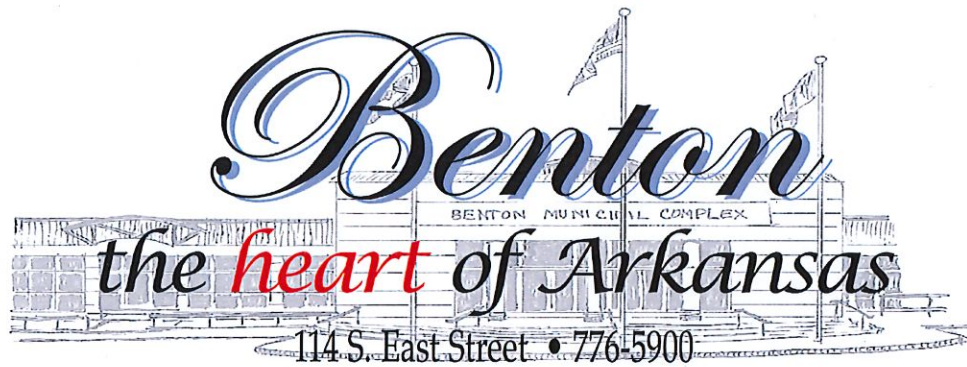


**BENTON CITY COUNCIL  
REGULAR SESSION  
AUGUST 14, 2017  
7:00 PM**



**AGENDA MEETING 6:30 PM**

**PUBLIC HEARING 6:50 PM**



**BENTON MUNICIPAL COMPLEX  
114 SOUTH EAST STREET  
COUNCIL CHAMBERS**

**DAVID MATTINGLY, MAYOR**

**PUBLIC HEARING**

August 14, 2017

6:50 P.M.

AGENDA

1. Call to Order
2. Ordinance to abandon utility easement in Auburn Hills Subdivision
3. Public Comments
4. Adjourn

**August 14, 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 Murphy</b>                         |
| <b>IV.</b>   | <b>Roll Call</b>  | <b>City Clerk</b>                              |
| <b>V.</b>    | <b>Approval of Minutes</b>  | <b>July 24, 2017</b><br><i>Regular Meeting</i> |
| <b>VI.</b>   | <b>Service Award Ceremony</b><br><i>District Chief Greg Ford – 30 years of service</i>  | <b>Mayor Mattingly</b>                         |
| <b>VII.</b>  | <b>Motion to accept City Treasurer’s Report</b>   | <b>Mayor Mattingly</b>                         |
| <b>VIII.</b> | <b>Motion to appoint new Chief of Police</b>  | <b>Mayor Mattingly</b>                         |
| <b>IX.</b>   | <b>Swearing-In Ceremony</b>   | <b>Judge Arnold</b>                            |
| <b>X.</b>    | <b>ORDINANCE NO. 37 OF 2017</b><br><i>AN ORDINANCE LEVYING A TAX ON ALL REAL AND PERSONAL PROPERTY IN THE CITY OF BENTON, ARKANSAS FOR CITY GENERAL; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES AS PROVIDED BY LAW</i>   | <b>Mayor Mattingly</b>                         |
| <b>XI.</b>   | <b>COMMITTEE REPORTS &amp; MOTIONS</b>  |  |
|              | <b>1. Finance Committee</b>   | <b>Alderman Ponder</b>                         |
|              | <b>2. Community Services/Animal Control</b>   | <b>Alderman Reed</b>                           |
|              | <b>A.) ORDINANCE NO. 38 OF 2017</b><br><i>AN ORDINANCE ABANDONING THE CITY’S PARTIAL INTEREST IN A CERTAIN UTILITY EASEMENT LOCATED WITHIN AUBURN HILLS SUBDIVISION PHASE 3; AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS NECESSARY TO PARTIALLY ABANDON THE EASEMENT; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES</i>        |  |
|              | <b>3. Streets &amp; Drainage Committee</b>  | <b>Alderman Baptist</b>                        |
|              | <b>4. Personnel/Health &amp; Safety Committee</b>   | <b>Alderman Donnor</b>                         |
|              | <b>5. Parks Committee</b>   | <b>Alderman Hart</b>                           |
|              | <b>A.) ORDINANCE NO. 39 OF 2017</b><br><i>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 AED/FIRST AID KITS AND SUPPLIES FOR THE PARKS DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> |  |

**B.) ORDINANCE NO. 40 OF 2017**

*AN ORDINANCE SETTING TOURNAMENT PARTICIPATION FEES FOR THE CITY OF BENTON PARKS AND RECREATION DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES*

**C.) RESOLUTION NO. 66 OF 2017**

*A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID FOR THE CONSTRUCTION OF FENCING AT BERNARD HOLLAND PARK; AND FOR OTHER PURPOSES*

**D.) RESOLUTION NO. 67 OF 2017**

*A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE BENTON SCHOOL DISTRICT FOR THE OPERATION OF THE HIGH SCHOOL SWIM TEAM AT RIVERSIDE PARK; AND FOR OTHER PURPOSES*

**E.) RESOLUTION NO. 68 OF 2017**

*A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE BENTON SCHOOL DISTRICT FOR THE OPERATION OF THE HIGH SCHOOL TENNIS TEAM AT TYNDALL PARK; AND FOR OTHER PURPOSES*

**6. Public Utilities Commission**

**Alderman Herzfeld**

**7. A & P Commission**

**Alderman Donnor/Ponder**

**XII. Unfinished Business**

**XIII. New Business**

**XIV. Old Business**

**XV. Announcements**

**XVI. Adjourn**

**MINUTES OF THE BENTON CITY COUNCIL**  
**Regular Session**  
**July 24, 2017**  
**Benton Municipal Complex**

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

Mr. Houston gave the invocation.

Alderman Murphy led the pledge of allegiance.

Roll was called.

The following persons were in attendance:

<b>Alderman Kerry Murphy</b>	<b>Alderman Evelyn Reed</b>
<b>Alderman Jocelyn Cash</b>	<b>Alderman Bill Donnor</b>
<b>Alderman Judd Hart</b>	<b>Alderman James Herzfeld</b>
<b>Alderman Steve Lee</b>	<b>Alderman Jeff Hamm</b>
<b>Brent Houston, City Attorney</b>	<b>Cindy Stracener, City Clerk</b>
<b>David Mattingly, Mayor</b>	

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

The Mayor requested approval for the June 26, 2017 city council meeting minutes. Alderman Hart 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 June 26, 2017 council meeting were approved with 8 affirmative and 2 absent votes.

Jennifer Picklesimer, Mathew McGinty and Joseph Botter were recognized for 10 years of service with the city.

The next item on the agenda was Ordinance 26 of 2017 – An Ordinance Amending Ordinance 56 of 2016; Correcting the Legal Description of Property Which Was Annexed into the Corporate Limits of the City of Benton, Saline County, Arkansas; Declaring an Emergency; and for Other Purposes. Alderman Reed asked for the first reading of Ordinance 26 of 2017; 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 Donnor. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, 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 26 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 Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Ordinance 26 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 which resulted in

**Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. The emergency clause was adopted with 8 affirmative and 2 absent votes.**

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

**Alderman Donnor was recognized for a report from the Finance Committee. Alderman Donnor made a motion to adopt Resolution 59 of 2017 – A Resolution Recognizing the Services of Chief Kirk Lane 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 yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Resolution 59 of 2017 was adopted with 8 affirmative and 2 absent votes. Chief Lane thanked the Mayor and Aldermen; he stated that it was his honor and privilege to serve this city. The Mayor thanked Chief Lane for his service.**

**Alderman Donnor asked for the first reading of Ordinance 27 of 2017 – An Ordinance Waiving Construction Related Fees for the Construction of the Downtown Benton Farmers Market; and For Other Purposes, seconded by Alderman Hart. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Alderman Donnor made a motion to suspend the rules, seconded by Alderman Reed. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Motion to suspend was approved with 8 affirmative and 2 absent votes. Alderman Donnor made a motion to adopt Ordinance 27 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 yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Ordinance 27 of 2017 was adopted with 8 affirmative and 2 absent votes. Alderman Donnor made a motion to adopt the emergency clause, seconded by Alderman Hart. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. The emergency clause was adopted with 8 affirmative and 2 absent votes.**

**Alderman Donnor asked for the first reading of Ordinance 28 of 2017 – An Ordinance Amending the 2017 Budget for 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. The Mayor asked for any comments, none. This is for communication upgrades and radios. Alderman Donnor made a motion to suspend the rules, seconded by Alderman Herzfeld. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Motion to suspend was adopted with 8 affirmative and 2 absent votes. Alderman Donnor made a motion to adopt Ordinance 28 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 yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Ordinance 28 of 2017 was adopted with 8 affirmative and 2 absent votes. Alderman Donnor made a motion to approve the emergency clause, seconded by Alderman Reed. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. The emergency clause was adopted with 8 affirmative and 2 absent votes.**

**Alderman Donnor asked for the first reading of Ordinance 29 of 2017 – An Ordinance Amending the 2017 Budget for General Fund as Adopted in Ordinance 62 of 2016; Accepting Grant Funds From CAPDD; Appropriating Funds for the Purchase of Equipment for the Police Department; 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 Donnor made a motion to suspend the rules, seconded by Alderman Cash. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Motion to suspend was adopted with 8 affirmative and 2 absent votes. Alderman Donnor made a motion to adopt Ordinance 29 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 yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Ordinance 29 of 2017 was adopted with 8 affirmative and 2 absent votes. Alderman Donnor made a motion to approve the emergency clause, seconded by Alderman Herzfeld. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. The emergency clause was adopted with 8 affirmative and 2 absent votes.**

**Alderman Donnor made a motion to adopt Resolution 60 of 2017 – A Resolution Expressing the Willingness of the City of Benton, Arkansas to Utilize Federal –Aid and Surface Transportation Attributable Program Funds; and For Other Purposes; seconded by Alderman Hart. The resolution was read by the city clerk. This is for the roundabout at Longhills and Congo Road. The Mayor asked for any comments, none. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Resolution 60 of 2017 was adopted with 8 affirmative and 2 absent votes. Mr. Houston stated that right of way acquisition will need to take place in order to construct the roundabout. Thus we will need two appraisals from the properties that will be affected to determine the amount of the just compensation that they are entitled to receive.**

**Alderman Donnor asked for the first reading of Ordinance 30 of 2017 – An Ordinance Amending the 2017 Budget for General Fund as Adopted in Ordinance 62 of 2016; Accepting Grant Funds from CAPDD; Appropriating Funds for the Purchase of Equipment for the Fire Department; Declaring an Emergency; and For Other Purposes; seconded by Alderman Herzfeld. The ordinance was read by the city clerk. This is for thermal imaging**

cameras. The Mayor asked for any comments. None. Alderman Donnor made a motion to suspend the rules, seconded by Alderman Herzfeld. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Motion to suspend was adopted with 8 affirmative and 2 absent votes. Alderman Donnor made a motion to adopt Ordinance 30 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 yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Ordinance 30 of 2017 was adopted with 8 affirmative and 2 absent votes. Alderman Donnor made a motion to approve the emergency clause; seconded by Alderman Herzfeld. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. The emergency clause was adopted with 8 affirmative and 2 absent votes.

Alderman Donnor made a motion to accept the 2016 Audited Financials as presented by Yoakum, Lovell & Co., PLC; seconded by Alderman Herzfeld. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. The financials were accepted with 8 affirmative and 2 absent votes.

Alderman Reed was recognized for a report from the Community Service/Animal Control Committee. Alderman Reed made a motion to adopt Resolution 61 of 2017 – A Resolution Naming the Pavilion at Ralph Bunche Park the Charles F. Cunningham, SR. Pavilion in Recognition of Alderman Cunningham’s Services to the City; and For Other Purposes. Seconded by Alderman Donnor. 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 yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Resolution 61 of 2017 was adopted with 8 affirmative and 2 absent votes.

Alderman Reed made a motion to adopt Resolution 62 of 2017 – A Resolution Setting a Public Hearing to Discuss Vacating a Utility Easement Located Along the East Property Line of Lot 102, Auburn Hills Subdivision, Phase 3 (1803 Auburn Hills Drive). 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 yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Resolution 62 of 2017 was adopted with 8 affirmative and 2 absent votes.

Alderman Reed asked for the first reading of Ordinance 31 of 2017 – An Ordinance Establishing a Ninety (90) Day Moratorium on the Permitting and Licensing of any Marijuana Dispensary or Cultivation Facility Within 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 Donnor. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Motion to suspend the rules was adopted with 8 affirmative and 2 absent votes. Alderman Reed made a motion to adopt Ordinance 31 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 Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Ordinance 31 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 which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. The emergency clause was adopted with 8 affirmative and 2 absent votes.

Alderman Reed made a motion to adopt Resolution 63 of 2017 – A Resolution Authorizing the Mayor to Execute a Deed Conveying Certain Property to the Public Utility Commission for the Construction of an Electrical Substation; 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 yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Resolution 63 of 2017 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 the Personnel/Health & Safety Committee. He stated that he had nothing to report.

The Mayor asked for a motion to accept the Advertising and Promotion Commission's audited 2016 financials. Alderman Donnor made that motion; seconded by Alderman Murphy. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Motion was adopted with 8 affirmative and 2 absent votes.

Alderman Hart was recognized for a report from the Parks Committee. Alderman Hart asked for the first reading of Ordinance 32 of 2017 – An Ordinance Amending Ordinance 25 of 2017; Restating the Rates for All Active Duty and Retired Members of the United States Armed Forces at Riverside Park; 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 Hart made a motion to suspend the rules, seconded by Alderman Herzfeld. Roll was called on the motion to suspend which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Motion to suspend the rules was approved with 8 affirmative and 2 absent votes. Alderman Hart made a motion to adopt Ordinance 32 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 Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Ordinance 32 of 2017 was adopted with 8 affirmative and 2 absent votes. Alderman Hart made a motion to adopt the emergency clause; seconded by Alderman Herzfeld. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. The emergency clause was adopted with 8 affirmative and 2 absent votes.**

**Alderman Hart made a motion to adopt Resolution 64 of 2017 – A Resolution Exempting the Amplify Concert From Ordinance 29 of 2007; and For Other Purposes. Seconded by Alderman Cash. 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 yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Resolution 64 of 2017 was adopted with 8 affirmative and 2 absent votes.**

**Alderman Hart asked for the first reading of Ordinance 33 of 2017 – An Ordinance Setting the 2017 Rental Rates for the City of Benton Parks and Recreation Department; 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. Carl West stated he had run the adult softball program for the last five years until this year. The new fees that are trying to be imposed on the sheet, Conway has new infields. I tried to contact those cities that were used for comparison. I did not get in touch with Jonesboro, but they are not an adult friendly facility. Conway gives the deposit back and did not know what the \$30 late fee was, nor do they charge the trash fee. He handed out pictures that he took of our fields this morning. These are only of the adult softball fields, our new fields are a great facility along with our baseball fields. If we go with this new pricing then we are going to price ourselves out. Springdale is listed but they only had one tournament this year. Burns Park did not have any adult tournaments this year. Bryant does not have an adult program. \$100 per field for our new fields is great. If we want to build the program and keep teams here then we have to be on level with everybody else. I would ask that we hold off on voting on this until we can meet at the softball fields and look at them. The Mayor stated that this issue has been through committee and approved by them to be brought before the council. An analysis was done by staff. It does not include other miscellaneous charges that we have to charge to bring us up to where revenue is equal to cost of maintaining and running them. Holly Park, USA Softball of Arkansas stated that they use the new field at Riverside and like to have the championship play there. We don't have a lot of individual tournaments but do try to hold all of the state tournaments and national qualifiers in a central located area. We would like to keep the tournaments in Benton but by charging these new fees we are going to have to increase tournament fees and push the cost onto the individual teams, the youth program. What we would prefer is if we can keep the fees at a reasonable price so the teams could come in and have the larger tournaments so that it would be beneficial to the city, stay in our hotels, eat in our restaurants.**

**Alderman Hart made a motion to suspend the rules; seconded by Alderman Herzfeld. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman**

Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Motion to suspend the rules was adopted with 8 affirmative and 2 absent votes. Alderman Hart made a motion to adopt Ordinance 33 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 Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Ordinance 33 of 2017 was adopted with 8 affirmative and 2 absent votes. Alderman Hart made a motion to adopt the emergency clause, seconded by Alderman Herzfeld. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy no, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. The emergency clause was adopted with 7 affirmative, 1 negative and 2 absent votes.

Alderman Hart asked for the first reading of Ordinance 34 of 2017 – An Ordinance Adopting Certain Safety Policies for Riverside Park; 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 Hart made a motion to suspend the rules; seconded by Alderman Herzfeld. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Motion to suspend was approved with 8 affirmative and 2 absent votes. Alderman Hart made a motion to adopt Ordinance 34 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 Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Ordinance 34 of 2017 was adopted with 8 affirmative and 2 absent votes. Alderman Hart made a motion to adopt the emergency clause; seconded by Alderman Hamm. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. The emergency clause was adopted with 8 affirmative and 2 absent votes.

Alderman Hart made a motion to adopt Resolution 65 of 2017 – A Resolution Authorizing the Construction of an Additional Parking Lot at Riverside Park; Appropriating Funds for this Construction, and For Other Purposes. Seconded by Alderman Reed. The resolution was read by the city clerk. The Mayor asked for any comments. Alderman Murphy stated that his concern was concerning parking lot construction and landscaping that we make sure we are complying with our ordinance. In the plans I saw today none of the landscaping was included. I would like to save the old trees and don't want it to seem that we don't have to do what we require other people to do. The Mayor stated that he would make sure that it goes back through planning and that we abide by the ordinance. The Mayor asked that the roll be called. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy no, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee no, and Alderman Hamm yes. Resolution 65 of 2017 was adopted with 6 affirmative, 2 negative and 2 absent votes.

Alderman Herzfeld was recognized for a report from the Public Utility Commission. Alderman Herzfeld asked for the first reading of Ordinance 35 of 2017 – An Ordinance Waiving Competitive Bidding and Authorizing and Ratifying the Purchase of All Parts and Equipment to Replace Two Decant Clarifiers Located at the Wastewater Treatment Plant of Benton Utilities Wastewater Treatment Department; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Hart. The ordinance was read by the city clerk. David Vondran, PUC Director stated concerning why we are waiving competitive bidding on such a large purchase, we have examined other technologies that also serve the same purpose. The digester and clarifier stir the sludge at the wastewater plant; it is about the size of the council chamber. These funds would be to replace the equipment that fit inside those structures; competing technology would require us to replace the whole structure. \$625,000 was one estimate to replace the structure, we have 2. This ordinance would allow us to purchase the equipment to repair both digesters and clarifiers for \$624,502 and do the work in house. Alderman Herzfeld made a motion to suspend the rules. Seconded by Alderman Hart. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Motion to suspend was adopted with 8 affirmative and 2 absent votes. Alderman Herzfeld made a motion to adopt Ordinance 35 of 2017 on its second and third reading by title only. Seconded by Alderman Lee. The ordinance was read by title only. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Ordinance 35 of 2017 was adopted with 8 affirmative and 2 absent votes. Alderman Herzfeld made a motion to adopt the emergency clause; seconded by Alderman Cash. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. The emergency clause was adopted with 8 affirmative and 2 absent votes.

Alderman Herzfeld asked for the first reading of Ordinance 36 of 2017 – An Ordinance Amending Ordinance 71 of 2015; Correcting a Scrivener's Error in Section 1 of the Ordinance; 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 Herzfeld made a motion to suspend the rules. Seconded by Alderman Lee. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Motion to suspend was approved with 8 affirmative and 2 absent votes. Alderman Herzfeld made a motion to adopt Ordinance 36 of 2017 on its second and third readings by title only. Seconded by Alderman Lee. The ordinance was read by title only. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Ordinance 36 of 2017 was adopted with 8 affirmative and 2 absent votes. Alderman Herzfeld made a motion to approve the emergency clause, seconded by Alderman Lee. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. The emergency clause was approved with 8 affirmative and 2 absent votes.

See attached report from the July 17, 2017 PUC meeting.

Alderman Herzfeld made a motion to accept the 2016 audited financials for the Public Utility Commission as presented by Yoakum, Lovell & Co. Seconded by Alderman Reed. Roll was called which resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cash yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder absent, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Hamm yes. Motion was approved with 8 affirmative and 2 absent votes.

Alderman Donnor was recognized for a report from the Advertising and Promotion Commission. See attached minutes from the July 20, 2017 commission meeting.

The Mayor asked if anyone wished to address the council. Patricia Ashley stated that this past 4<sup>th</sup> of July was horrific, people were throwing fireworks in others yards. People are abusing the privilege of using fireworks. I am hoping this council will repeal the fireworks law for the sake of this city. Fireworks were being shot in neighborhoods that were too loud for neighborhoods. Sometimes you can't determine one of the fireworks from a gun. I am hoping this council will repeal this to make the city safer than it is.

Alderman Donnor stated that he has spoke with Ms. Ashley and has asked for the number of calls from the police department and other data so the public safety committee can meet and discuss the issue.

The meeting adjourned at 8:12 pm.

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Cindy Stracener, City Clerk

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David Mattingly, Mayor

# BENTON ADVERTISING & PROMOTION COMMISSION

## Minutes

July 20, 2017

### I. CALL TO ORDER

Chairman Mark Fikes called the regularly scheduled meeting of the Benton Advertising & Promotion Commission to order on July 20, 2017 at 4:08 pm in the board room of the Benton Area Chamber of Commerce.

### II. ROLL CALL

Commissioners in attendance included: Bill Eldridge, Jerry Ponder, Elgin Hamner IV, Luke Moody, Alison Burch, Mark Fikes, and Bill Donnor.

### III. Luke Moody made the motion to approve the minutes of the June 15, 2017 meeting. Alison Burch seconded. Motion carried.

Jerry Ponder noted that minutes are correct, but that when money was transferred, the actual amount taken from the Operation Account was \$130,683.34.

### IV. REPORT FROM BENTON EVENT CENTER

Director Nikki Chumley reported that 12 events have been held since the last A&P meeting. Several larger events including the Eddie B Concert, Gun & Knife Show, Attorney General Meeting, and the Department of Health meeting.

### V. OLD BUSINESS

None

### VI. NEW BUSINESS

None

### VII. FUNDING REQUESTS

#### *Funding Request 1: Farmers' Market*

Concern was expressed by several commissioners that the proposed Farmers' Market will be on property that is not owned by the City. Jerry Ponder made the motion that the Farmer's Market be recognized as a public building. Motion was seconded by Bill Donnor. Motion carried. Jerry Ponder made the motion that \$5000 be given by the A&P toward the funding of the Farmers' Market. Motion was seconded by Bill Donnor. Motion failed 3-4.

#### *Funding Request 2: Amplify*

Concern was expressed that the promotion of Benton businesses as stated in our A&P Guidelines was not being done by the committee. The issue of giving money to self-

sustaining events was also mentioned. Discussion of the appropriate procedure for collection of A&P tax was discussed. Jerry Ponder made the motion that \$13,500 be awarded to Amplify. Bill Donnor seconded. Motion carried. Jerry Ponder amended his motion to say that \$13,500 will be given for advertising and economic impact for the City. Bill Donnor seconded. Motion carried. The vote was 5-2.

*Funding Request 3: Spook City*

A new funding request was presented. The vote on this request will be done at the August meeting.

VIII. ADMINISTRATIVE

*Industry Comparison*

None

*Past Dues*

Jerry Ponder informed the group that collections are up.

IX. FINANCIAL REPORTS

The financial reports were presented by Gary James. Total assets as of June 30, 2017 for the A&P Commission and the Event Center in the Operating Account is \$350,151.31. This amount is less because of the money taken to apply toward the early bond payment. A&P for the month shows a loss of \$54,541.15 due to the large check written for new carpet for the Center. The monthly Event Center statement shows total sales revenue of \$34,950.20 and expenses of \$24,662.65m making income of \$22,662.65. Year-to-date, the A&P shows a loss of \$54,779.56 due to the painting and carpet updates made to the Event Center. Year-to-date, the Event Center shows a profit of \$106,086.54. If the collection of taxes were removed from the income, net income for the year is approximately \$46,000.00.

X. OTHER BUSINESS

Chairman Mark Fikes presented two items:

(1) The Event Center foyer will need to be painted and have new carpet installed in 2018.

(2) He suggested that the Collections Process of Past Due A&P taxes be done in-house. Jerry Ponder made the motion that the Past-Due Collections Process be done by the Chamber. Bill Donnor seconded. Motion carried.

XI. Adjournment

The meeting was adjourned on the motion of Luke Moody at 5:05pm.

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Mark Fikes

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Jerry Beaty

The City of Benton Utility Commissioners met in regular session Monday, July 17, 2017 at the Electric Utility Building, 1827 Dale Street.

In Attendance:

Phil Miller, Chairman  
Jim Martin, Member  
Charles Best, Member  
Gary Ferrell, Member  
Doug Stracener, Member  
David Vondran, Utilities General Manager

Chairman Miller called the meeting to order with all members in attendance.

## DEPARTMENTAL REPORTS

### Human Resources

- 1.) Employee of the Month-Nathan Schultz Randy Hawkins said it was an honor and privilege to introduce our June Employee of the Month, Nathan Schultz who works in Wastewater Collection and Conveyance Chairman Miller presented Mr. Schultz with an award and thanked him for his service.
- 2.) Employee Handbook- Change to 6 month time limit for bidding on another job opening – David Vondran. Mr. Vondran said this was a holdover from last month's meeting. There is a portion in our handbook where it says our hire-in policy that if a current employee is interested in an open position that the employee must have been in their current roll for 6 months in order to be eligible to apply for the new roll. There were some thoughts on where that originated from and if it came from the old union days and a matter of seniority. He said we would like the best person for the job to be eligible. We would hate to get in a position where an internal candidate that was more qualified than an external candidate, but the internal candidate had only been in their current roll for 4 months and be disqualified. He requested that the Commission remove that restriction from the hiring policy. Member Best made a motion to eliminate the limitation of 6 months for current employees applying for a new job. Member Martin seconded the motion and a vote was taken with unanimous approval given.

### Finance Department

- 3.) June Financials Cindy Hawkins, Comptroller said the financials are not ready, but would be ready by Wednesday. Member Ferrell asked her to send them the financials when they are ready. Mr. Vondran requested a work session after the financials become available on behalf of project funding. Member Martin asked him to put together options with dates, times and when Mr. Vondran will be in town. Mr. Vondran agreed to send the options to Chairman Miller. Mr. Vondran said it would just provide a current snapshot of where we stand.

## Wastewater Treatment

- 4.) Mr. Jonathan Buff thanked the Commission for allowing him to speak. He then went through his spreadsheets (attached) and said it basically gives them a rundown of the last 2 years and where they are this year on flow averages, rain fall, the EQ Basin, gas usage, BTU's, Bio-solid tons and money received from Mannco. On the second page, they get into what they have accomplished. Last year they purchased new high definition security cameras for the plant and at the first of the year they were installed. UCI came back and installed new fiber converters to increase the backbone to 1GB. The cameras are up and working great. We are eventually going to look at adding a few more cameras because these are not pan-tilt-zoom cameras & can purchase two of these for the price of the PTZ cameras. In their headwork's, the department started rehabbing Grit Basin 1 & 2 last year. A pump for each was purchased & installed on 1. They have a pump for Grit 2 in the warehouse and are ready to put it in. They have the material on hand to repair the outside lines and diffuser piping in the basin. Number 2 Grit Basin is complete. The other pump for grit basin 1 is on order and is due to be here around the first part of August. Once they are installed, then both basins will have been overhauled completely. On the Oxidation Ditch, they had a DO sensor on the WesTech Ditch go out. They decided to go with a probe with Xylems YSI Sensor 2020 System. He now has the control in the control tower & operates up to 20 sensors. The next step will be the clarifiers and getting sludge blanket analyzers to monitor through the SCADA. They replaced the piping on top of the silo. The unit at the bottom is a flotation device that developed holes in them and sunk when the basin was built up. The picture indicates they cut the tops out, took the foam out, welded it back and have ordered 2 pound density foam that they will pour back in and have these on hand for replacements in the future. At the EQ Basin we were having some trouble with the camera antenna getting a good signal back at the plant, but the technician said they already have fiber & need to run a short line of fiber to the building to put it on network, and now the EQ Basin is on the network. The biggest issue we have had so far this year is the digester that makes a triangular shape. That is the WesTech floatation type digester and the platform actually floats up and down with a level in the unit. They think they have made the necessary repairs to the unit. They still have two pumps to install for this year and the grit basin repair. Member Ferrell asked if maximum flow of 5 months out of 12 exceeded the daily max and what is the maximum. Mr. Buff said the maximum daily capacity is 12 million and the design capacity is 8.3, but our UV sensor is rated for 12 million gallons. We won't push any more than 12 million thru the plant. We will divert anything close to that to the EQ Basin and bring it back later. This year we have only reached 10.8 million on 1 day. We don't have a flow meter on for Willow Street, so that is kind of skewed a little bit. You see what the plant sent to the EQ Basin but we don't know how much additional flow came from the Willow Street Pump Station. He has only had the EQ Basin filled twice where he really got concerned. Member Ferrell asked what happens if it fills up to capacity and Mr. Buff said they have only 2 options, they can turn the pumps off at Willow Street and it runs over or it will run over at the plant once the EQ fills up. He won't let it go over the banks at the EQ Basin because it will do more damage there than letting it run over at Willow Street. He doesn't think they have ever had an over flow. Our Aerobic Digesters, particularly the 2 smaller ones and the 2 small clarifiers are our old digesters that were installed back in 1985. The manufacturer was Welles Product then and do not even exist anymore. Our biggest problem with the digesters right now is safety. There is deterioration on the digesters and one in particular has a lot of swaying. We are getting a surge if it comes out toward the wall and have

had it splash over the wall several times. They have been using the Ginny Lift to do any kind of washing. On the budget page, they had put a replacement for Digester & Decant Clarifier number 2 with a total of \$624,578.00. They just wanted to replace what existed & WesTech was the only company that provides anything close to this equipment. Adam Trish is here representing McClelland and he can go over the cost estimates. The proposal from WesTech includes both digesters 1 & 2. They would like to waive competitive bidding so this equipment can be ordered and delivered by December 31<sup>st</sup>. This is for equipment only; all installation will be done in house. They may need help on the electrical with tying the DFD's in and running the power back out to the unit, but they will do piping and conduit. There will be some costs tied to the crane service, piping and valves in the yards. We are basically looking at digging 3 holes with 2 valves per hole. They will do line stops on each line and replace the valves on each. He will need to order 4 more. He would like the Commission's approval to order the equipment because he thinks they we can replace both for what they had actually budgeted for 1. Mr. Adam Trish with McClelland Engineers said you should have the budget numbers that we set up August 13th of last year for the total cost of \$624,557.50. As you see, the original numbers were \$310,000, but with the Utility doing the installation in-house, \$75,000 of it goes away, some of the contingency goes away, and the engineering design goes away to a certain point. The equipment alone, with BFD's and everything delivered to the site it is about \$555,000 for both digesters. With some incidentals of removing and installing equipment, crane rental and electrical sub, we are proposing about the same number to do both digesters at \$624,502.00 vs. the budgeted price for a contractor install and design at \$624,577.00 from last year. On the expense schedule, if they purchase the equipment now, you pay 10% in August, 15% in September, and 25% in October, November and December so the Utility is not hit with one giant expense. Member Martin asked how critical these digesters are to the overall operation and Mr. Trish said they solidify and densify all sludge and reduce your overall sludge volume. He asked them to go visit the digesters and see if they would work on them. There is a reason why they are using a jenny lift to work on and clean them. If you are not watching your step then you had better watch out is all he can say. Being able to take your volume from your oxidation ditches and return your decant... it plays a vital role in the plant. If they have 1 in 3 gone and replace 2, and once the 2 is replaced they could take number 3 down and replace it. Member Martin said the big one is not sufficient to handle the 2 smaller ones then and Mr. Buff said not by itself. He doesn't think they can with the way they decant and process. We can send flow to it and that is how they filled it back up. Having both of them down would not be a good thing for sure Mr. Trish said they evaluated 3 different technologies. Fluidine is a jet aeration system where you install blowers and pumps. You have mixing pumps in the digesters and external blowers. There is a stainless steel air head in the bottom of the ditch that potentially could clog. There are 2 motors and it would be more maintenance intensive and more expensive than this option. They also looked at Envent which is a bottom mounted mixer, so instead of having a 6' shaft with a propeller on the bottom, now you have a 15' shaft with a cone block. It states it uses less energy, but that was for mixing only. It may bring you down to 15HP being used, but you need a 40HP blower on with it to dry the aeration... now we are back to the blower and mixing with a long shaft. Having a 15' shaft in the water would seem to have even more ragging issues. It starts to drive that cheaper price up. Your digester is crucial to processing your sludge. Going to a different technology and style of aeration may affect sludge production. The content change in the product may not be acceptable to Mannco and we have to find another purchaser. WesTech is the better option. Mr. Buff said all of the equipment was put in in 2008 & 2009 by Max Foote

Construction and was all WesTech. The #3 digester, oxidation ditch and the clarifier are all WesTech. Member Ferrell asked what the impact would be if we took the worst of the 2, replaced it and put the 3<sup>rd</sup> one in in 2 years. Mr. Buff said there is a bigger discount in it for ordering 2, and it included the staircase. Member Ferrell asked what is in the budget currently and Mr. Vondran said yes, originally all 7 of these projects were in the budgeted. They are saying item 5 is priority, which would be for 1 digester and clarifier for \$624,000. Both 5 & 7 both can be done for the page 2 estimate of \$624,000. This estimate for 2 digesters represents \$624,502.00 (item 5) which was originally for 1 single digester done turnkey by a contractor. Member Best said this is all in this year's budget and Mr. Vondran said yes. Member Ferrell asked about the valve replacement estimate and Mr. Buff about \$18,000 or \$19,000. The line stop quote was \$15,000 and he still needs \$3,000.00 or \$4,000 worth of valves. Mr. Vondran said just as important as the total project cost is the cash flow chart on page 2 of the McClelland Estimates. Member Martin made a motion to accept the recommendation of the staff and engineer in regard to the purchase of the equipment to retrofit these two digesters (number 5 & 7) but not to exceed the \$624,578 that is budgeted, along with the extra \$18,000 and subscribe to the cash flow that was presented in the same recommendation. Member Best seconded the motion. Mr. Vondran asked as a point of order, if they need to a waive of competitive bidding and if it subsequently needs to be taken to City Council. Member Martin agreed and Member Best seconded the motion. A vote was taken and unanimous approval given.

Member Martin said last year the safety guy had a litany of issues and things that the various departments need to work on. He asked if they had addressed any of those issues. Mr. Buff said they took pictures of what was corrected and put them in a book that the safety guy provided, but they are still working on knocking them out. One of their biggest issues was some old caustic that was up by the old RVC's that the company came out and picked up. They emptied the tanks and totes and then took them down. There were some small electrical issues, like conduits that had come loose that they corrected.

## OLD BUSINESS

### 5.) Bid Approval-Hurricane Lake Substation Testing & Commissioning – David Vondran

Mr. Vondran said this is the last bid package for the Hurricane Lake Substation. Mr. Ward Hesselbein, Hestco Engineering opened bids Thursday at 10 am. We received 3 bids. The low bidder was CE Power Engineering Services, LLC (\$49,759.00). The 2<sup>nd</sup> low bidder was Shermco Industries, Inc. at \$79,012.00. The 3<sup>rd</sup> bidder was Hestco at \$115,000.00. Mr. Hesselbein did not want to present a conflict of interest. His comments are attached. CE Power had quite a few exceptions to the bid and did not agree to the testing and commissioning of any equipment related to SCADA, or any equipment related to the RTU's and automation controllers. It was not a complete bid and not apples to apples. At this point, the decision comes between the remaining 2 bids. Based on Mr. Hesselbein's review of the bids, it is his recommendation to the Commission to go with the second low bidder which is the responsive low bid of Shermco of \$79,012. He said this is a non-budgeted expenditure in addition to approximately \$440,000 structural steel expenditure that is still out there and has not been paid. Roughly, for the substation we are looking at ¾ of a million dollars of unbudgeted expenditures to finish the substation. Member Stracener asked what the original projected cost of the substation was, and Mr. Vondran said he thought it was about 2.3 to 2.5 million. Member Ferrell asked if it would hit 3.25 and Mr. Vondran said he is not sure. Member Ferrell asked if Entergy's connection is

included in this budget and Mr. Vondran said no sir. Member Stracener asked if the high side connection had been made and Mr. Vondran said the high side dead ends have been installed and they have brought the lines into the dead ends inside the high side of the sub, and currently have jumpered those so that their transmission line is in service and they are waiting on us. Whenever we are ready they will come out and remove the jumpers. We have no proposal for that from Entergy. Mr. Vondran said that work is done and they did not send us a bill Member Best asked where the money is coming from and Mr. Vondran said it is coming from reduced expenditures. Our departments have not begun any of the projects they set out to do this year due to the costs we have had to cut in order to absorb these expenditures. The project was delayed through the winter months and into the next fiscal year to where the timing of those expenditures has hit us during the lean months. The completion for the testing and commissioning is the end of August. We will then call Entergy and they will tell us when they will take their outage. Member Ferrell made a motion to use Shermco Industries and Member Stracener seconded the motion. A vote was taken and unanimous approval given.

6.) Discussion on Private User Lift Stations and Public Lift Stations – Randy Hawkins

Mr. Hawkins said he and Mr. Vondran had a very good meeting last Tuesday with Community Development and Animal Control Committee, all of the alderman and alderwomen that were present, Mayor Mattingly, Brent Houston and Mr. Tim Tinnel the Community Development Director is present tonight and on Tuesday. We need to relinquish these stations that are clearly Private User Stations, Commercial and Residential. He made a brief presentation to those present and tried to explain the ordinances governing our directions and that we were spending city funds on private assets and working on private property with City crews and equipment, and do need to methodically and carefully proceed with the relinquishment of these stations. On the Commercial side, a good tool would be the adoption of this clarification of policy and would be helpful to have something clear and concise to explain our reasons why we cannot maintain these lift stations. This document defines what a private liftstation is verses a public liftstation. He read a summation of the private user. It is supported by Ordinance 19 of 1995 in identifying what the building sewer entails. He read who a public lift station serves. From everything he can ascertain, this list of private user lift stations was developed years ago and long before the Public Utility Commission was established. However, for fairness and liability exposure this is something that needs to be dealt with. He drafted this for the Commission's recommendation and he does recommend it. Mr. Vondran said the Council Members of the Committee were in support and invited us to start sending notification letters to the commercial users. Mr. Hawkins said there are 10 commercial that we have identified, 30 residential and 4 churches. He estimates that we are spending at least \$50,000 a year on these private user lift stations. We are paying for electricity and pumps... and that would be an easy year. Mr. Vondran said it was original intent to notify the commercial users and let them know that beginning January 1, 2018 they will assume full responsibility and need to spend the rest of this year planning for this. Member Best asked if the ones we are taking in won't have any cost to them and we will upgrade them if we have to and Mr. Hawkins said yes, for the public ones. Member Best asked if we are just requesting they give us the liftstation and the easements. Mr. Vondran said we are not taking any of these in. These are single and private users. Member Stracener said he assumes they are in a position where we could not make them public property by easement or something. Mr. Hawkins said they have 1 connection and Member Stracener asked if they are physically possible. Mr. Hawkins said if there are other connections as far as serving our community with 1, but it would be too small.

Most of the private users on the residential will be real small...2 HP at the biggest, but typically 1 HP. Member Stracener asked if they have separate meters and Mr. Hawkins said yes. Mr. Vondran said some of them are First Electric customers and we are paying their electric bill. Member Martin asked if the commercial ones as in our inventory as far as assets from a financial depreciation schedule and Mr. Hawkins said no. Member Martin asked who will be responsible from the standpoint of us having a sewer overflow. Mr. Hawkins said they will be responsible just like their neighbors are that have their own station. Member Martin asked if they will have to report to DPCE or whatever it is. We are able to absolve ourselves with no liabilities in regards to those private pumps and Mr. Hawkins said yes, now if there is a spill on the ground and we are made aware, then we will do what we can to help stop it. Member Martin asked if we need to make the plumbing community aware that those pumps for those individuals are no longer part of the City so we don't get into that battle of them calling a plumber and the plumber saying that is the responsibility of the City. Mr. Hawkins said we would encourage the owners to get a service company in advance of the projected date that we will be relinquishing them. We can certainly try to get the word out to the plumbers. Member Ferrell asked if we are going to be very plain that if there is power there, it will also become their responsibility and will exit that in January and if we will also tell them that we will be notifying ADEQ that we will no longer be responsible for their lift stations. Mr. Hawkins said yes, he thinks that is in order. Mr. Vondran said and if BU should choose to get into the business of providing the service, then there is the development of rates and monthly fees. Mr. Hawkins said and personnel. If we do it for them then there will be others who will want to and there are many private user stations that we don't take care of that aren't on the list. Member Ferrell said we could make money on it and Mr. Vondran agreed. Mr. Hawkins said Russellville had a policy where they charged X amount of money per month to take care of everything. Bryant does that, but absorbs it in their sewer rates. There are a different set of circumstances for just about every city. Until our ordinances are changed this is where we are at. This tool would be helpful. Member Martin made a motion to adopt the clarification of the policy as it relates to the private user lift stations for commercial and residential users as presented by the staff. Member Ferrell seconded the motion.

#### NEW BUSINESS

- 7.) Brad Jordan & Paul Singh-Property at Congo & Longhills (Paul Singh's Property). Requesting waiver of fees for installation of utilities due to his having a gas station on the corner and economic impact on Benton being good. Mr. Brad Jordan, Economic Development Director for the City of Benton said Mr. Singh was not able to attend tonight but here to advocate for his friend and local businessman, Paul Singh, owner of the Gas-N-Go store on Newcomb Street. Mr. Singh purchased the property at the corner of Congo Road and Longhills Road where he intends to construct a convenience store that will help service the population growth that we have seen. That corner was not within the City, so he had it annexed a couple of months ago. However, there are no utilities and the cost will be extremely high. He then handed out a cost estimate sheet to the Commissioners. These are the approximate dollar figures for this project to get water, sewer and electric to this property. He has had offers by large corporate interests to purchase the property, and at a larger dollar figure than he purchased it for. He would be able to turn a profit but Mr. Singh is very much invested in Benton. It is a family owned business. His request is that the Commissioners would cover the cost or at least minimize some of the costs for these infrastructure improvements. Mr. Vondran asked if there are any funds by the City from

the Economic Development Account toward this project and Mr. Jordan said they are exploring that right now. Member Stracener asked what guarantee to we have that once we put the utilities in that he won't sell the property. Mr. Jordan said he just trusts him and Mr. Stracener said no, we can't trust him for a business move. Mr. Stracener asked if we know what the annual revenues are for that site and Mr. Jordan said dry goods estimate for the first year just in sales tax is \$109,000 and you would be about \$76,000 in the first year. Mr. Dewayne Hood said Mr. Jordan said that wasn't our customer, but demolished structure was actually a Benton water customer. As far as reducing the cost of getting water to that site, whenever that site was first looked at he and the fire department had discussed having a 6" main bored underneath Congo in order to have better fire protection on that side of the road, but that has been minimized to just a service line for him now, so there has already been a considerable amount of cost reduction to get water to that site, but it was an existing water customer. Mr. Vondran asked if he knows if the Mayor and or the Council is thinking about a Memorandum of Understanding that would allow the Utilities to recoup some of that proposed sales tax or is this just a request of the Utilities. Mr. Jordan said they had not discussed that. Member Martin said in order for him to develop this corner, you are asking this Utility to contribute \$52,500.00 to make that a profitable corner. Mr. Jordan said or to minimize it, yes. Member Martin said this would open the door for every person who wants to build a profit business in this community and they would be asking us for consideration to forego connection fees or costs of infrastructure development. Mr. Jordan said yes, they did have that discussion. Member Stracener said that means he is going to sell over 3.6 million dollars in dry goods and Mr. Jordan said that is what his estimation was Mr. Vondran said this pre-dates him but he doesn't know of any similar contribution was made for the Kum-N-Go on the corner of Military and Lincoln or the Hendricks property of Hardees or Valero Big Red on South Street.. Member Best said not on South Street he can tell them that. Mr. Darren Prysock, Electric Assistant Manager said they paid for everything on electric. Mr. Hawkins said he knows Mr. Jordan comes with very noble intentions, but the Dollar General across the road paid their way and they were not in the City at that time either. They had to bore under the road and put in a liftstation and he knows they will have to have a liftstation for the sewer. It is a matter of fairness. Member Martin said the ordinance says we can't spend Utility money on private property... but the City Council can make us do it, but we can't do it on our own. Mr. Hood said the departments are not doing projects that they had budgeted because they don't have funding for them. It is really a hard pill to swallow when your are trying to do the job you are given to do, and someone local or nonlocal wants something for a for profit business. Chairman Miller said he can't speak for the other Commissioners, but he thinks it would be a very tough thing for BU financially to do it, plus the can of worms that will be opened to anybody else who wants to develop here. We can't fund development for people. For him, it would have to be a no because of this. Member Martin made a motion to reject Mr. Singh's Messenger's request for assistance in developing that corner. This may help him to make his decision to sell it for whatever profit he can get out of it. Member Stracener seconded the motion. Mr. Tennant said Mr. Singh has spent the money to have engineering, building design through the P&Z Commission and he factored into the design a request from the City for right of ways he had to give up. He doesn't know if that gives any indication of his willingness and dedication to that corner or not. Member Best said right now there are no funds. Member Ferrell said the main thing is the ordinance says we can't do that. A vote was taken and unanimous approval given.

8.) Revision of Ordinance 71 of 2015 – David Vondran

Mr. Vondran said this is an ordinance to fix a typographical error. The ordinance on top is the proposed ordinance, and it is currently with the city attorney for his review on the wording. The basis of this ordinance is Ordinance 71 of 2015, and is the most recent water rate ordinance. In amended ordinance #3 of 2009, which is also attached, the highlighted portions are what we are bringing to your attention. In 2009, in Section 1, the rate for 5/8 and 3/4 meter service was \$11.75 base rate. Ordinance 71 of 2015 incorrectly restated that as \$11.35, and we need to correct that so that we are billing according to the most recent ordinance. Member Ferrell made a motion to send the ordinance for correction. Member Stracener seconded the motion. A vote was taken and unanimous approval given.

9.) Member Ferrell asked if they found anything on the Hurricane Lake Liftstation easement and Mr. Vondran said the property where the plant was located was not deeded over to the City. What has been deeded over to the City is the individual, small blocks where the pump stations are individually located, but the large parcel where the plant is located has not. Member Best said he thinks we bought the big liftstation. The deeds that the City Attorney sent over to him to review are the individual, small, cascading lift stations along Worth Avenue. Member Best said they had lots but they have not deeded them to us, but that is the deeds you have there. Mr. Vondran said that is correct. Member Best said the main tract never got deeded to the City... the treatment plant and liftstation. He wanted to sell all of that but we didn't want to buy it. We wanted to buy the liftstation and we should have a deed for the liftstation. Member Ferrell said so we never had an agreement that the treatment plant was ours and Member Best said no, it never was. It was supposed to be, but somehow that fell into the crack. Mr. Hood said we maintained that treatment plant, the permit was in the City of Benton's name, the discharge permit & had staff out there maintaining that for a period of time. Then we quit maintaining it and there was an agreement for us to purchase just the big, main Hurricane Lake liftstation that we have made multiple upgrades on. We bought that liftstation, but as far as the existing plant, it is all still owned by Michael Rogers. He doesn't recall seeing a deed for the lift station property, and doesn't remember the exact amount paid for the liftstation. Member Martin said it was around \$250,000. We don't own anything from the existing plant back out to Highway 5. Mr. Vondran said just before he transitioned over to BU, Mr. Dan Moudy came before the planning committee on behalf of Mr. Michael Rogers to get all of that property rezoned C2 prior to zoning ordinance coming into affect. He can check with Mr. Tenant to see if an affidavit of ownership for that rezoning process may be in that file. Mrs. Wilson asked how much it was and Member Martin said \$250,000. Member Best said he thought the price was in the \$50,000's. Mr. Buff said he was thinking someone was trying to purchase all of the lift stations at one time for back taxes and he thinks that is how we bought them, knowing they were not deeded over to the City. He thinks they went back to make sure all of those stations, including the one in front of the plant was actually deeded. Member Best said he asked Mr. Rogers if he would give them to us if we just get him the deeds and it took 2 or 3 years, but we finally got them. That is kind of what happened. Mr. Hawkins said he would have to go back after one more, but got that taken care of and he was real nice about it. We have an address there for the main pump station, so maybe we do have the deed. Chairman Miller said that is the most confusing thing he has ever seen.

Member Best made a motion to adjourn with a second by Member Ferrell.  
Meeting adjourned at 7:37 PM.

**Tina Coston**

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**From:** Mandy Spicer  
**Sent:** Friday, August 04, 2017 10:15 AM  
**To:** David Mattingly  
**Cc:** Tina Coston  
**Subject:** FW: City of Benton audited financials

Please see the attestation below from the Treasurer.

---

**From:** Jordan Woolbright [<mailto:jordanwoolbright@hotmail.com>]  
**Sent:** Friday, August 04, 2017 9:46 AM  
**To:** Mandy Spicer <[mspicer@bentonar.org](mailto:mspicer@bentonar.org)>  
**Cc:** Michael Collier <[michael@bentonar.org](mailto:michael@bentonar.org)>; Nicole. Barringer <[nbarringer@bentonar.org](mailto:nbarringer@bentonar.org)>  
**Subject:** Re: City of Benton audited financials

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

**Based upon my reading of the City of Benton's "General and Other Funds Financial Reports" for the period ending June 2017, I approve the financial reports for the period ending June 2017.**

If you need anything, please do not hesitate to let me know.

All the best,

Jordan Woolbright

Sent from [Outlook](#)

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**From:** Mandy Spicer <[mspicer@bentonar.org](mailto:mspicer@bentonar.org)>  
**Sent:** Monday, July 31, 2017 9:21 AM  
**To:** Woolbright, Jordan ([jordanwoolbright@hotmail.com](mailto:jordanwoolbright@hotmail.com))  
**Cc:** Michael Collier; Nicole. Barringer  
**Subject:** City of Benton audited financials

Good morning,

Attached are the audited financials for the City of Benton. Please let me know if you have any questions.

**ORDINANCE NO. 37 OF 2017**

**AN ORDINANCE LEVYING A TAX ON ALL REAL AND PERSONAL PROPERTY IN THE CITY OF BENTON, ARKANSAS FOR CITY GENERAL; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES AS PROVIDED BY LAW**

**WHEREAS**, under the laws of the State of Arkansas, the City Council of any Municipality may, on or before the time fixed by law for levying county taxes, levy certain taxes on both the Real and Personal Property assessed that is within the City; and

**WHEREAS**, the amount of the levy shall be certified and placed and extended upon the tax books by the County Clerk and shall be collected in the same manner that the State and County taxes are collected by the Tax Collector.

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

**SECTION 1.** The City Council hereby authorizes and levies the following taxes on the Real and Personal Property which has been assessed within the City of Benton, Arkansas:

**1. City General Purposes:**

2.8 Mills on the Dollar on Real property and Personal property.

**2. Fireman's Pension and Relief Fund:**

.9 Mills on the Dollar on Real property and Personal property.

**SECTION 2.** This ordinance is necessary for the preservation of the peace, health and safety of the citizens of the City of Benton, Arkansas, therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately from and after its passage and approval.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

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

DESIGNATED FOR PUBLICATION

**ORDINANCE NO. 38 OF 2017**

**AN ORDINANCE ABANDONING THE CITY'S PARTIAL INTEREST IN A CERTAIN UTILITY EASEMENT LOCATED WITHIN AUBURN HILLS SUBDIVISION PHASE 3; AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS NECESSARY TO PARTIALLY ABANDON THE EASEMENT; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, the City owns a certain 15 foot utility easement situated in an area that runs north along the east (side) property line of Lot 102 Auburn Hills Subdivision Phase 3 (1803 Auburn Hills Drive) owned by Mike Orndorff Construction, LLC. within the city, which the West 10 feet is not being utilized by the City; and

WHEREAS, Benton Utilities have no utilities within the West 10 foot portion of the easement the owner desires to restore that 10 foot portion back to the unrestricted acreage of Lot 102; and

WHEREAS, Benton Utilities has approved abandoning the West 10 foot portion easement; and

WHEREAS, the City Council held a public hearing on abandoning the side easement on August 14, 2017 at 6:50 pm prior to the passage of this ordinance; and

WHEREAS, it is the desire of the City Council of the City of Benton that the city abandon its ownership interest in this West 10 foot of its utility easement on the property.

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

SECTION 1: The City of Benton hereby abandons its ownership interests in a certain utility easement described in this Ordinance, that being the western 10 foot of the utility easement on Lot 102 Auburn Hills Subdivision Phase 3 (1803 Auburn Hills Drive). The Mayor may execute any document reasonably required to release the city's interest to the landowners.

SECTION 2. An immediate need exists to clarify for the property owner the easements which the City requires retention of all ownership interests on its property, an emergency is declared and this ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED and APPROVED this the \_\_\_\_\_ day of August, 2017.

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

Attest:

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

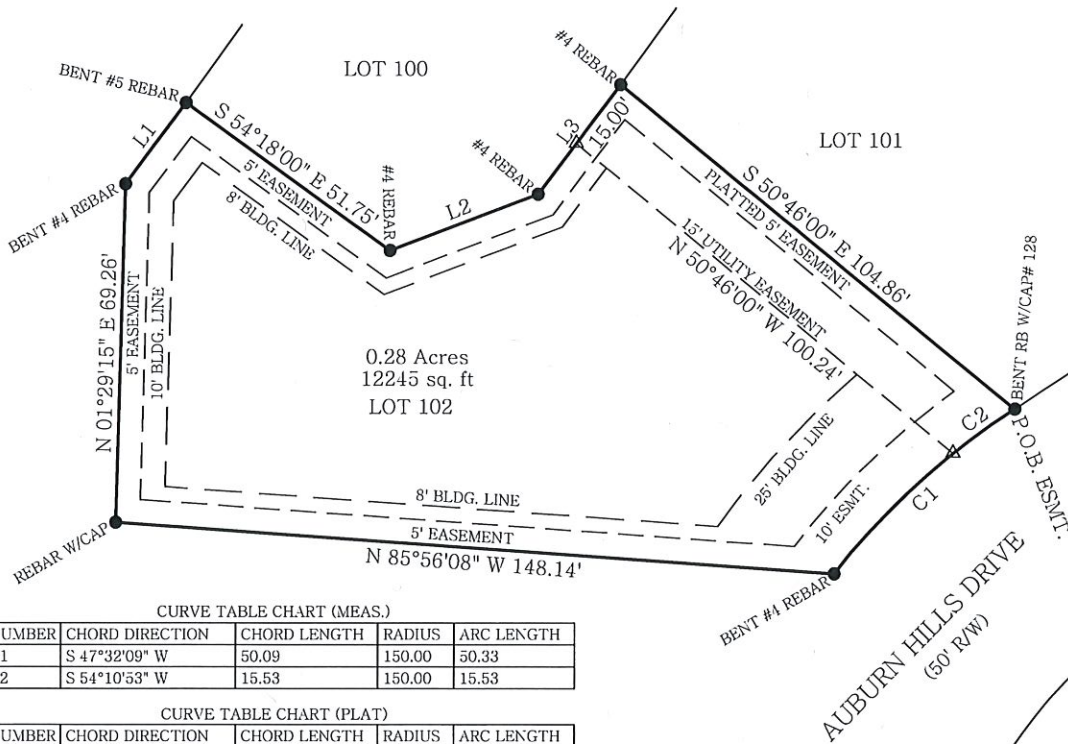
DESIGNATED FOR PUBLICATION

UTILITY EASEMENT ON LOT 102,  
AUBURN HILLS SUBDIVISION,  
PHASE 3,  
TO THE CITY OF BENTON,  
SALINE COUNTY, ARKANSAS

15' UTILITY EASEMENT DESCRIPTION AS SURVEYED

THAT PART OF LOT 102, AUBURN HILLS SUBDIVISION, PHASE 3, TO THE CITY OF BENTON, SALINE COUNTY ARKANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 102, AUBURN HILLS SUBDIVISION, PHASE 3, TO THE CITY OF BENTON, SALINE COUNTY ARKANSAS; THENCE SOUTHWESTERLY ALONG THE WEST RIGHT OF WAY LINE OF AUBURN HILLS DRIVE 15.53 FEET ALONG A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 150.00 FEET SAID CURVE HAVING A CHORD DIRECTION OF SOUTH 54°10'53" WEST AND A CHORD LENGTH OF 15.53 FEET; THENCE NORTH 50°46'00" WEST LEAVING SAID WEST RIGHT OF WAY LINE 100.24 FEET TO A POINT ON THE EAST LINE OF LOT 100, AUBURN HILLS SUBDIVISION, PHASE 3, TO THE CITY OF BENTON, SALINE COUNTY ARKANSAS; THENCE NORTH 36°52'29" EAST ALONG SAID EAST LINE THERE OF 15.00 FEET TO THE SOUTHWEST CORNER OF LOT 101, AUBURN HILLS SUBDIVISION, PHASE 3, TO THE CITY OF BENTON, SALINE COUNTY ARKANSAS; THENCE SOUTH 50°46'00" EAST ALONG SAID SOUTH LINE THEREOF 104.86 FEET TO THE POINT OF BEGINNING. CONTAINING 0.04 ACRES, MORE OR LESS.



CURVE TABLE CHART (MEAS.)

NUMBER	CHORD DIRECTION	CHORD LENGTH	RADIUS	ARC LENGTH
C1	S 47°32'09" W	50.09	150.00	50.33
C2	S 54°10'53" W	15.53	150.00	15.53

CURVE TABLE CHART (PLAT)

NUMBER	CHORD DIRECTION	CHORD LENGTH	RADIUS	ARC LENGTH
C1	S 47°05'51" W	49.72	150.00	49.95

LINE TABLE CHART (MEAS.)

NUMBER	DIRECTION	DISTANCE
L1	N 36°36'06" E	20.75'
L2	N 69°19'46" E	32.56'
L3	N 36°52'29" E	28.07'

LINE TABLE CHART (PLAT)

NUMBER	DIRECTION	DISTANCE
L1	N 35°47'44" E	20.78'
L2	N 67°51'00" E	33.34'
L3	N 35°59'46" E	28.15'

LEGEND

- - FOUND MONUMENT
- ⊙ - SET #5 REBAR/CAP #1506
- △ - COMPUTED POINT
- ⊙ - CONTROLLING CORNER
- - FENCE



308 W. South Street  
Benton, AR 72015  
Office/Fax: (501) 860-6893  
E-Mail: aaron@razsurvey.com

FOR USE AND BENEFIT OF:

MIKE ORNDORFF

PROPERTY ADDRESS:

AUBURN HILLS DRIVE  
BENTON, AR.



DATE: 12-29-16 JOB#: 290-16

DRAWN BY: DCR

FILE: C:\DRAWINGS\AUBURN HILLS PH. 3\LOTS 100-103

CHECKED BY: JAR

**ORDINANCE NO. 39 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 AED/FIRST AID KITS AND SUPPLIES FOR THE PARKS DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City Council has determined that the city needs to purchase new AED/First Aid kits and supplies for the parks department; and

WHEREAS, the City Council needs to amend the 2017 Parks Fund budget to account for these purchases.

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 expenditures for the operations of the city are attached hereto as Exhibit "1" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget to appropriate funds for the purchase of AED/First Aid kits and supplies. 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 August, 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 Parks 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**

#### Parks Budget

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$4,946,151	-0-	\$4,946,151
Personnel	\$1,464,794	-0-	\$1,464,794
Operations & Maintenance	\$1,132,807	\$6,500	\$1,139,307
Capital Items	\$2,337,096	-0-	\$2,337,096

### **Section 2: Disbursements - Fiscal Year 2017**

#### Capital Items

This budget amendment allows for the purchase of AED/ First Aid Kits & first aid supplies (ambu masks, fire extinguishers, etc) in the amount of \$6,500 (750.610.35.00) in the Parks Department.

Ordinance No. 40 of 2017

AN ORDINANCE SETTING TOURNAMENT PARTICIPATION FEES FOR THE CITY OF BENTON PARKS AND RECREATION DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council has determined it is in the best interest of the city to set tournament participation fees which are charged by the Parks and Recreation Department.

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

SECTION 1. The City Council does hereby adopt the tournament participation fees which are attached hereto collectively as Exhibit "1" to this ordinance. The fees collected from these rates shall be applied to the cost of maintaining and operating the park system.

SECTION 2. The fees established herein shall remain in effect until such time as the City Council modifies them by ordinance.

SECTION 3. Because of the need to set tournament participation fees for the City of Benton Parks and Recreation Department, in particular for the upcoming tournament season, an emergency is hereby declared and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this \_\_\_\_\_ day of August, 2017.

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

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

DESIGNATED FOR PUBLICATION

**PROGRAMMING**

- Adult Softball.....\$475 per Team
- Youth Softball (Spring)
  - Instructional-6U..... \$40 per Child
  - 8U-16U..... \$50 per Child
  - Tournament Teams (Practice Only).....\$250
  - Multi-Child discount; \$10 OFF 2<sup>nd</sup> Child, 3<sup>rd</sup> Child Free.
- Youth Softball (Fall)..... \$100 Per Team
  - Early registration..... \$75
  - Benton Park Spring League Teams.....\$50
- Blastball (Spring & Fall)..... \$25 per Child
  - Multi-Child discount; \$10 OFF 2<sup>nd</sup> Child, 3<sup>rd</sup> Child Free.
- Junior Team Tennis (Spring & Fall)..... \$50 per Child
  - Multi-Child discount; \$10 OFF 2<sup>nd</sup> Child, 3<sup>rd</sup> Child Free.
- Tennis for Tots.....\$25 per Child
  - Multi-Child discount; \$10 OFF 2<sup>nd</sup> Child, 3<sup>rd</sup> Child Free.
- Mixed Doubles League.....\$60 per Couple, \$40 Individual
- Summer Tennis Clinics..... \$40 per Child
  - Multi-Child discount; \$10 OFF 2<sup>nd</sup> Child, 3<sup>rd</sup> Child Free.
- Youth Track.....\$50 per Child
  - Multi-Child discount; \$10 OFF 2<sup>nd</sup> Child, 3<sup>rd</sup> Child Free.
- Little Olympians.....\$25 per Child
  - Multi-Child discount; \$10 OFF 2<sup>nd</sup> Child, 3<sup>rd</sup> Child Free.
- Men's Basketball League (Summer & Winter)..... \$250 Per Team, \$50 Free Agent
  - 25% Discount if half team are River Center Members
  - Winner of Playoffs-Free admission to next season
- Youth Volleyball-Fall.....\$45 per Child
  - Multi-Child discount; \$10 OFF 2<sup>nd</sup> Child, 3<sup>rd</sup> Child Free.
- Adult Volleyball..... \$250, \$50 Free Agent
  - 25% Discount if half team are River Center Members
  - Winner of Playoffs-Free admission to next season
- Coed Kickball League..... \$150, \$50 Free Agent
  - 25% Discount if half team are River Center Members
  - Winner of Playoffs-Free admission to next season
- Men's Flag Football League..... \$250, \$50 Free Agent
  - 25% Discount if half team are River Center Members
  - Winner of Playoffs-Free admission to next season

**\*\*TOURNAMENT TEAM FEE: (Practice Only) \$250**

RESOLUTION NO. 66 OF 2017

A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID FOR THE CONSTRUCTION OF FENCING AT BERNARD HOLLAND PARK; AND FOR OTHER PURPOSES

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

WHEREAS, it is recognized that the bid by Nichols Fence was \$426.00 lower, it was however deemed to not be acceptable because its' product will not match the appearance of the existing fencing which is important for the aesthetics of the park and was therefore rejected. Also, Fence World has the needed materials in stock with the proper size of posts and rails.

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

SECTION 1: The bid of Fence World in the amount of \$33,400.00 is the lowest acceptable bid for the construction of fencing at Bernard Holland Park from the bid tabulation sheet with is attached as Exhibit "1" to this Resolution.

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

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

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

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

Exhibit "1"

## Bernard Holland Park Fence Bids

Vendor Name	6-Gauge Black Vinyl Fence 1453"	Double Gate (2)	Walk Through Gate (2)	Galvanized 5" Fence 200"	Price	Bonded/Insured
Nichols Fence	YES	YES	YES	YES	\$32,974	NA
Fence World	YES	YES	YES	YES	\$33,400	NA
Delta Specialty Contractors	YES	YES	YES	YES	\$37,130	NA
United Fence	YES	YES	YES	YES	\$39,474	NA
Midwest Construction	YES	YES	YES	YES	\$68,367	NA

Parks recommendation is to use Fence World Inc. They did the installation of the current fencing at Riverside Park and would match the appearance of the current fencing. In addition they have the fencing needed in stock along with the proper size post and rails.

RESOLUTION NO. 67 OF 2017

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE BENTON SCHOOL DISTRICT FOR THE OPERATION OF THE HIGH SCHOOL SWIM TEAM AT RIVERSIDE PARK; AND FOR OTHER PURPOSES

WHEREAS, the City Council has determined that it needs to enter into a contract with the Benton School District for using the River Center Natatorium for operating the high school swim team.

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

SECTION 1: The Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Benton, the agreement with the Benton School District which is attached hereto as Exhibit "1" for the operation of the high school swim team at Riverside Park and to execute such other documents as may be necessary or convenient to accomplish the purpose of this resolution.

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

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

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

**Benton Parks and Recreation Department  
2017 Program Agreement**

This agreement made and entered into on \_\_\_\_\_, 2017 by and between the CITY OF BENTON PARKS AND RECREATION DEPARTMENT, doing business at 1800 Citizens Drive, Benton, Arkansas (hereinafter called "THE CITY"), and Benton High School, doing business at 211 North Border street, Benton, Arkansas (hereinafter called "BHS").

WITNESSETH

WHEREAS, THE CITY maintains property at River Center Natatorium in Benton, Arkansas; and

WHEREAS, the use of said property for the purpose of the BHS has been considered the best use of this property for recreational purpose and to better service the citizens of Benton, Arkansas.

WHEREAS, the City provides and maintains certain recreational facilities for programs and parks in Benton, and

WHEREAS, BHS provides program administration and operations of the High School Swim Team in Benton,

NOW, THEREFORE, in consideration of mutual covenants and promises set forth herein, the parties agree as follows:

THE CITY agrees to grant use of River Center Natatorium between Sept 5th, 2017 and Feb 24th, 2018, as outlined here to BHS for the operation of the High School Swim Team.

Named property will be used by BHS for swim meets, practices and try-outs on the dates and times listed on the schedules provided to THE CITY.

The general conditions of this program agreement will be:

1. BHS will operate in accordance with nondiscrimination requirements of Title VI of the 1964 Civil Rights Act.
2. It is further agreed that program personnel must adhere to all provisions of the Americans with Disabilities Act (ADA) that apply to a particular program.
3. Program personnel and participants agree to abide by all Federal, State, and Local laws in addition to the policies of THE CITY pertaining to parks and facilities.
4. It is understood that THE CITY will not be liable for any injuries incurred by participants who are participating in activities on or in THE CITY facility. BHS indemnify and hold the City of Benton, its departments and all of its employees harmless against losses, claims, causes of action and liabilities on account of damage to property or injury to or death of persons arising out of negligent acts by BHS, its agents, employees, or program participants.
5. It is agreed that the named facility, area, or property may not be assigned, subleased, rented, reserved or loaned to any other group, business, individual, or entity by BHS without prior approval by THE CITY.

6. No alterations, changes, or modifications to change the intended use may be made to facilities by BHS, without first receiving written approval from THE CITY. BHS must submit a detailed request in writing to THE CITY'S Park Department.
7. BHS assumes full responsibility and liability for damage caused by participants of their programs. Any damage caused will be fixed by BHS. If the repair is neglected for a long period of time, THE CITY will make the necessary repairs and bill the BHS.
8. BHS must inspect facilities prior to each use. If damage is discovered to equipment or that the facility poses an immediate hazard or danger, BHS must immediately notify THE CITY'S Park Department. Damaged equipment or facilities that do not pose a danger or hazard should be discussed with THE CITY. BHS must report any vandalism or theft to THE CITY within 24 hours or next business day.
9. With this agreement, BHS agrees to pay the charge of \$500 for use of the facilities during the agreed times and lane usage for practice purposes. Payment must be received by November 1st, 2017.
10. BHS will be granted use of 3 lanes (lanes 6,7,8) for practice purposes on Monday-Friday from 3:30 to 5:00 PM between Oct 2nd, 2017 and Feb 23rd, 2018. Two tryouts will be allowed on Sept 5<sup>th</sup> and 7<sup>th</sup> between 4:00 and 5:00 PM. Use of two lanes will be permitted for try-outs.
11. With this agreement, BHS swimmers MUST present their facility IDs to Park Staff every time they enter the facility and sign in. A team roster must be turned in before Sept 30<sup>th</sup>, 2018. The roster must include First Name, Last Name, DOB, address, phone number, email address, emergency contact, and emergency contact phone number.
12. In order to participate on the BHS Swim Team in practices and meets, BHS swimmers will not be required to be members of the River Center. However, swimmers who are not members may not under any circumstances be in the River Center Natatorium without a high school coach or teacher present in charge of supervising them. When the practice ends, all non-members must leave before the coach or teacher leaves.
13. BHS is allowed use of the River Center Natatorium only.
14. THE CITY will charge \$4 per swimmer for a facility fee for any swim meet. THE CITY will complete meet set up and provide a console operator for \$100 per meet.
15. BHS agrees to host a maximum of 2 swim meets per year for the rates above. One meet will be on January 25<sup>th</sup>, 2018.
16. BHS will be responsible for meet cleanup and providing volunteers. There will be a \$50/hour cleaning fee if the facility is not cleaned up after the swim meet.
17. BHS will be responsible for providing their own meet officials, timers, and meet marshals.
18. BHS has the first option to charge admission fees during those meets.
19. BHS will have access to the timing system, starting system, and the scoreboard for the duration of the swim meets under THE CITY supervision. Advertising on scoreboard and hanging sponsor banners requires an approval from THE CITY.
20. BHS will be allowed to promote themselves on scoreboard and with signage around the facility.
21. BHS agrees to return this agreement signed by the appropriate persons, and any and all additional requested material before September 1<sup>st</sup>, 2017.
22. BHS will control all litter by picking up litter their program creates after each time the facility is used. The litter must be placed in the proper receptacle by BHS.
23. BHS will provide proper insurance for the programs they will be operating on city property. Proof of insurance must be attached to this program agreement before regular season starts. BHS understands that their program participants are in no way covered by insurance by THE CITY.
24. BHS will submit contact person(s) for after business hours' emergencies.

25. At the request of THE CITY, BHS will remove all their equipment at the completion of this agreement period.
26. BHS will insure that their employees or participants do not attempt to operate equipment belonging to THE CITY.
27. THE CITY agrees to the following specific conditions and assurances:
  - A. The Natatorium will be maintained on a regular schedule.
  - B. THE CITY will be responsible Monday-Sunday for the pool chemicals.
  - C. THE CITY will purchase and replace light bulbs. If extensive damage is caused by weather or vandalism, the replacement time for lights may be longer than usual.
  - D. THE CITY will attempt to repair damage to facilities in a timely manner, according to repairs needed.
  - E. THE CITY upon written request by the BHS will provide a liaison to the BHS Swim Meetings to assure the maintenance program is satisfactory.
  - F. Permanent improvements to facilities and fields will become property of THE CITY.
  - G. Non-permanent improvements will be retained by BHS Swim Team.
28. The term of this agreement shall be one (1) year, and shall begin on the first day of the month in which this agreement is executed by the parties.
29. This agreement shall automatically be renewed for like terms for successive one (1) year periods until this agreement is terminated by either party.
30. The party electing to terminate this agreement shall do so by providing ninety (90) days written notice before the end of the term of this agreement, of that party's intent not to renew this agreement.
31. THE CITY or BHS may amend this agreement by the mutual assent of both parties.

If this agreement is amended, it will be written, signed by both parties stated and attached to this original agreement.

IN WITNESS, WHEREOF the parties hereto have caused this agreement to be executed in their behalf on BHS; and supersede any and/or all previous agreements, contracts, or leases.

City of Benton

A municipal Corporation,

\_\_\_\_\_, Mayor

Parks Department

\_\_\_\_\_ Assistant Director

BHS Authorized Representative,

\_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 2017

RESOLUTION NO. 68 OF 2017

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE BENTON SCHOOL DISTRICT FOR THE OPERATION OF THE HIGH SCHOOL TENNIS TEAM AT TYNDALL PARK; AND FOR OTHER PURPOSES

WHEREAS, the City Council has determined that it needs to enter into a contract with the Benton School District for using Tyndall Park for operating the high school tennis team.

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

SECTION 1: The Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Benton, the agreement with the Benton School District which is attached hereto as Exhibit "1" for the operation of the high school tennis team at Tyndall Park and to execute such other documents as may be necessary or convenient to accomplish the purpose of this resolution.

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

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

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

**Benton Parks and Recreation Department  
2017 Program Agreement**

This agreement made and entered into on \_\_\_\_\_, 2017 by and between the CITY OF BENTON PARKS AND RECREATION DEPARTMENT, doing business at 913 E. Sevier St., Benton, Arkansas (hereinafter called "THE CITY"), and Benton High School, doing business at 211 North Border street, Benton, Arkansas (hereinafter called "BHS").

WITNESSETH

WHEREAS, THE CITY maintains property at Tyndall Park in Benton, Arkansas; and

WHEREAS, the use of said property for the purpose of the BHS has been considered the best use of this property for recreational purpose and to better service the citizens of Benton, Arkansas.

WHEREAS, the City provides and maintains certain recreational facilities for programs and parks in Benton, and

WHEREAS, BHS provides program administration and operations of the High School Tennis Team in Benton,

NOW, THEREFORE, in consideration of mutual covenants and promises set forth herein, the parties agree as follows:

THE CITY agrees to grant use of Tyndall Park between June 1st, 2017 and October 20<sup>th</sup>, 2017, as outlined here to BHS for the operation of the High School Tennis Team.

Named property will be used by BHS for tennis matches, practices and tryouts on the dates and times listed on the schedules provided to THE CITY.

The general conditions of this program agreement will be:

1. BHS will operate in accordance with nondiscrimination requirements of Title VI of the 1964 Civil Rights Act.
2. It is further agreed that program personnel must adhere to all provisions of the Americans with Disabilities Act (ADA) that apply to a particular program.
3. Program personnel and participants agree to abide by all Federal, State, and Local laws in addition to the policies of THE CITY pertaining to parks and facilities.
4. It is understood that THE CITY will not be liable for any injuries incurred by participants who are participating in activities on or in THE CITY facility. BHS indemnify and hold the City of Benton, its departments and all of its employees harmless against losses, claims, causes of action and liabilities on account of damage to property or injury to or death of persons arising out of negligent acts by BHS, its agents, employees, or program participants.
5. It is agreed that the named facility, area, or property may not be assigned, subleased, rented, reserved or loaned to any other group, business, individual, or entity by BHS without prior approval by THE CITY.

6. No alterations, changes, or modifications to change the intended use may be made to facilities by BHS, without first receiving written approval from THE CITY. BHS must submit a detailed request in writing to THE CITY'S Park Department.
7. BHS assumes full responsibility and liability for damage caused by participants of their programs. Any damage caused will be fixed by BHS. If the repair is neglected for a long period of time, THE CITY will make the necessary repairs and bill the BHS.
8. BHS must inspect facilities prior to each use. If damage is discovered to equipment or that the facility poses an immediate hazard or danger, BHS must immediately notify THE CITY'S Park Department. Damaged equipment or facilities that do not pose a danger or hazard should be discussed with THE CITY. BHS must report any vandalism or theft to THE CITY within 24 hours or next business day.
9. With this agreement, BHS agrees to pay the charge of \$0 for use of the facilities during the agreed times and court usage for practice purposes in exchange for THE CITY to run track programming on the BHS Track Complex (PARKS PROGRAMS).
10. BHS will be granted use of 4 courts for practice purposes on Monday-Friday from 3:30 to 5:00 PM between June 1<sup>st</sup>, 2017 and October 20<sup>th</sup>, 2017.
11. A team roster must be turned in before June 1<sup>st</sup>, 2017. The roster must include First Name, Last Name, DOB, address, phone number, email address, emergency contact, and emergency contact phone number and guardians signature.
12. There will be a \$50/hour cleaning fee if the facility is not cleaned up after any tennis match.
13. BHS agrees to return this agreement signed by the appropriate persons, and any and all additional requested material before June 1<sup>st</sup>, 2017.
14. BHS will control all litter by picking up litter their program creates after each time the facility is used. The litter must be placed in the proper receptacle by BHS.
15. BHS will provide proper insurance for the programs they will be operating on city property. Proof of insurance must be attached to this program agreement before regular season starts. BHS understands that their program participants are in no way covered by insurance by THE CITY.
16. BHS will submit contact person(s) for after business hours' emergencies.
17. At the request of THE CITY, BHS will remove all their equipment at the completion of this agreement period.
18. BHS will insure that their employees or participants do not attempt to operate equipment belonging to THE CITY.
19. THE CITY agrees to the following specific conditions and assurances:
  - A. The Tennis Courts will be maintained on a regular schedule.
  - B. THE CITY will purchase and replace light bulbs. If extensive damage is caused by weather or vandalism, the replacement time for lights may be longer than usual.
  - C. THE CITY will attempt to repair damage to facilities in a timely manner, according to repairs needed.
  - D. Permanent improvements to facilities and fields will become property of THE CITY.
  - E. Non-permanent improvements will be retained by BHS Tennis Team.
20. The term of this agreement shall be one (1) year, and shall begin on the first day of the month in which this agreement is executed by the parties.
21. This agreement shall automatically be renewed for like terms for successive one (1) year periods until this agreement is terminated by either party.
22. The party electing to terminate this agreement shall do so by providing ninety (90) days written notice before the end of the term of this agreement, of that party's intent not to renew this agreement.

23. THE CITY or BHS may amend this agreement by the mutual assent of both parties.

If this agreement is amended, it will be written, signed by both parties stated and attached to this original agreement.

IN WITNESS, WHEREOF the parties hereto have caused this agreement to be executed in their behalf on BHS; and supersede any and/or all previous agreements, contracts, or leases.

City of Benton

A municipal Corporation,

\_\_\_\_\_, Mayor

Parks Department

\_\_\_\_\_ Assistant Director

BHS Authorized Representative,

\_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 2017