively; and

WHEREAS, the City Council finds that the conditions at this property 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 this property; and

WHEREAS, the City Council finds and declares that this property is a nuisance to the public which 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 the 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 a public nuisance located at 2501 Denise Drive, Benton, Arkansas.

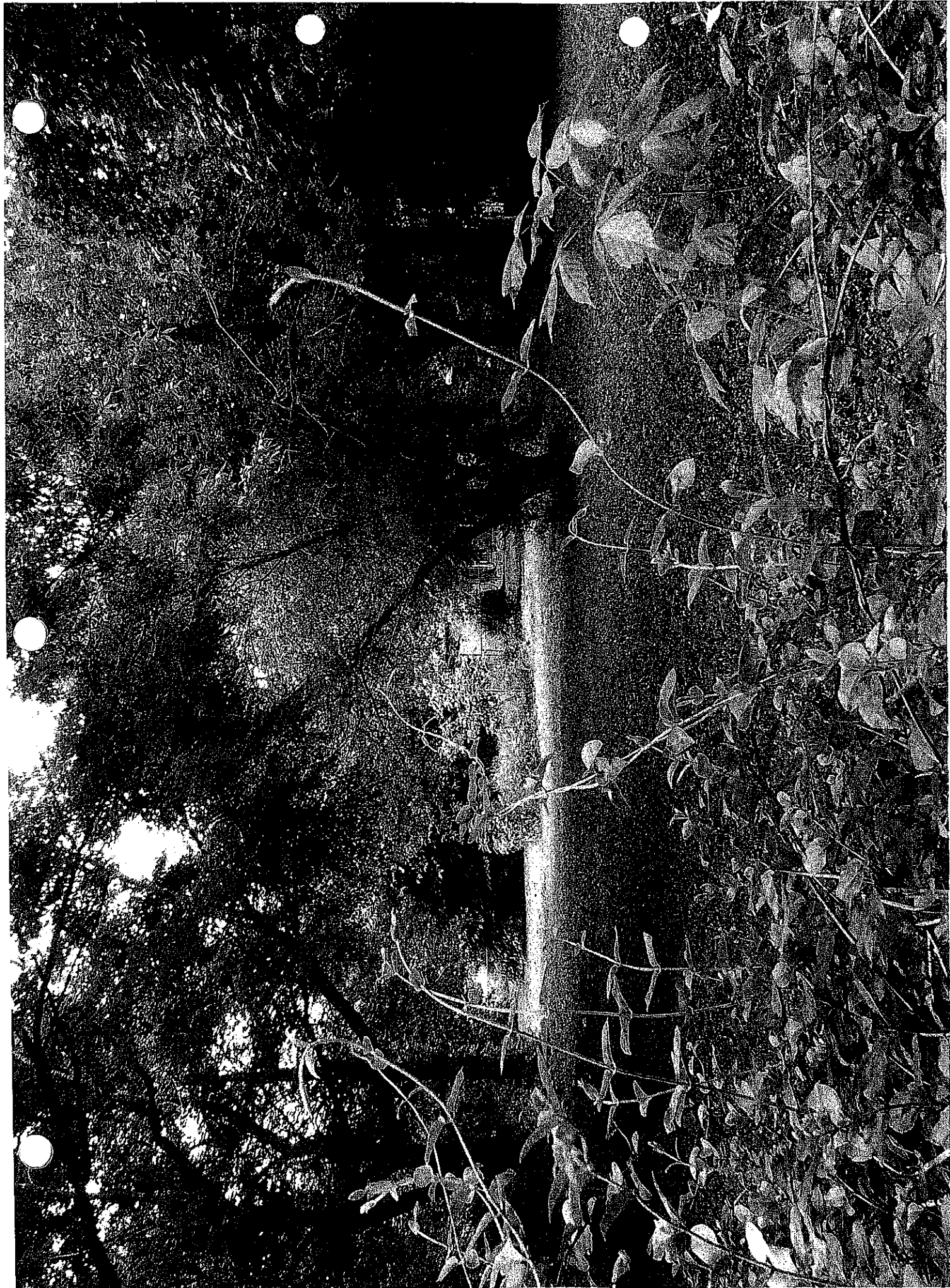
PASSED AND APPROVED this the day \_\_\_\_ of February, 2017.

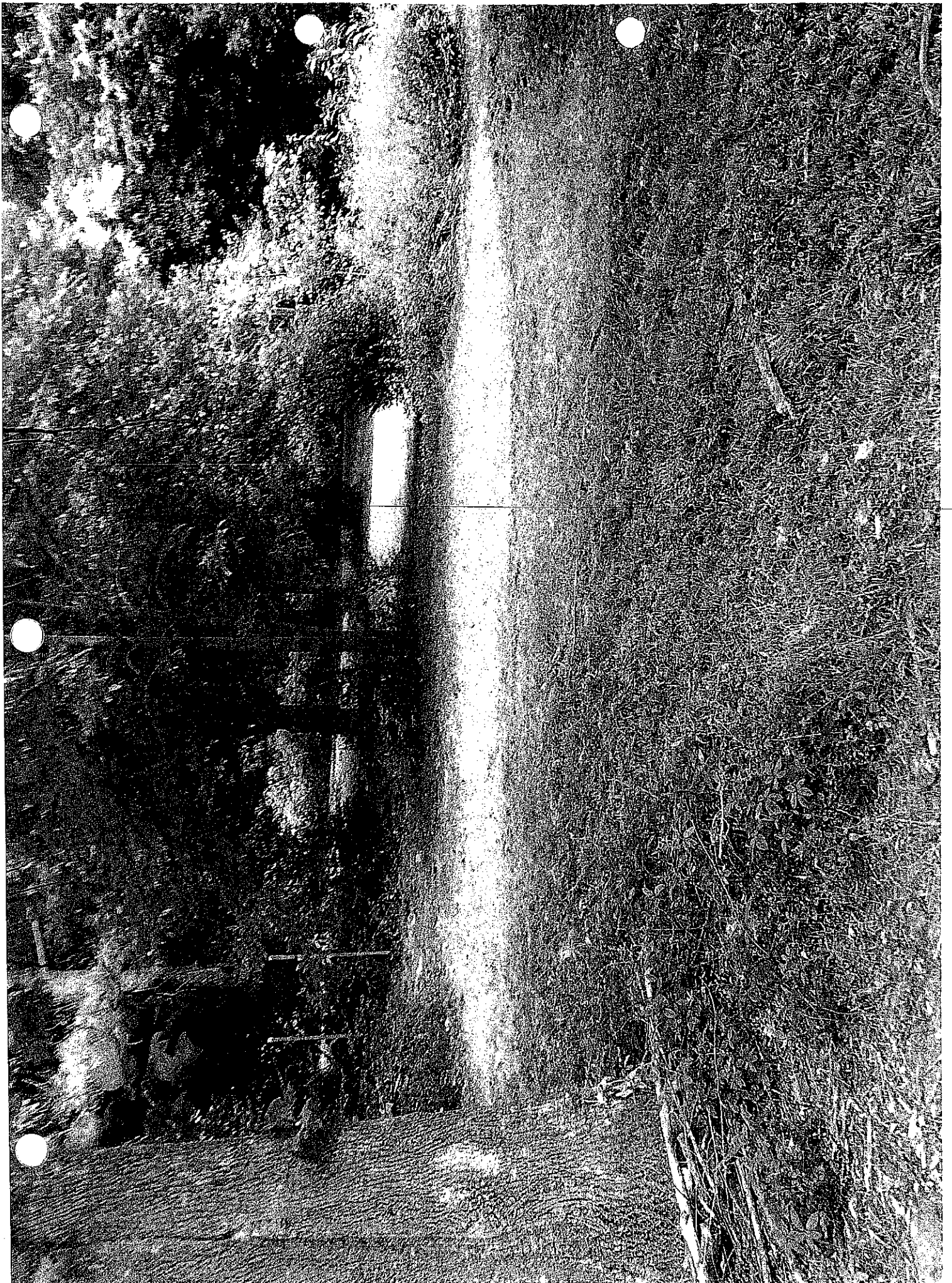
\_\_\_\_\_  
David J. Mattingly, Mayor

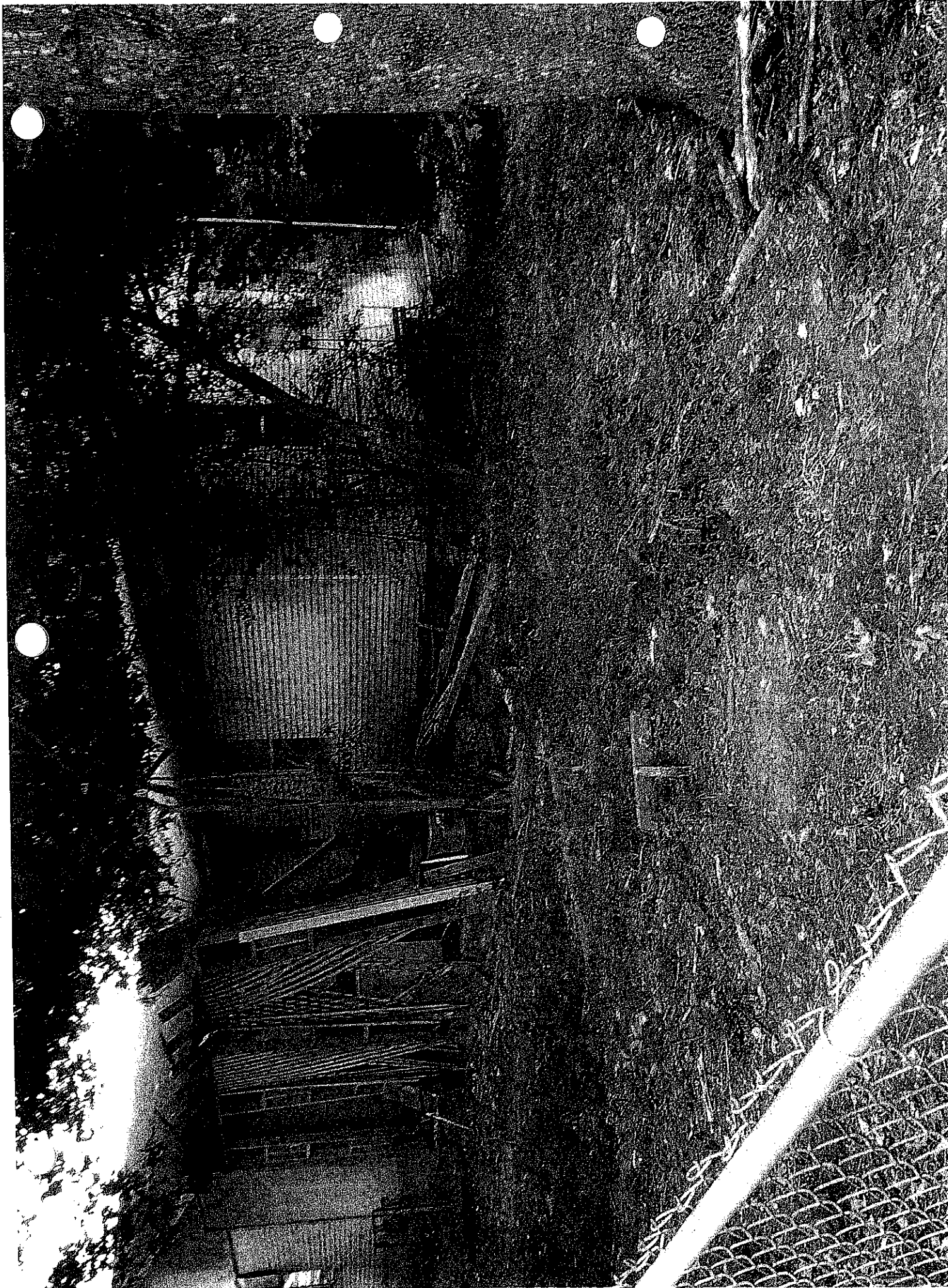
\_\_\_\_\_  
Cindy Stracener, City Clerk











## RESOLUTION NO. 23 OF 2017

### A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE A LAWSUIT IN THE SALINE COUNTY CIRCUIT COURT SEEKING TO ABATE A NUISANCE LOCATED AT 2109 MILITARY ROAD, BENTON, ARKANSAS; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton has been presented with photographs of the conditions of the property located at 2109 Military Road in Benton, these photographs are attached hereto as Exhibit" 1" collectively; and

WHEREAS, the City Council finds that the conditions at this property 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 this property; and

WHEREAS, the City Council finds and declares that this property is a nuisance to the public which 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 the 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 a public nuisance located at 2109 Military Road, Benton, Arkansas.

PASSED AND APPROVED this the day \_\_\_\_ of February, 2017.

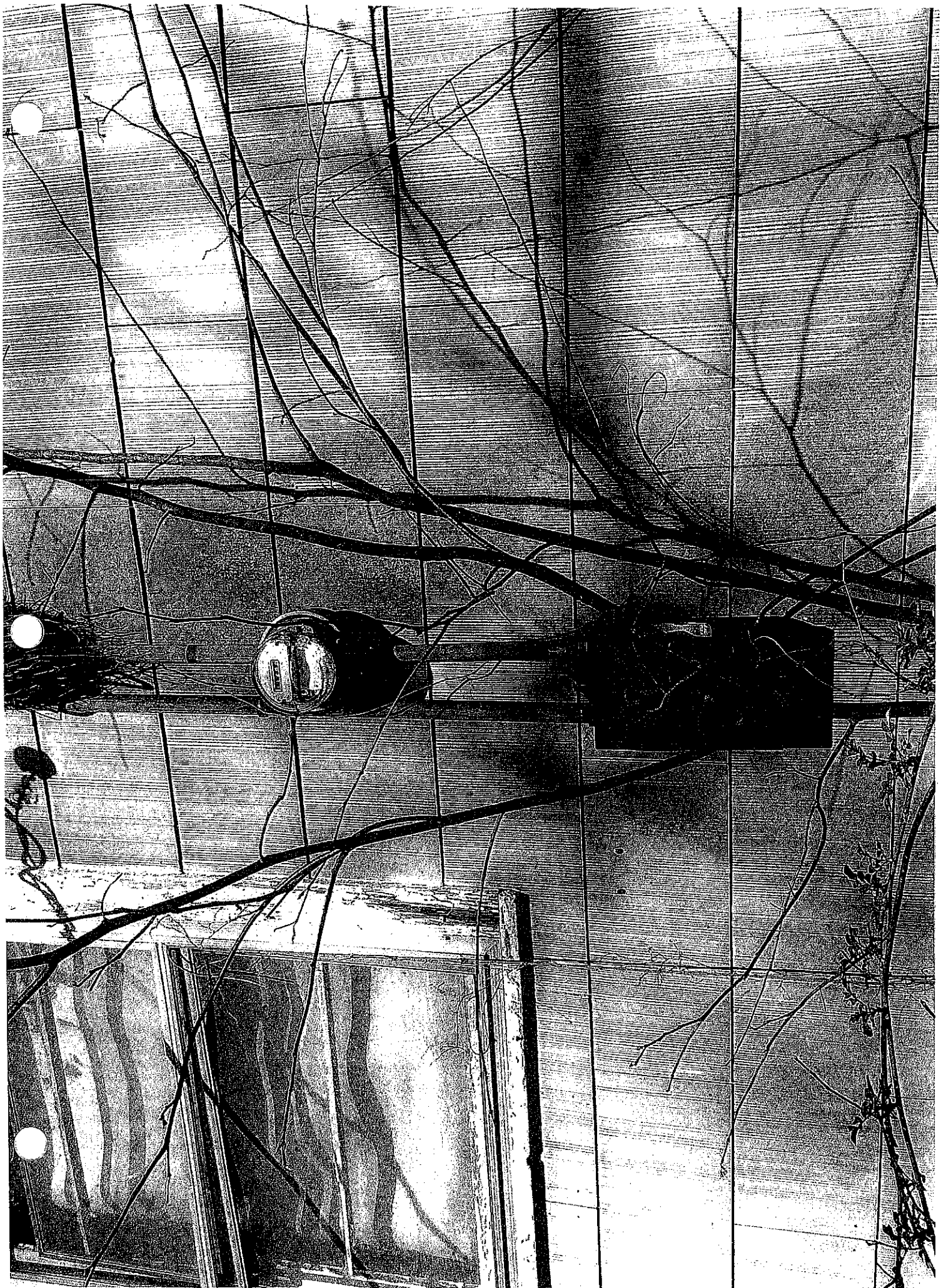
\_\_\_\_\_  
David J. Mattingly, Mayor

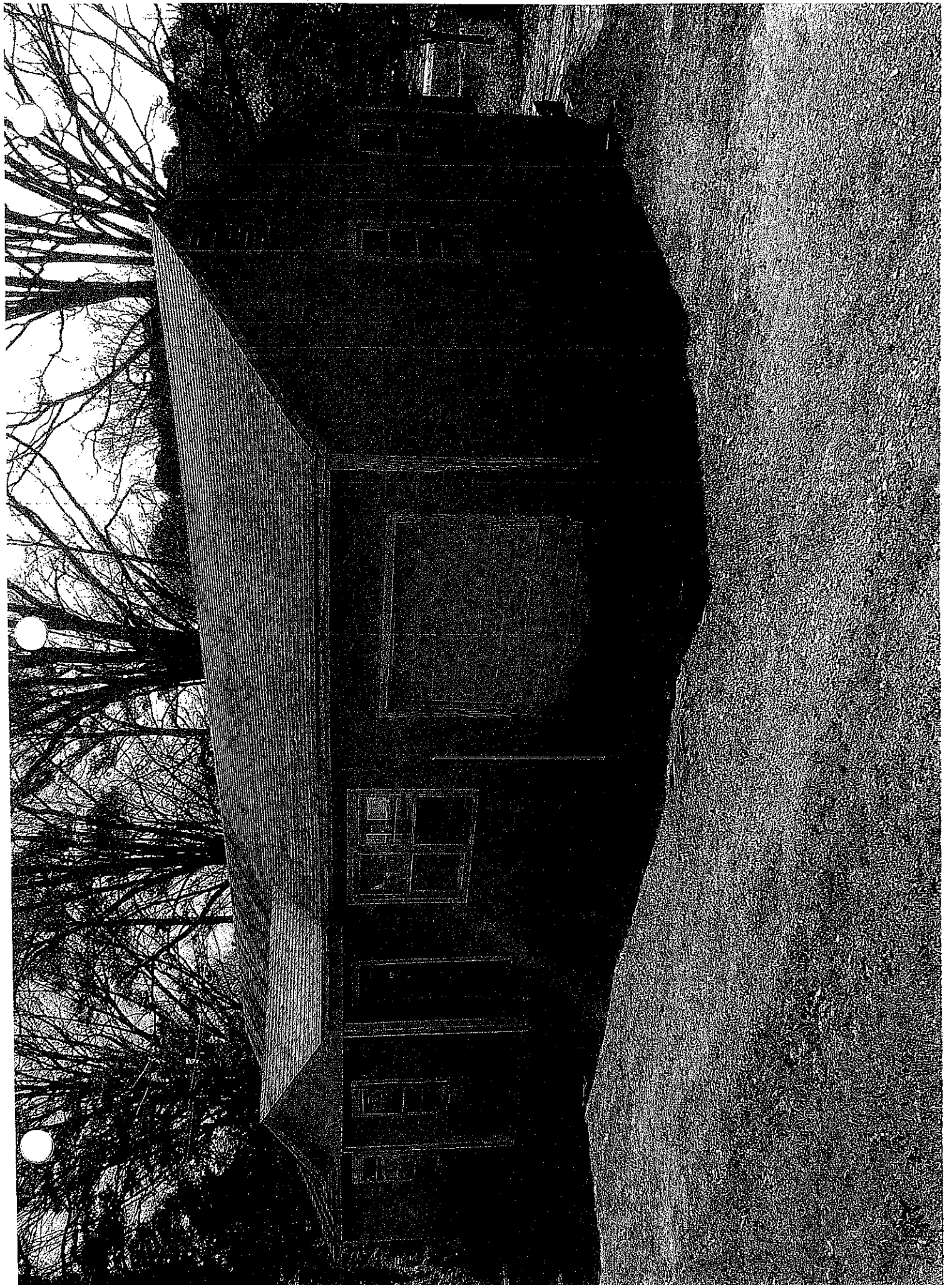
\_\_\_\_\_  
Cindy Stracener, City Clerk











## RESOLUTION NO. 24 OF 2017

### A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE A LAWSUIT IN THE SALINE COUNTY CIRCUIT COURT SEEKING TO ABATE A NUISANCE LOCATED AT 1509 OAK STREET, BENTON, ARKANSAS; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton has been presented with photographs of the conditions of the property located at 1509 Oak Street in Benton, these photographs are attached hereto as Exhibit" 1" collectively; and

WHEREAS, the City Council finds that the conditions at this property 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 this property; and

WHEREAS, the City Council finds and declares that this property is a nuisance to the public which 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 the 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 a public nuisance located at 1509 Oak Street, Benton, Arkansas.

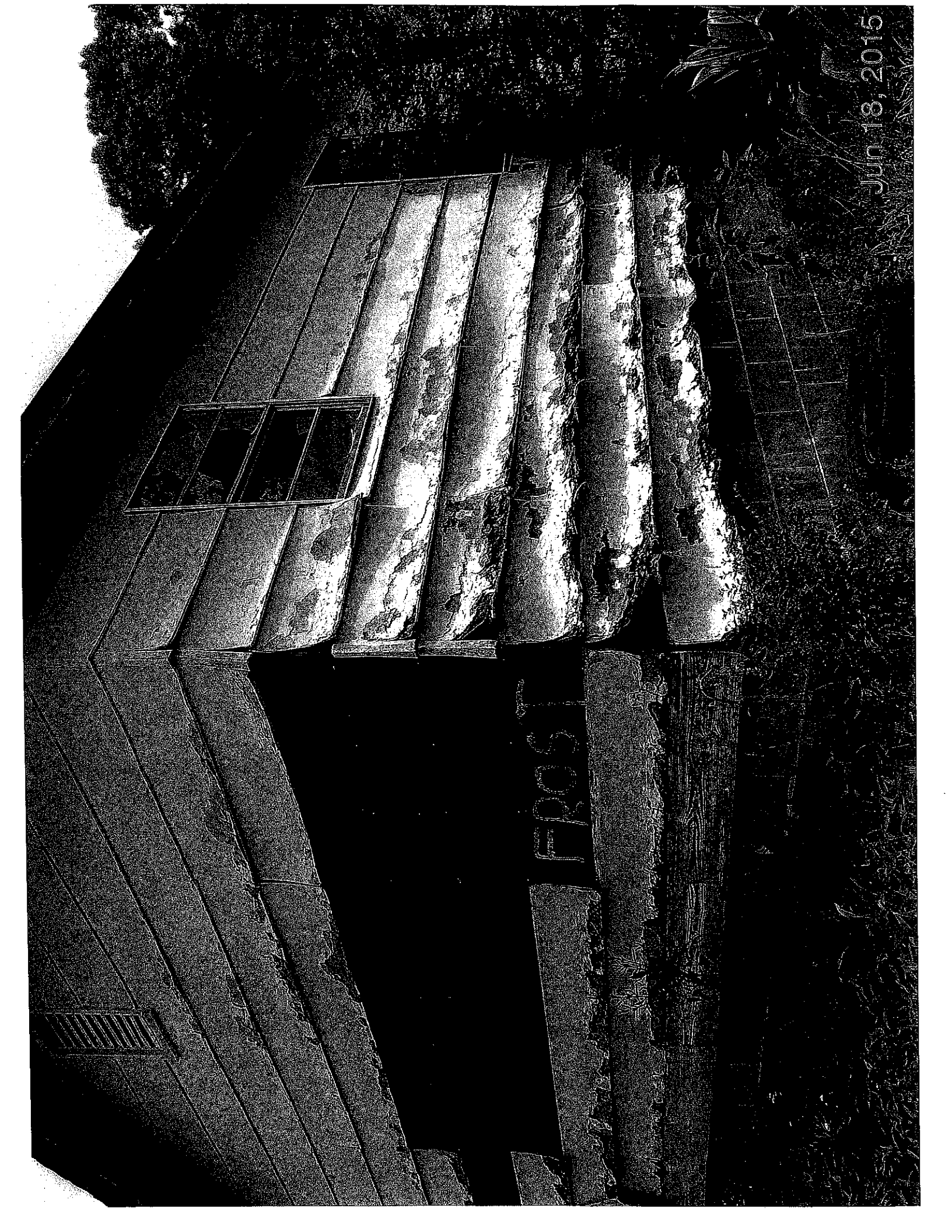
PASSED AND APPROVED this the day \_\_\_\_ of February, 2017.

\_\_\_\_\_  
David J. Mattingly, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk



04/21/2016 10:20

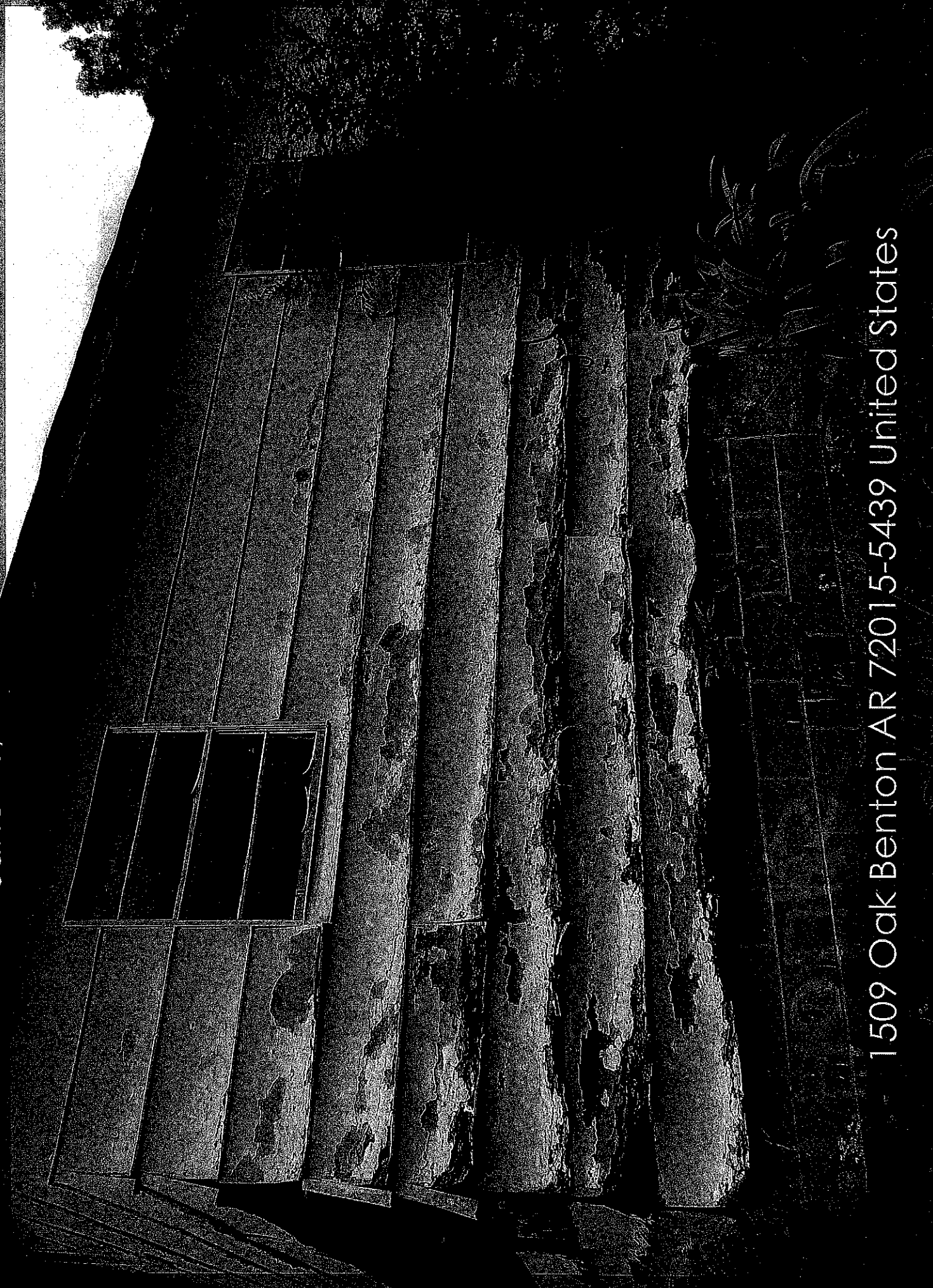


Jun 18, 2015



04/21/2016 10:19

June 18, 2015 at 2:30:25 PM



1509 Oak Benton AR 72015-5439 United States



## RESOLUTION NO. 25 OF 2017

### A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE A LAWSUIT IN THE SALINE COUNTY CIRCUIT COURT SEEKING TO ABATE A NUISANCE LOCATED AT 1613 CEDAR STREET, BENTON, ARKANSAS; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton has been presented with photographs of the conditions of the property located at 1613 Cedar Street in Benton, these photographs are attached hereto as Exhibit" 1" collectively; and

WHEREAS, the City Council finds that the conditions at this property 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 this property; and

WHEREAS, the City Council finds and declares that this property is a nuisance to the public which 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 the 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.

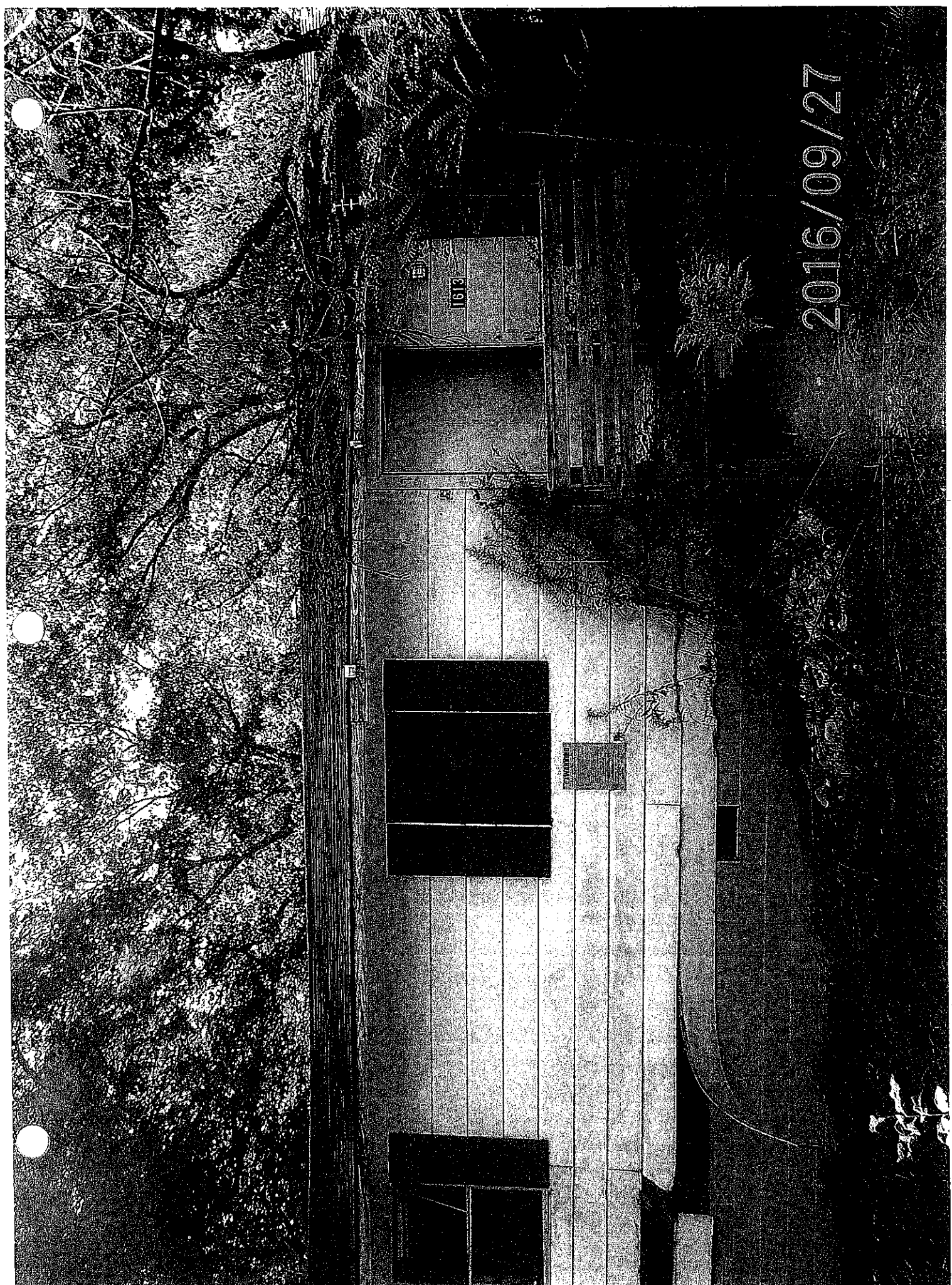
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benton, Arkansas, that:

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 a public nuisance located at 1613 Cedar Street, Benton, Arkansas.

PASSED AND APPROVED this the day \_\_\_\_ of February, 2017.

\_\_\_\_\_  
David J. Mattingly, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk



2016/09/27

