

# **BENTON CITY COUNCIL MEETING**

**JULY 11, 2016**

**7:00 PM**



**Public Hearing – Ordinance No. 25 of 2016 – 6:00 PM**

**Presentation of A&P Audited Financials - 6:15 PM**

**Presentation of PUC Audited Financials - 6:30 PM**



**AGENDA MEETING 6:45 PM**



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

**DAVID MATTINGLY, MAYOR**

**PUBLIC HEARING**

**July 11, 2016**

**6:00 P.M.**

**AGENDA**

**1. CALL TO ORDER**

**2. ORDINANCE NO. 25 OF 2016**

**3. PUBLIC COMMENTS**

**4. ADJOURN**

**REGULAR SESSION**

**July 11, 2016**

**7:00 PM**

**AGENDA**

- I. Call to Order** **Mayor Mattingly**
- II. Invocation**
- III. Pledge of Allegiance** **Alderman Terrell**
- IV. Roll Call** **City Clerk**
- V. Approval of Minutes** **June 27, 2016**  
*Regular Meeting*
- VI. Service Awards Presentation** **Mayor Mattingly**  
*Chief of Police Kirk Lane - 10 years*  
*Assistant Chief of Police Scotty Hodges -20 years*  
*Officer Robert Shell - 20 years*  
*Lieutenant Jeff Kling - 20 years*
- VII. New Officer Swearing-In Ceremony** **Judge Arnold**  
*Dustin Derrick, Ryne Besancon, Brandus Howard, Matthew Kuntz,*  
*Carlton Lawyer and James Bell*
- VIII. COMMITTEE REPORTS & MOTIONS**
- 1. Finance Committee** **Alderman Ponder**  
**A.) RESOLUTION NO. 39 OF 2016**  
*A RESOLUTION TRANSFERRING FUNDS FROM THE SAFETY AND STABILITY FUND TO THE GENERAL FUND; AND FOR OTHER PURPOSES*
- 2. Community Services/Animal Control** **Alderman Reed**  
**A.) RESOLUTION NO. 40 OF 2016**  
*A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH DORIS BAILEY FOR THE LEASE OF REAL PROPERTY LOCATED AT 205 EAST SOUTH STREET, SUITE 1 IN BENTON; AND FOR OTHER PURPOSES*  
**B.) ORDINANCE NO. 27 OF 2016**  
*AN ORDINANCE WAIVING CONSTRUCTION RELATED FEES FOR THE CALL HOUSE RENOVATIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES*
- 3. Streets & Drainage Committee** **Alderman Cunningham**
- 4. Personnel/Health & Safety Committee** **Alderman Donnor**
- 5. Parks Committee** **Alderman Lee**
- 6. Public Utilities Commission** **Alderman Herzfeld**  
**ORDINANCE NO. 25 OF 2016 - 2<sup>nd</sup> Reading**  
*AN ORDINANCE FIXING RATES FOR SERVICES RENDERED BY THE SEWER SYSTEM OF THE CITY OF BENTON, ARKANSAS; PRESCRIBING OTHER MATTERS RELATING THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES*

**7. A & P Commission**

**Alderman Donnor/Ponder**

**IX. Unfinished Business**

**X. New Business**

**XI. Old Business**

**XII. Announcements**

**XIII. Adjourn**

**MINUTES OF THE BENTON CITY COUNCIL**  
**Regular Session**  
**June 27, 2016**  
**Benton Municipal Complex**

The Benton City Council was called to order for a regular session at 7:01 pm.

The Mayor gave the invocation.

Alderman Herzfeld led the pledge of allegiance.

Roll was called.

The following persons were in attendance:

<b>Alderman Frank Baptist</b>	<b>Alderman Kerry Murphy</b>
<b>Alderman Charles Cunningham</b>	<b>Alderman Evelyn Reed</b>
<b>Alderman Bill Donnor</b>	<b>Alderman Jerry Ponder</b>
<b>Alderman Judd Hart</b>	<b>Alderman James Herzfeld</b>
<b>Alderman Steve Lee</b>	<b>Brent Houston, City Attorney</b>
<b>Cindy Stracener, City Clerk</b>	<b>David Mattingly, Mayor</b>

When roll was called nine (9) council members were present. Alderman Lori Terrell was absent. A quorum was declared.

The Mayor requested approval for the June 13, 2016 city council meeting minutes. Alderman Cunningham made a motion to approve the minutes, seconded by Alderman Hart. 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 13, 2016 council meeting were approved with 9 affirmative votes and 1 absent.

Sergeant Larry Applegarth was honored as the May employee of the month.

Sergeant Jeremy Riedmueller and Detective Jamar Bennett were recognized for 10 years of service with the city.

Alderman Donnor made a motion to adopt Resolution 37 of 2016 – A Resolution Declaring Certain Property as Surplus; and Authorizing the Sale of the Surplus Property at Auction. Seconded by Alderman Murphy. The resolution was read by the city clerk. The surplus property is from the Police Department. The Mayor asked for any comments. None. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Resolution 37 of 2016 was adopted with 9 affirmative votes and 1 absent.

The next item on the agenda was committee reports and motions. Alderman Ponder was recognized for the Finance Committee report. He stated that Yoakum and Lovell gave a review of the 2015 audited financials. Our audit procedures do meet GAP standards for governmental accounting.

**Alderman Ponder made a motion to accept the 2015 audited financial as presented. Seconded by Alderman Lee. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Motion was approved with 9 affirmative and 1 absent vote.**

**Alderman Ponder made a motion per Ordinance 84 of 2007 to transfer ½ of the \$150,651 of the revenue over expenditures to the Safety and Stability Fund. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Motion was approved with 9 affirmative and 1 absent vote.**

**Alderman Ponder stated that the Finance Committee will meet tomorrow at 5:30 pm to discuss the Palace Theater.**

**Alderman Reed was recognized for a report from the Community Service/Animal Control Committee. She stated that she had nothing to report.**

**Alderman Cunningham was recognized for a report from the Streets and Drainage Committee. He stated that he had nothing to report.**

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

**Alderman Lee was recognized for a report from the Parks Committee. Alderman Lee made a motion to adopt Resolution 38 of 2016 – A Resolution Exempting Saturday July 2<sup>nd</sup> from Ordinance 29 of 2007; Providing for Fireworks Displays by the Public Pursuant to Ordinance 32 of 2013 on the Same Date; and For Other Purposes. Seconded by Alderman Reed. The resolution was read by the city clerk. The Mayor asked for any comments. Alderman Lee stated that this allows all of the residents to shoot on July 2<sup>nd</sup>. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Resolution 38 of 2016 was adopted with 9 affirmative and 1 absent vote.**

**Alderman Lee asked for the first reading of Ordinance 26 of 2016 – An Ordinance Amending the 2016 Budget for the Parks and Recreation Fund as Adopted in Ordinance 64 of 2015; Appropriating Funds for the Parks Department; Authorizing the Purchase of a Scoreboard and Timing System from Colorado Timing Systems, Inc. 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 Lee made a motion to suspend the rules for the second and third readings of Ordinance 26 of 2016. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman**

Lee made a motion to adopt Ordinance 26 of 2016 on its second and third readings by title only. Seconded by Alderman Murphy. The ordinance was read by title only. The Mayor asked for the roll to be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Ordinance 26 of 2016 was adopted with 9 affirmative and 1 absent vote. Alderman Lee made a motion to approve the emergency clause. Seconded by Alderman Reed. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. The emergency clause was approved with 9 affirmative and 1 absent vote.

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

Alderman Ponder was recognized for the Advertising and Promotion Commission report. He stated that he did not have a report but would send a report from the last commission meeting to the clerk for inclusion in the next council meeting's packets. See attached.

There was not any unfinished, new or old business.

The Mayor stated that this Saturday will be the 4<sup>th</sup> of July Bash and fireworks show. A public hearing will be held on July 11<sup>th</sup> concerning the sewer rate increase. The Advertising and Promotion Commission will give its annual report to the council on July 11. The Public Utility Commission will give its annual report right after the Advertising and Promotion Commission annual report.

The meeting adjourned at 7:18 pm.

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Cindy Stracener, City Clerk

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David Mattingly, Mayor

# BENTON ADVERTISING & PROMOTION COMMISSION

## Minutes

June 16, 2016

### I. CALL TO ORDER

Acting Chairman Jerry Ponder called the regularly scheduled meeting of the Benton Advertising & Promotion Commission to order on June 16, 2016 at 4:03 pm in the boardroom of the Benton Area Chamber of Commerce.

### II. ROLL CALL

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

### III. MINUTES

Bill Donner made a motion to approve the minutes of the May 19, 2016 meeting. Alison Burch seconded. Motion carried.

### IV. REPORT FROM NIKKI CHUMLEY, BENTON EVENT CENTER

There have been 28 events at the Benton Event Center within the last 30 days, making this time period the busiest 30 days in 2016. She projects reaching 250,000 attendees before October 2016.

### V. OLD BUSINESS

None

### VI. NEW BUSINESS

None

### VII. FUNDING REQUESTS

1. The commissioners reviewed the Funding Request Application from Downtown Benton, Inc. for Spook City that was presented at the May 19, 2016 meeting. After discussion, Bill Eldridge made the motion to award \$1,500 to this event. Alison Burch seconded. Motion carried.

2. The commissioners reviewed the Funding Request Application from Fearless Spirit, LLC for Summer Live in Saline that was presented at the May 19, 2016 meeting. After discussion, Bill Donner made the motion to award \$1,000 to this event contingent on the organizers securing

sponsors and the event taking place on the proposed date of July 15, 2016. Bill Eldridge seconded. Motion carried.

3. Kerry Murphy Promotions submitted a funding request for \$2,500 for the Saline County Gun & Knife Show that's scheduled to take place at the Benton Event Center on November 30 thru October 2, 2016. Vote will be taken at the next meeting.

VIII. ADMINISTRATIVE

Jerry Ponder reported that he will contact Tara regarding two companies that are a couple of months behind in paying the A&P tax.

IX. FINANCIAL REPORTS

The financial reports were presented by Gary James. The A & P Commission had a net income of \$9,396.75 for the month of May 2016. Net Income for the Benton Event Center for May 2016 was \$16,730.79. Jerry Ponder noted that sales tax income is over \$100,000.

X. OTHER BUSINESS

None

XI. ADJOURNMENT

The meeting was adjourned on the motion of Bill Donnor at 4:55.

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Jerry Ponder  
Acting Chairman

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Amy McCormick  
Recording Secretary

**RESOLUTION NO. 39 OF 2016**

**A RESOLUTION TRANSFERRING FUNDS FROM THE SAFETY AND STABILITY FUND TO THE GENERAL FUND; AND FOR OTHER PURPOSES**

WHEREAS, the city has determined it should transfer funds from the Safety and Stability Fund to the General Fund which is from a restricted account to an unrestricted account.

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

SECTION 1: The City Council does hereby authorize the transfer of funds described in Exhibit "1" to this resolution and which is more fully described therein.

PASSED AND APPROVED this the \_\_\_\_\_ day of July, 2016.

\_\_\_\_\_  
David Mattingly, Mayor

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



EXHIBIT "1"

## FY2016 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a transfer of funds for the Fiscal Year 2016. This submittal includes a revision for the General Fund.

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

Section 2 is a detailed explanation of the amended Funding and Disbursements that make up this Fiscal Year 2016 resolution's detail.

### **Section 1: Amended Appropriations – Fiscal Year 2016**

#### General Fund

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$16,096,484	-0-	\$16,096,484
Personnel	\$11,844,552	-0-	\$11,844,552
Operations & Maintenance	\$3,079,191	-0-	\$3,079,191
Capital Items	\$1,315,532	-0-	\$1,315,532

### **Section 2: Funding & Disbursements - Fiscal Year 2016**

#### General Fund

##### Source of Funding

This resolution allows up to \$175,000.00 to be transferred from the restricted Financial Stability fund (131.920.10.00) to the General Operating fund (130.320.10.00) for renovation and stabilization costs for The Palace Theater.

**RESOLUTION NO. 40 OF 2016**

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

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

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

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

PASSED AND APPROVED this the \_\_\_\_\_ day of July, 2016.

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

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

LEASE AGREEMENT

This agreement made and entered into this day 2 of May 2016  
by and between City of Benton are hereinafter  
called lessees, and Stinson and Doris Bailey hereinafter called lessors.

1. Lessors for consideration, purposes and covenants hereinafter  
set out to do hereby, let lease and demise unto lessees for the period of  
year, the following property in Benton, Saline County, Arkansas to wit:

205 E. So. Street Ste 1. To have and to hold same unto said  
lessees for and during the time aforesaid upon the terms and conditions  
herein expressed.

2. Lessees agree to pay \$850<sup>00</sup> per month payable between  
the 1<sup>st</sup> and 5<sup>th</sup> day of each and every month during  
the time hereof; the payment shall be as follows; 850<sup>00</sup> cash  
per month for rent.

3. It is understood and agreed that the term of this lease shall be  
from May 2, 2016 until April 28, 2017

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

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

5. Lessees shall pay for the deposits of any and all of the utilities ~~EXCEPT~~ <sup>WATER</sup> and shall make the deposits and monthly payments therefore.
6. All rental payments shall be made to Stinson or Doris Bailey located at 318 Edison Ave. Ste <sup>1</sup> 2 Benton, Ar. 72015
7. Lessees assumes all risk and liability of damages to persons and property arising during the term of this lease from the present or future condition of the lease premise and agree to save lessors harmless therefrom.

LESSORS;

Doris Bailey

LESSEES;

\_\_\_\_\_  
\_\_\_\_\_

**ORDINANCE NO. 27 OF 2016**

**AN ORDINANCE WAIVING CONSTRUCTION RELATED FEES FOR THE CALL HOUSE RENOVATIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Benton, Arkansas has assessed certain fees which are to be charged for the issuance of building permits, conducting inspections, stormwater fees as well as demolition permit fees which are associated with the construction or renovation of properties; and

WHEREAS, the City Council desires to keep the costs associated with the renovation of the CALL House as low as possible; and

WHEREAS, the City Council desires to assist the contractors by waiving the hereto for stated fees associated with the CALL House renovations.

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

SECTION 1: All building permit fees, inspection fees, stormwater fees and demolition permit fees for the renovation of the CALL House are hereby waived, however contractors will be required to obtain permits and inspections.

SECTION 2: All other ordinances in conflict with this Ordinance are hereby repealed to the extent that such a conflict exists, but not otherwise. It is hereby found and determined that there is an immediate need to adopt this ordinance in order to proceed with the project. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this the \_\_\_\_\_ day of July, 2016.

\_\_\_\_\_  
David Mattingly, Mayor

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

DESIGNATED FOR PUBLICATION

**ORDINANCE NO. 25 OF 2016**

**AN ORDINANCE FIXING RATES FOR SERVICES RENDERED BY THE SEWER SYSTEM OF THE CITY OF BENTON, ARKANSAS; PRESCRIBING OTHER MATTERS RELATING THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City of Benton, Arkansas (the "City") owns and operates a sewer system (the "System"), and

WHEREAS, Benton Public Utility Commission has recommended a rate increase in order for the System to produce revenues sufficient to pay the System's operation and maintenance expenses, fund the System's portion of funded depreciation costs and pay the System's portion of debt service; and

WHEREAS, in order to effect the rate increase, it is necessary for the City Council to modify the rates to be charged for the services of the System;

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

Section 1. (a) That the City hereby establishes as rates, to be charged for services furnished by the System, which the City Council finds and declares to be fair, reasonable and necessary, to be charged to all users who contribute wastewater to the System. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the System, including replacement ("OM&R"). (Replacement is defined as expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the System necessary to maintain the capacity and performance for which they were designed and constructed.)

(b) All users of the System shall be charged monthly, for OM&R, \$3.50 for the first 2,000 gallons or portion thereof of average monthly water consumption and \$4.95 per 1,000 gallons or portion thereof of average monthly water consumption thereafter. Determination of water consumption by residential customers shall be based upon the average monthly water consumption of the customer for the preceding months of October, November, December, January, February and March. A re-computation of the average monthly water consumption of all residential customers, in the manner specified above, shall be made in May in each year for the forthcoming yearly rate to be charged. In the case of residential customers who do not have an established usage for the six months stated above, a monthly charge of \$30.00 shall be made until a six-month winter time frame is established. All commercial and industrial customers will be billed on actual water consumption or as determined pursuant to Section 5 (d) unless a levelized bill is requested and approved by the utilities manager based on a 12 month average.

In the case of customers obtaining water exclusively from the waterworks system serving the City, the computation records of the waterworks system shall apply.

In the case of customers obtaining water on a metered basis from sources other than the waterworks system serving the City, there shall be determined the amount of water obtained by such customers from other sources and the amount so determined shall be used (together with the amount reflected by the waterworks system records if such customer also obtains water from the waterworks system of the City) in making said computation.

In the case of customers obtaining water not on a metered basis, the City shall establish water consumption based on a comparison of the non-metered user with a metered user of similar class. Example: a non-metered family of four will be compared to a typical family of four with a water meter to establish water consumption.

All sewer users shall be classified by the City as residential, commercial or industrial.

(1) A "residential user" is defined as a user whose wastewater is from residential occupancy.

(2) A "commercial user" is defined as a user whose liquid wastewater results from commercial operations, trade, or business.

(3) An "industrial user" is defined as a user whose liquid wastewater results from industrial, manufacturing, or processing.

#### User Charge Methodology

Total annual OM&R                      Total annual OM&R    \$ \_\_\_\_\_.  
Cost in \$/1,000 gal. = No. of 1,000 gal. sold annually

(c) Excessive Strength Charges. For any user, when the BOD exceeds \*200 mg/l, the suspended solids exceed 200 mg/l, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

$$C_s = (B_c (B) + S_c (S) + P_c (P)) V_u$$

#### Symbols and Definitions:

$C_s$  = A surcharge for wastewaters of excessive strength

$B_c$  = Operation and maintenance ("O&M") cost for treatment of a unit of biochemical oxygen demand ("BOD")

$B$  = Concentration of BOD from a user above a base level

$S_c$  = O&M cost for treatment of a unit of suspended solids ("SS")  
 $S$  = Concentration of SS from a user above a base level

$P_c$  = O&M cost for treatment of a unit of any pollutant

P = Concentration of any pollutant from a user above a base level

$V_u$  = Volume contribution from a user per unit of time

\*Maximum limit for average domestic waste.

(d) Charges for Extraneous Flows. The costs of O&M for all flows not directly attributable to users (such as Infiltration/Inflow) shall be distributed among users on the same basis as operation and maintenance charges.

(e) Toxic Pollutants Charges. Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the System's treatment works shall pay for such increased costs.

(f) All active users of the System shall be charged a flat monthly fee of \$11.00 including commercial customers with the exception of residential customers age 65 and older or on Social Security Disability who will pay a flat monthly fee of \$8.30. These charges represent the debt retirement for the City's indebtedness incurred for System improvements that is payable from System revenues ("Debt Service").

(g) Total Monthly Minimum User Charge. The monthly minimum bill per user shall be as follows: residential users over the age of 65 or on Social Security Disability- \$11.80 (\$3.50 OM&R + \$8.30); all other users - \$14.50 (\$3.50 for OM&R + \$11.00 for Debt Service).

Section 2. That user of the System will be billed on a monthly basis with payment due 14 days after the date of billing. Users on metered water service will be billed on the same notice as water charges and will be designated as a separate entry. Users not on metered water service will be billed monthly on an individual notice for service based upon the water consumption established by the City.

Users with delinquent accounts of 10 days will be notified in writing by the City where, during which hours of the day, and before whom disputed bills appropriately may be considered. If the user waives the opportunity to be heard and the bill is not paid within 30 days after the date of billing, the water and/or wastewater service will be disconnected until such bill is paid.

Section 3. That a financial management system shall be established and maintained by the City to document compliance with federal regulations pertaining to the City's public utility revenue bonds which are owned by the Arkansas Development Finance Authority. Such system will account for all revenues generated and expenditures for OM&R.

Section 4. That the City Council hereby approves a 3% annual increase for 5 (five) years on all wastewater billings in excess of the first 2,000 gallons beginning August 1, 2016.

<u>Year</u>		<u>Rate</u>
2016	Beginning June 1 the User Rate per 1,000 gallons of wastewater will be	\$4.95
2017	Beginning January 1 the User Rate per 1,000 gallons of wastewater will be	\$5.10
2018	Beginning January 1 the User Rate per 1,000 gallons of wastewater will be	\$5.25
2019	Beginning January 1 the User Rate per 1,000 gallons of wastewater will be	\$5.40
2020	Beginning January 1 the User Rate per 1,000 gallons of wastewater will be	\$5.56

Section 5. (a) That it is the intent of this Ordinance to reaffirm a long standing practice of the city’s wastewater utility department to not consider, in computing user charges, water that is not returned to the sewer for treatment as substantiated by the utilities manager.

(b) That any user who feels his user charge is unjust and inequitable may make written application to the Manager of the System (the “Manager”) requesting a review of his user charge.

(c) Review of the request shall be made by the Manager and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period.

(d) That any current commercial or industrial user who was authorized by the city to install one or more metering points for purposes of quantifying a volume of water that is not returned to the sewer system may continue under the prior arrangements; provided all meters are read monthly by the city and each metering point shall be treated as a separate unit for billing purposes. The water user having a second meter will no longer have an option of disconnecting or connecting “at will” in order to avoid a monthly minimum charge.

Section 6. That the user charge system for the System shall take precedence over any terms or conditions of agreements or contracts between the City and any of the users which are inconsistent with applicable federal regulations regarding such user charge systems.

Section 7. That the provisions of this Ordinance are separable and if a section, phrase or provision shall be declared invalid; such declaration shall not affect the validity of the remainder of this Ordinance.

Section 8. All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. That the sewer rates established by this Ordinance shall apply to bills rendered on and after August 1, 2016.

Section 10. In as much as it is necessary to modify the rates of the city of Benton to adequately provide for the sewer system revenue, which is essential to the public health, safety and welfare, an emergency is hereby declared and this Ordinance and be of full force and effect from and after its passage and approval.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
David Mattingly, Mayor

ATTEST:

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