

BENTON CITY COUNCIL MEETING

DECEMBER 21, 2015

7:00 PM



AGENDA MEETING 6:15 PM



BENTON MUNICIPAL COMPLEX
114 SOUTH EAST STREET
COUNCIL CHAMBERS

DAVID MATTINGLY, MAYOR

REGULAR SESSION
December 21, 2015
7:00 PM
AGENDA

- | | | |
|--------------|--|--|
| I. | Call to Order | Mayor Mattingly |
| II. | Invocation | |
| III. | Pledge of Allegiance | Aldерwoman Terrell |
| IV. | Roll Call | City Clerk |
| V. | Approval of Minutes | November 23, 2015 <i>Regular Meeting</i> |
| VI. | Youth of the Month <i>December 2015, Raul Giron</i> | Alex Stackhouse |
| VII. | Employee of the Month <i>November 2015, Mollie Wright</i> | Alderman Donnor |
| VIII. | Service Award <i>Andy Solomon, 15 years</i> | Mayor Mattingly |
| IX. | City Treasurer 3rd Quarter Report | Mayor Mattingly |
| X. | COMMITTEE REPORTS & MOTIONS | |
| | 1. Finance Committee | Alderman Ponder |
| | A.) ORDINANCE NO. 64 OF 2015 <i>AN ORDINANCE ADOPTING THE 2016 BUDGET FOR THE GENERAL FUND, ANIMAL CONTROL, PARKS AND STREET FUNDS; ESTABLISHING A PROCEDURE FOR REVISING SAME; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | B.) ORDINANCE NO. 65 OF 2015 <i>AN ORDINANCE AMENDING THE 2015 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 75 OF 2014; APPROPRIATING FUNDS FOR THE 911 OFFICE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | C.) RESOLUTION NO. 65 OF 2015 <i>A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS; AND AUTHORIZING THE SALE OF THE SURPLUS PROPERTY AT AUCTION</i> | |
| | D.) RESOLUTION NO. 66 OF 2015 <i>A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS; AND AUTHORIZING EITHER THE SALE OF THE SURPLUS PROPERTY AT AUCTION OR THE ABILITY TO TRADE THE VEHICLES FOR REPLACEMENT VEHICLES</i> | |
| | E.) RESOLUTION NO. 67 OF 2015 <i>A RESOLUTION RECOGNIZING THE SERVICES OF OFFICER JUSTIN TITTLE TO THE CITIZENS OF BENTON AND AWARDING HIM HIS BADGE AND SERVICE WEAPON IN RECOGNITION OF THESE SERVICES</i> | |

F.) ORDINANCE NO. 66 OF 2015

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A GENERAL REVENUE PROMISSORY NOTE (STREETS PROJECT), SERIES 2015; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

- 2. Community Services/Animal Control Alderwoman Reed**

A.) ORDINANCE NO. 67 OF 2015

AN ORDINANCE ANNEXING CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF BENTON, SALINE COUNTY, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

B.) ORDINANCE NO. 68 OF 2015

AN ORDINANCE REZONING CERTAIN LAND IN THE CITY OF BENTON, SALINE COUNTY, ARKANSAS, DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

C.) ORDINANCE NO. 69 OF 2015

AN ORDINANCE PROVIDING FOR A CONDITIONAL USE FOR RETAIL COMMERCIAL SERVICES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

D.) RESOLUTION NO. 68 OF 2015

A RESOLUTION REQUESTING THE U.S. ARMY CORPS OF ENGINEERS CONDUCT AN INVESTIGATION AND STUDY TO DETERMINE THE FEASIBILITY OF DEVELOPING A FLOOD CONTROL PROJECT; AND FOR OTHER PURPOSES

E.) ORDINANCE NO. 70 OF 2015

AN ORDINANCE ADOPTING POLICIES AND PROCEDURES FOR THE CITY OF BENTON ANIMAL CONTROL DEPARMENT; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

F.) RESOLUTION NO. 69 OF 2015

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH HENRY BROWN REALTY FOR THE LEASE OF REAL PROPERTY LOCATED IN DOWNTOWN BENTON FOR THE PLACEMENT OF A FARMER'S MARKET; AND FOR OTHER PURPOSES

- 3. Streets & Drainage Committee Alderman Cunningham**
4. Personnel/Health & Safety Committee Alderman Donnor
5. Parks Committee Alderman Lee

A.) RESOLUTION NO. 70 OF 2015

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM JIM AND EDNA PATRIDGE; AND FOR OTHER PURPOSES

- 6. Public Utilities Commission Alderman Herzfeld**

A.) ORDINANCE NO. 71 OF 2015

AN ORDINANCE ESTABLISHING NEW WATER RATES FOR THE USERS OF THE CITY OF BENTON AND REPEALING ORDINANCE 3 OF 2009

7. A & P Commission

Alderman Donnor/Ponder

XI. Unfinished Business

XII. New Business

XIII. Old Business

XIV. Announcements

XV. Adjourn

MINUTES OF THE BENTON CITY COUNCIL
Regular Session
November 23, 2015
Benton Municipal Complex

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

Alderman Ponder gave the invocation.

Alderman Lee led the pledge of allegiance.

Roll was called.

The following persons were in attendance:

| | |
|-------------------------------------|------------------------------------|
| Alderman Frank Baptist | Alderman Kerry Murphy |
| Alderman Charles Cunningham | Alderman Evelyn Reed |
| Alderman Bill Donnor | Alderman Jerry Ponder |
| Alderman Judd Hart | Alderman James Herzfeld |
| Alderman Steve Lee | Alderman Lori Terrell |
| Brent Houston, City Attorney | Cindy Stracener, City Clerk |
| David Mattingly, Mayor | |

When roll was called ten (10) council members were present. A quorum was declared.

The Mayor requested approval for the November 9, 2015 public hearing minutes. Alderman Lee made a motion to approve the minutes, seconded by Alderman Hart. The Mayor called for a voice vote on the approval. All aldermen replied in the affirmative. The minutes for the November 9, 2015 public hearing were approved with 10 affirmative votes.

The Mayor requested approval for the November 9, 2015 city council meeting minutes. Alderman Lee made a motion to approve the minutes, seconded by Alderman Terrell. The Mayor called for a voice vote on the approval of the minutes. All aldermen replied in the affirmative. The minutes for the November 9, 2015 council meeting were approved with 10 affirmative votes.

Cason Maertens was honored by the MYAC as the November youth of the month.

Officer Justin Dorsey was recognized as the October employee of the month.

Alderman Ponder made a motion to adopt Resolution 62 of 2015 – Accepting the Lowest Acceptable Bid for a SCBA Cascade Compressor for the Fire Department; and For Other Purposes. Seconded by Alderman Herzfeld. The resolution was read by the city clerk. 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 yes. Resolution 62 of 2015 was adopted with 10 affirmative votes.

The next item on the agenda was committee reports and motions. Alderman Ponder was recognized for the Finance Committee report. He stated that two ordinances were added in the agenda meeting, Ordinance 62 of 2015 and Ordinance 63 of 2015. Alderman Ponder

asked for the first reading of Ordinance 62 of 2015 – An Ordinance Amending the 2015 Budget for the General Fund as Adopted in Ordinance 75 of 2014; Transferring Funds to the Financial Stability Fund from the General Fund; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Baptist. The ordinance was read by the city clerk. This transfer pays back the money that was appropriated from the financial stability fund in Ordinance 56 of 2015. The Mayor asked for any questions. None. Alderman Ponder made a motion to suspend the rules. Seconded by Alderman Donnor. 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 yes. Motion to suspend the rules was approved with 10 affirmative votes. Alderman Ponder made a motion to adopt Ordinance 62 of 2015 on its second and third readings. Seconded by Alderman Lee. The ordinance was read by title only. 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 yes. Ordinance 62 of 2015 was adopted with 10 affirmative votes. Alderman Ponder made a motion to adopt the emergency clause. 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 yes. The emergency clause was approved with 10 affirmative votes.

Alderman Ponder asked for the first reading of Ordinance 63 of 2015 – An Ordinance Granting a Non-Exclusive Franchise to First Electric Cooperative Corporation; and Its Successors and Assigns a Non- Exclusive Franchise To Operate an Electrical System Within the City of Benton; Establishing Franchise Fees to Be Paid; Declaring an Emergency; and for Other Purposes. Seconded by Alderman Lee. The ordinance was read by the city clerk. The Mayor asked for any questions or comments. Alderman Ponder made a motion to suspend the rules. Seconded by Alderman Cunningham. The Mayor asked that the roll be called on the motion to suspend. 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 yes. Motion to suspend the rules was approved with 10 affirmative votes. Alderman Ponder made a motion to adopt Ordinance 63 of 2015 on its second and third readings. Seconded by Alderman Cunningham. The ordinance was read by title only. 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 yes. Ordinance 63 of 2015 was adopted with 10 affirmative votes. Alderman Ponder made a motion to adopt the emergency clause. Seconded by Alderman Donnor. 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 yes. The emergency clause was approved with 10 affirmative votes.

Alderman Reed was recognized for a report from the Community Service/Animal Control Committee. Alderman Reed asked for the first reading of Ordinance 59 of 2015 – An Ordinance Providing for a Conditional Use for Retail Commercial Services, Declaring an Emergency; and For Other Purposes. Seconded by Alderman Donnor. The ordinance was

read by the city clerk. This is for property located at 1202 Hwy 5 North and was requested by GBT. The Mayor asked for any comments. None. Alderman Reed made a motion to suspend the rules for the second and third readings of Ordinance 59 of 2015. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called on the motion to suspend. 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 yes. Motion to suspend was approved with 10 affirmative votes. Alderman Reed made a motion to adopt Ordinance 59 of 2015 on its second and third readings. Seconded by Alderman Donnor. The ordinance was read by title only. 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 yes. Ordinance 59 of 2015 was adopted with 10 affirmative votes. Alderman Reed made a motion to approve the emergency clause. Seconded by Alderman Lee. The Mayor asked that the roll be called for the emergency clause. 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 yes. The emergency clause was approved with 10 affirmative votes.

Alderman Reed asked for the first reading of Ordinance 60 of 2015 – An Ordinance Rezoning Certain Land in the City of Benton, Saline County, Arkansas, Declaring an Emergency; and for Other Purposes. Seconded by Alderman Cunningham. The ordinance was read by the city clerk. The Mayor asked for any comments. None. This rezones 1219/1223/1229 South Street from R1-7.5 to CH highway commercial. It was requested by LNP Properties. Alderman Reed made a motion to suspend the rules. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called on the motion to suspend. 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 yes. Motion to suspend was approved with 10 affirmative votes. Alderman Reed made a motion to adopt Ordinance 60 of 2015 on its second and third readings. Seconded by Alderman Cunningham. The ordinance was read by title only. 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 yes. Ordinance 60 of 2015 was adopted with 10 affirmative votes. Alderman Reed made a motion to approve the emergency clause. Seconded by Alderman Terrell. The Mayor asked that the roll be called for the emergency clause. 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 yes. The emergency clause was approved with 10 affirmative votes.

Alderman Cunningham was recognized for the Streets and Drainage Committee report. He stated that the committee met on November 16, 2015. He will have the minutes before the next meeting.

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 the Parks Committee report. He stated that the committee met on November 17, 2015. See attached minutes.

Alderman Lee asked for the first reading of Ordinance 61 of 2015 – An Ordinance Waiving Competitive Bidding and Authorizing and Ratifying the Making of Contracts with UCI, Declaring an Emergency; and for Other Purposes. Seconded by Alderman Terrell. The ordinance was read by the city clerk. This is for Riverside Park. The Mayor asked for any comments. None. Alderman Lee made a motion to suspend the rules. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called on the motion to suspend. 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 yes. Motion to suspend was approved with 10 affirmative votes. Alderman Lee made a motion to adopt Ordinance 61 of 2015 on its second and third readings. Seconded by Alderman Reed. The ordinance was read by title only. 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 yes. Ordinance 61 of 2015 was adopted with 10 affirmative votes. Alderman Lee made a motion to approve the emergency clause. Seconded by Alderman Donnor. The Mayor asked that the roll be called for the emergency clause. 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 yes. The emergency clause was approved with 10 affirmative votes.

Alderman Lee made a motion to adopt Resolution 63 of 2015 – A Resolution Authorizing the Execution of an Agreement with SOPA, Inc. Appropriating Funds for this Purpose; and For Purposes. Seconded by Alderman Terrell. The resolution was read by the city clerk. The Mayor asked for any comments. Alderman Hart stated that the resolution stated that we are purchasing for both Riverside and the Boys and Girls Club. He asked if those could be combined into one resolution or should it be two since those are two different purchases. Mr. Houston stated that it is one agreement and the Boys and Girls Club is reimbursing their portion. We are doing it for economy of scale and making sure that everything is there. 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 yes. Resolution 63 of 2015 was adopted with 10 affirmative votes.

Alderman Herzfeld was recognized for a report from the Public Utility Commission. Alderman Herzfeld made a motion to adopt Resolution 64 of 2015 – A Resolution Ratifying and Confirming the Reappointment of Phil Miller as Commissioner to the Public Utilities Commission; and for Other Purposes. Seconded by Alderman Ponder. The resolution was read by the city clerk. The Mayor asked for any comments. 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 yes. Resolution 64 of 2015 was adopted with 10 affirmative votes. Alderman Herzfeld stated that the commission met last Monday and gave that report. See attached.

Alderman Ponder was recognized for the Advertising and Promotion Commission report. He stated that the commission met last Thursday. Through the month of October the Event

Center has had 180,000 people attend events. Last month was the largest revenue month for rentals of the facility since its inception. Chairman Mark Fikes has agreed to continue to serve in that capacity for the next year.

There was not any unfinished, new or old business. The Mayor asked if anyone had a comment that they would like to make. None.

The Mayor stated that December 1st is when the members of the council will receive the 2016 budget. December 8, 2015, the Finance Committee will meet and the budget will be brought before the council for a vote on December 21, 2015. The council will only meet once in December on December 21, 2015. City Hall will be closed Thursday and Friday for the Thanksgiving Holiday. Next Monday night at 5:30 at the public utility building will be a joint meeting between the public utility commission and council members to discuss some rate issues. Next Thursday is the opening of the Royal Theater's production of White Christmas.

The meeting adjourned at 7:32 p.m.

Cindy Stracener, City Clerk

David Mattingly, Mayor

BENTON PARKS

Tuesday, November 17, 2015

6:00 p.m.

Mayor's Conference Room – City Hall

PARKS COMMITTEE MEETING

Attendees:

Mayor David Mattingly

Alderman Steve Lee

Alderman Judd Hart

Alderman Charles Cunningham

Alderwoman Lori Terrell

Alderwoman Evelyn Reed

Alderman Kerry Murphy

Alderman James Herzfeld

Matt Burks, City Hall

John Eckart, Parks Director

Linda Smith

Gary Moorhead

Alderman Steve Lee called the Parks Committee Meeting to order. A motion to approve the minutes from October 13, 2015 was made by Alderman Charles Cunningham and seconded by Alderwoman Evelyn Reed. Motion passed.

Alderman Lee spoke of the first order of business, the River Center Seating and Athletic Equipment. Alderman Lee turned the floor over to Parks Director, John Eckart. Eckart detailed the proposal from SOPA, Inc. which included retractable seating for the River Center, Seating for the Natatorium, seating for the Boys and Girls Club building as well as swing down basketball goals, wall padding and volleyball equipment for both facilities. Alderman Murphy asked about ability to host Benton High School Graduation. Mayor Mattingly explained the layout that would hold 5,200 attendees in which the three telescoping bleacher sections would hold 3,400 with the remainder to be held in floor seating. The proposal amount is within the budget number set aside for these items. Eckart stated that the proposal is from SOPA, Inc. who are members of the TIPS/TAPS purchasing cooperative, and that the intent was to purchase the equipment from SOPA, Inc. through the TIPS/TAPS program. A motion was made by Charles Cunningham to purchase the equipment detailed in proposal from SOPA, Inc. through the TIPS/TAPS purchasing cooperative, and was seconded by Alderman Judd Hart. Motion passed.

Alderman Lee deferred the floor to John Eckart to talk about the Data, Communications and wiring for Riverside Park. Eckart explained that the City currently has a contract with UCI for its data and communications needs, and that it makes sense to utilize UCI for the Data and Communications wiring and infrastructure for the Riverside Park Complex. Eckart explained that UCI provided budget numbers for the work required for the project. Mayor Mattingly expressed that it would be difficult to have another company come in to do the work as there is no assurance that there would be compatibility and that everything would tie together with the City's current infrastructure. Alderman Cunningham made a motion to waive competitive bidding to allow UCI to complete the work at the Riverside Park Development, seconded by Alderwoman Terrell. Motion passed.

The next item on the agenda for discussion is in regards to the Generational Circle which would be contained in the round-a-bout at the intersection of Jackman and Citizens Drive. Mayor Mattingly explained the dimensions of the circle and relayed the initial concept of the circle and its dimensions. Mr. Eckart explained that the design team will be putting together three to four different options and will have them available for the committee to review in three to four weeks. The committee discussed different options for the individual statues, and agreed to review the options provided at the next Parks Committee Meeting.

Alderman Lee moved on to the Boys and Girls Club contract and stated that currently the City of Benton gives the Boys and Girls Club \$100,000 per year for a contract for services. He explained that the Boys and Girls Club fulfills activities that the City can not provide for the youth of the community and that he would like to propose that we give \$110,000 per year in 2016. Mayor Mattingly explained that we have given money to help with services over the last few years and that we have given \$100,000 per year over. Mayor Mattingly explained that the attendance to the club will rise from 420 kids to over 700 kids when the new building is complete. Alderman Hart made a motion to give the Boys and Girls Club \$110,000 per year for 2016, seconded by Alderwoman Reed. Motion Passed.

The next order of business was discussion about the Partridge Property. Alderman Lee explained that he has had discussions with Mr. Partridge and that he would not accept less than \$300,000 for the 10.3 acre property. Alderman Lee stated that he feels that this property would be important property for the Parks System. The property is located just west of the Bernard Holland Complex. Alderman Hart asked if the price per acre was in line with what we have paid in the past and Alderman Lee stated that it was less than what has been paid for other properties. Alderman Murphy asked how much of the property floods, and Mr. Eckart responded that it is in the flood plain but that he hasn't seen it flood in the past three years that he has been in Benton. Alderman Murphy asked what we were planning on doing with the property and Mayor Mattingly explained that he anticipated parking to serve the Holland Complex. Alderman Hart, suggested that we consider putting Tennis Courts along with parking

on the property. Alderman Cunningham asked if we thought that we could purchase it in three years if we don't purchase it now. Alderman Lee stated that if we do not buy it now, that Mr. Partridge will list it. Alderman Hart made a motion that we offer \$300,000 and cover closing costs, seconded by Alderwoman Terrell. Motion passed.

Gary Moorhead, a citizen in attendance, spoke up and stated that he has land for sale adjacent to Sunset Lake. The area is 6.5 acres Between Sunset Lake and the Interstate.

The final order of business was approval of purchase of a 2016 Dodge Ram truck for the Parks Department through the State Bid program. The truck is budgeted for 2016. The truck is replacing a 2001 Dodge Ram. A motion was made to allow the Parks Department to purchase the vehicle, seconded by Evelyn Reed. Alderman Murphy asked if we needed a 4x4 and Mr. Eckart stated yes. Motion passed.

Meeting adjourned.

Public Utility Commission Meeting Summary of the November 16, 2015 Meeting

1.)

Presentation by Alan Tegethoff on banning ballistic boats on Lake Norrell.

Mr. Alan Tegethoff did not show up.

2.)

Presentation by Cindy Hawkins on October financials. She said she took vacation and didn't get them completed, but she is very close. The initial financials it looks like we are \$255,000 revenues over expenses for October, so look for a big red mark on the financials for November. We do have some big ticket items that will be paid for this month. She is looking for an error because it seems too good to be true.

3.)

Presentation by Steve DiCicco on water capacity. Mr. DiCicco said he put together a power point on capacity and production for last year and is about on track this year and any changes we are looking forward to that we have done in the past year and the coming years.

4.)

Discussion on utility rate increases. Mr. McKinney said you have Water and Sewer talking points. We would like for you to review them. If you need more information or need it done a different way then call or email him. We said we'd have something out for you today so that is what we've got right now. Chairman Martin said they will take them and look at them and decide the next move. We need to make plans tonight for our next move. Member Ferrell said it was suggested to him today that we have one more work session about the Water rates because that is the one that will go into effect in January, and invite the Mayor and the Alderman to go over some of the talking points and the stuff he gave Mr. McKinney today. We will walk through that and explain what we want to do, take their questions and make sure they understand.

5.)

Discussion and possible approval of 2016 budget. Chairman Martin asked if there are any questions or concerns after the work session on the 2016 Budget. Member Ferrell asked to be told again what the process is again for Capital Expenditures. Mr. McKinney said when you approve Capital Expenditures in the budget that means they are in there the next year. We don't spend that money until we get into late spring when we know how the revenues will be. If it looks like everything is going good, then if it is over \$20,000 we will advertise, go out for bids and come back to the Commission for approval to purchase. That's a little change from what we have done in the past, because if a vehicle was approved and was over \$20,000, then we would go through the state bid and buy it. Now, anything over \$20,000 will come to you then he or one of the department heads will come before the Commission for approval. That is not maintenance. That is Capital. A motion was made and seconded to approve the budget as reviewed and updated at the work session on November 9, 2015. A vote was taken and unanimous approval given.

6.)

Mr. Randy Hawkins, Wastewater Collections Assistant said he has prepared a little synopsis. This involves the Willow St. Station. If you'll immediately turn to the second page, you will see the budget that McClelland submitted for the project back in the spring. This is what the Commission approved as far as the total to get that station upgraded. We have been very successful by doing a lot of shopping for the parts and in-house work. With engineering, which was just a little over \$20,000, we have spent approximately \$95,000 total to get that station rehabbed... including engineering. We have been able to save a tremendous amount of money on what was anticipated. Our need is a generator. The generator that is there is an 86 model and is virtually 30 years old. Our problem is it was recently load-bank tested, and it was only producing 50% of the load bank for the optimum conditions. We've tuned it up, and

we've done some work with Cummins Mid-South, but it is a very old unit. It is natural gas and low efficiency on start up. It's a 100 Kw, and right now, it is only able to pull 1 of the (2) of the 40 force pumps that we put in the dry pit in the main station. It wouldn't be able to support anything on the auxiliary station which handles any excess flow and pumps it to the equalization basin. He is very uncomfortable going into this season with that kind of pumping capacity. He'd like, with your permission, to buy a generator. He has Hughes Cummins Mid-South and other vendors as far as getting quotes, but as far as Mid-South, the size of the generator capacity at 175Kw, which is a diesel engine and would pull pumps, the main station and one auxiliary pump which is 75HP. He has a bid from Cummins Mid-South for that unit is \$34,298 without tax. With the exception of an electrician service for just a little bit, and he is not sure if we have a truck big enough to pull the old one off and Mr. McKinney said Dick Mooney's does. A motion was made and seconded to authorize up to \$45,000 for the purchase and installation of a new generator. A vote was taken and unanimous approval given.

7.)

Mr. McKinney said there are a couple of things he would like to make them aware of. Mr. Blake Wilson, Risk Manager has been working with the Electric Dept. and a problem we have had is we have used Cintas for years to provide the flame retardant clothing that is required. With the type of clothing they provide, every time they wash them they have to re-coat it before it comes here. Mr. Wilson has been looking at Carhart, who have been going into this in a big way. The clothing material is flame retardant, not the coating. We can buy the linemen shirts and they can take them home and wash them and they will still be flame retardant, whereas the old ones wouldn't. Also, the jacket is the same way and is washable. We are spending \$20,000 or so a year to pay for the linemen to have these shirts and the jacket for cold weather. We can go now on the initial buy for about \$12,000. Mr. Wilson said \$12,000 with the allowance for the boots and all the clothing. Mr. McKinney said they get a boot allowance for linemen shoes for everything they need. It will save us \$8,000 the first year and that is supplying the linemen with 6 flame retardant shirts and a flame retardant jacket. The jacket will last 2 or 3 years we believe, so if you take that out of there, we are saving at least \$10,000-12,000 a year by doing this. The linemen like it better because they will do their own laundry and they won't be stiff and scratchy like they have complained about.

8.)

Mr. McKinney said we have two meeting in December. The first is on the 7th and the other is the 21st. Historically, we don't have the 21st meeting, but that requires a vote from the Commission. Mrs. Molly Wright, Human Resources said the Christmas parade is the 7th if you want to consider that. Mr. McKinney said we always hit the Christmas parade and he thinks we will need that meeting on the 7th because of what you are asking us to do. The City Council meeting is on the 14th. Member Miller made a motion to defer the meeting on the 21st unless we need an emergency meeting. Member Livers seconded the motion. A vote was taken and unanimous approval was given.

9.)

Mr. McKinney said Phil Miller's term is up 12/31/15. So the question comes up, what is your favor? He said if Member Miller is willing to serve and you gentlemen want to make the recommendation, then he will see that the Mayor sees that and put it on the next City Council agenda for recommending the approval of Member Miller for the next 5 years. Member Miller said he is willing to serve. A motion was made and seconded for Member Miller to continue to serve in his capacity as a Commissioner and recommend to the City Council the same. Member Miller said he appreciates the recommendation. A vote was taken and unanimous approval was given.

10.)

Mr. McKinney said we also are working and hopefully, within the next 3 weeks, we will have a presentation of options of the Billing Office. The Commission may prefer to do this in a work session. We don't have to do this today, but maybe sometime in December. We may want to have a work session in place of the PUC meeting. It may have to be just on that because it is quite an involved thing.

11.)

Mr. McKinney said the last thing he has is to remind the Commission that December 10th is the Annual Employee Christmas Appreciation Dinner at the Event Center. Your wives, girlfriend or daughter are invited. Bill Zednik with Constellation wants to attend. It is from 11:30 to 1 p.m. Riverside Grocery is doing the catering again, but the desserts will be different. The other thing is we are having a raffle. We are going to be raffling off a Go Pro Camera. They are getting very popular. Last year we raffled off a bicycle and we raised over \$600. We are hoping to do a little bit better this year. The money will go to a needy family. He has a meeting Wednesday with the principal at Angie Grant. She has a list of children who are really in need of some things. Ms. Wright is going to be in charge of getting the kids and taking them to Wal-Mart to get clothing and buy a little toy and use the proceeds. We don't know how many kids we can do until the raffle is over. We hope everyone is generous and buys tickets for the cause and we have enough money to really help some children.

12.)

Mr. McKinney asked how many times we have taken food to CJOHN and Mr. Wilson said he has taken 2 loads of perishables and household items. City Hall has a box to be picked up along with the box here and he has 4 boxes in his office to take on the 11th. Mr. McKinney said we are doing pretty well there with trying to help out at Christmas time. Chairman Martin said they raised a little better than \$800 at the Thanksgiving service at the Benton Auditorium. It was funds for CJOHN and they need it because they are short on food. Mr. McKinney said we even talked about the Rice Depot and depending on how the funds go and how we divide it. Ms. Wright is in charge of that. It is very dear to his heart to take care of kids. We are helping the food bank and people have been generous. Ms. Wright said the food drive goes through the 10th of December which is the day of our Christmas party.

13.)

Mr. McKinney said Thanksgiving at the Utilities was probably one of the best we have ever had. He has never seen so much food as he saw this year. Some of you were there and some weren't. It was really good.

14.)

Mr. Buff said he has a little update on the generator. In the last meeting they discussed the Koehler Generator, and Jimmy made it out Friday. They did the internal inspection of the Koehler and mechanically there is nothing wrong with that generator. They looked at a total of 6 of the pistons but he doesn't have the report yet. He will email a copy to Mr. McKinney when he receives it. Most of the pistons looked picture perfect. There was some minor scoring in a couple but none of the valves looked burnt and the injectors were all clean. He took the valve covers off and checked the arm on the injectors and everything was moving freely. After the internal inspection, we put it back together and drained the coolant out. There is a covered plate on the front of the water pump that he took off so he could look inside the water pump. The water pump was very clean. He said, I can't believe it is as clean as it is. He tried to move the impeller on the inside of the water pump and it was stuck. He couldn't budge it. He put it all back together. The water pump plate that is on there is built up on the inside so that when the impeller is turning it has a diversion for the water to be sent in whatever direction it should be going. He was trying to make sure that it hasn't been turned because it will go on a different way and rotate it and make the holes line up. He put it on the way he took it off, I haven't asked him that. They filled the unit back up with fluid and ran it without the load. He had put a temp gauge on the front of the engine close to the radiator so we

could monitor the temp there as well. We never got over 180. There was only about a 5 degree difference between the temp gauge on the Kohler itself and the temp gauge he had on the engine. All of his temp readings he was showing that we were 30-40 degrees difference. He said it is cooling and moving the water. We couldn't find anything right now and he said he was baffled right now. He was going to go back and talk to George and see what they could come up with. We ran the unit today under load for about 5 or 5.5 hours and never got over 175, of course it is a little bit cooler. At this point, other than the exhaust leak that we fixed, eliminate some exhaust going through the radiator and possibly a water pump if the plate had been turned at some point. That's the only couple of things that I can come up with right now. At least, for right now, there is no need to spend any kind of money Member Ferrell said it is good until next summer. Mr. Buff said yes, and his thinking is he'd like to do another load bank, and maybe have someone else do it. The only thing is he doesn't want to do it right now in the cooler weather. He would rather wait until the spring when we warm up and then do it. He thinks it will handle our load at the plant in an emergency. We are going to change it to where we are testing it under load and run it for a good 4 hours or so and let it build up, and just keep an eye on it. That's good news. Cause its \$21,000 to try to rebuild it, but there's nothing to rebuild. Jimmy mentioned doing a tune up and set everything back to specifications, but it really doesn't have that many hours on it. Member Livers asked if he is going to make sure with him and how he is going to confirm that plate is oriented like he wants it. Mr. Buff said he tried to find it on his laptop and couldn't find anything there. He wants to confirm everything with the manual and Mr. Buff will confirm with him that it is on right. With what he had in his measurements and readings it looks like it is moving the water and circulating like it should. He'd think if you were deflecting it you would probably see a closer temp read between the top and bottom of the engine, but they couldn't find anything. When they were running it today it was at 175. They walked away from the unit and when they went back down about 30 minutes later, it had actually dropped in the temp just a little bit.

15.)

Mr. McKinney said one last item. We received approval today from AHTD for McClelland Engineers to begin the engineering on Highway 5 for the project that is going from the County Line to Alcoa Road. Chairman Martin signed the agreement between McClelland and the Utilities several weeks ago. They have until sometime in February to submit it to AHTD which includes the estimates of our cost, as well as the State agreement to pay their engineering fees. We are going to be requesting quite a bit because we have over 3,000 feet. Mr. Jacob Gillip of McClelland Engineering said basically from the entrance to Hurricane Lake Estates up to Alcoa Road and then across to the south side of Highway 5. Mr. McKinney said its several thousand feet, so we are going to be asking for reimbursement and the State will make their decision sometime after February, he guesses, when we submit everything, so we have to do a good job. We have to have the design done and submitted back to the State. It is kind of a fast track but we have to get it moving. Member Miller said so this is going to start at the entrance from Hurricane Lake and go to Alcoa, but at Hurricane Lake they are going to cut across that big opening. Mr. McKinney said no, this the widening project. The State wants to go to 4 lanes from the Pulaski County Line to Alcoa Road. Member Miller said it is already 4 lanes past there. Mr. McKinney said the first thing they usually do is the bridges. He believes they said there are 2 bridges on that. There is one at Hurricane Creek. Evidently the State is really going to start pursuing that. Member Miller said the other is in Bryant where that strip center is where Larry's Pizza is... there is definitely a creek through there. Mr. McKinney said that will be a widening there. Member Best said he thinks they replaced the 2 lane with a 4 lane there. Member Miller said he knows they replaced it. Mr. McKinney said they're going to be moving on it, but we still haven't heard anything on the I-30 widening. We went to the meetings. Mr. Gillip said he was told about a month ago that they were sending a packet off to the Highway Department. Chairman Martin asked if Mr. Gillip

had any kind of report to make on any of the projects and said he is interested in the survey on Mr. Bill Lynn's property. Mr. Gillip said yes, they have finished the survey on that project and may have a few minor things to tie down. We have finished the Route Survey and are working on the route now and coordinating with GBT. He and Mr. Hawkins met with Mr. Lynn and have come up with a route he was at least happy with. Mr. McKinney said we are going to have to move on this fast. We plan to go out for bids during the first week of December. We have 2 needs. We have Lindsey and GBT's needs so we have to take care of both and we have a plan so we can take care of both. We will be going out for bids on that. That's is the big one. Chairman Martin asked if they have a meeting with GBT last week and asked if he has an update on the coordination of that. Mr. Gillip said they have provided us with some drawings, and as soon as the rain lets up our surveyors will go out and lock the two properties together. They want to make sure of where we are elevation and coordinate wise. We are pretty well matched up and know where we need to be. Mr. McKinney said the meetings are going a lot better with GBT than with the other project. He means a lot better. They have been very good about supplying drawings and bringing knowledgeable people to us and the last meeting we had the Sr. Vice President, the Construction Superintendent and several engineers. We met with him they are getting ready to close on the 2nd or 3rd week of December. They are planning on moving dirt right after the first of the year.

16.)

Mr. McKinney said we've also came to an agreement with FECC First Electric Franchise Agreement. We had a phone conference this evening with the attorneys and it looks like everybody is covered and everybody is okay. Hopefully, he will get a copy of the final version tomorrow that will be sent out Wednesday to the attorney at First Electric. They are going to vote on it Friday at their board meeting. Chairman Martin asked if they got the clause in there that if there are new annexation or territory question that we would sit down talk about it and see who is going to serve it. Mr. McKinney said it states explicitly that if there is an annexation that happens within the next 20 years, then we have the right to send the 6 month letter saying we are taking it and then if first electric thinks it was theirs then we would sit down, look at it and make a decision, but the City of Benton's decision takes precedence. There is even a clause in there that says we have to meet quarterly.

17.)

Chairman Martin said he has one announcement. Our illustrious General Manager was anointed by the Mayor with a 10 year certificate of service. His picture was in the paper. It is for certain that he is going to retire in 2016.

18.)

Mr. Blake Wilson said he has the line of clothing that we are going to go with in his office if anyone would like to see it and to feel free to ask any questions.

19.)

Mrs. Hawkins said they are starting their pilot program with KRONOS timekeeping system this week. We had a little delay due to the biometrics of the thumb print. We didn't think we had received them, but on further inspection by UCI, there was a false bottom in one of the boxes and they were all underneath that. They will hopefully be installed this week and the guys will all be punching in and out with their thumbs here at the Electric Building and by the weekend we will be live.

20.)

Mr. McKinney said the bids for the substation transformer will be open on November 30th. Chairman Martin asked if they have bids and Ms. Wright said we have 12 or 13. There are a bunch. She has emailed them to probably 30 people. A lot of them are the same company but a lot of people have received the plans. Chairman Martin said hopefully we will get a lot of competitive bids. Mr. McKinney said they even had an invite to go to China to see a transformer. He told them he didn't think we wanted to go to China

to buy. Ms. Wright said we had one bow out because their factory was in China and it would cost too much for us to go over there to see it. Chairman Martin said that is not in the budget.

Meeting adjourned at 7:35 p.m.

ORDINANCE NO. 64 OF 2015

**AN ORDINANCE ADOPTING THE 2016 BUDGET FOR
THE GENERAL FUND, ANIMAL CONTROL, PARKS AND STREET FUNDS;
ESTABLISHING A PROCEDURE FOR REVISING SAME;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, pursuant to A.C.A. §14-58-201 the Mayor of the City of Benton, Arkansas has an obligation to submit an annual budget to the City Council for approval for the upcoming year; and

WHEREAS, pursuant to A.C.A. §14-58-202 the City Council of the City of Benton, Arkansas has an obligation to adopt a budget for the operation of the city for the upcoming year.

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. §14-58-202 and §14-58-203 the City Council does hereby adopt the FY2016 City of Benton Budget (budget) which is attached hereto, marked as "Exhibit "1. The adoption of this budget shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

Section 2. The line items contained within the budget are deemed to be estimates of the costs necessary for running each department throughout the year. Expenditures may not exceed those amounts defined with "Exhibit 1".

Section 3. Should the amount budgeted for each amount shown in Exhibit 1" need to be revised, monetary transfers between the departments may occur and shall be administered by and be the responsibility of the Mayor or his appointed staff member. Any adjustments to the amount budgeted within each category shall be done by the City Council who shall do so by passing an ordinance amending the budget.

Section 4. All elected officials and employees are bound by this ordinance as well as Arkansas law to operate the city within the monetary limits set by the adopted budget and its revisions. The willful disregard of the limits set forth within the budget may result in the appropriate action against the elected official and /or employee pursuant to the Local Fiscal Management Responsibility Act, codified a A.C.A §14-77-101 et seq.

Section 5. It is hereby found and determined that there is an immediate need to adopt the foregoing mechanism for the financial operations of the City. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this _____ day of December, 2015.

APPROVED

Mayor

ATTEST:

City Clerk

NOT DESIGNATED FOR PUBLICATION

ORDINANCE NO. 65 OF 2015

AN ORDINANCE AMENDING THE 2015 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 75 OF 2014; APPROPRIATING FUNDS FOR THE 911 OFFICE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the city needs to makes certain purchases for the 911 office which includes consoles, chairs and other improvements to the facilities; and

WHEREAS, it has been determined that funds will need to be appropriated for this purpose; and

WHEREAS, the City Council desires to amend the 2015 budget to account for this additional expenditure.

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. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2015 City of Benton Budget as adopted in Ordinance 75 of 2014. 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 ordinances of the city. The Mayor and City Clerk are hereby authorized to execute the documents necessary to make these purchases, if any. Purchases of equipment are being acquired at state bid prices.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget to appropriate funds for the purchases described above for the 911 office. 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 December, 2015.

David Mattingly, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



FY2015 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2015. 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 Receipts and Disbursements that make up this Fiscal Year 2015 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2015

General Fund

| | Beg Approved Amt | Amendment | End Revised Amt |
|--------------------------|------------------|-----------|-----------------|
| Receipts | \$14,336,079 | -0- | \$14,336,079 |
| Personnel | \$10,590,690 | -0- | \$10,590,690 |
| Operations & Maintenance | \$2,567,139 | -0- | \$2,567,139 |
| Capital Items | \$1,679,201 | 73,982 | \$1,753,183 |

Section 2: Receipts & Disbursements - Fiscal Year 2015

General Fund

Source of Funding

This budget amendment allows for transfer of funds from General Fund restricted accounts in the amount of <\$37,361.16> from the Communication Systems Fund (130.560.10.00) and <\$36,621.02> from the Communications Facility & Equipment Fund (130.570.10.00).

Disbursements

This budget amendment allows for the expenditure of funds for Central Communications (911) upgrades. The asset additions include new consoles and equipment totaling \$73,982.18 (850.100 / 850.900.13.15).

RESOLUTION NO 65 OF 2015

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

WHEREAS, the city owns certain equipment which is more fully identified in Exhibit "1" to this Resolution which is no longer useful to the city; and

WHEREAS, the City Council desires to declare this equipment as surplus and to authorize it to be sold at auction;

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

SECTION 1: The equipment listed on the attached document, Exhibit "1" is hereby declared surplus and shall be sold at auction in accordance with any applicable state or federal law.

SECTION 2: All proceeds from the sale shall be deposited into the general fund, line item #130.55, Police Equipment Grant Fund and shall be used for the purchase of protective vests and equipment for the police department.

PASSED AND APPROVED this the _____ day of December, 2015.

David Mattingly, Mayor

Cindy Stracener, City Clerk

Exhibit "1"

| DESCRIPTION | BRAND | MODEL | SERIAL # |
|-----------------------------------|-----------|------------------------|----------------------|
| REFRIGERATOR | ARISTON | TV1329A | 401342 |
| TV | ORION | MWC20T6 | 053190658228 |
| TV W/ DVD & VCR | MAGNAVOX | MWC13D6 | V47614737 |
| TV W/ DVD PLAYER | MAGNAVOX | DS27780 | V46669097 |
| TV W/ DVD & VCR | SANYO | MWC1303 | V7210721906045 |
| TV W/ DVD | MAGNAVOX | SLV-D380P | V45626684 |
| DVD/VCR | SONY | DRX-8304 | 2124548 |
| PORTABLE DVD/CD REWRITEABLE DRIVE | SONY | | BD5148049830UUC20704 |
| CD READER | TDK | | XY041248U002607 |
| VIDEO RECORDER | SONY | CCD-TRV22 | 46119 |
| PRINTER | HP | PHOTOSMART C410 SERIE | CN15ED104G |
| PRINTER | HP | PHOTOSMART C410 SERIE | CN15ED1049 |
| PRINTER | HP | PHOTOSMART C410 SERIE | CN12AD11NJ |
| PRINTER | HP | PHOTOSMART C410 SERIE | CNDCKD10CQ |
| PRINTER | HP | PHOTOSMART C410 SERIE | CN155D12GS |
| PRINTER | HP | PHOTOSMART 7520 | TH45C7215H |
| PRINTER | HP | PHOTOSMART 7520 | CN1AR2445X |
| PRINTER | HP | PHOTOSMART 7520 | TH466722X9 |
| PRINTER | HP | OFFICEJET P2035n | CNB9D10225 |
| PRINTER | HP | OFFICEJET L7590 | MY86F240DP |
| PRINTER | HP | OFFICEJET J6480 | CB053A |
| PRINTER | HP | OFFICEJET 6500 | MY86E2414C |
| PRINTER | HP | OFFICEJET 6500 | MY95P2713B |
| PRINTER | HP | OFFICEJET 6500 | MY95Q270K6 |
| PRINTER | HP | OFFICEJET 6700 PREMIUM | CN24G2HODJ |
| PRINTER | HP | DESKJET C6900 SERIES | MY9492K0B1 |
| PRINTER | VISIONEER | STRIDE XP 450 | 632TW1068B5Q1300046 |
| RETRACTABLE PROJECTOR SCREEN | DA-LITE | | |
| PROJECTOR | 3M | DMS710 | T7A04750992 |
| GM RADIO | | | 89AANFM232810404 |
| CHRYSLER RADIO | | | T15AH082969085 |
| FORD RADIO | | | 5G1T8C15FAM443150484 |
| AMPLIFIER | BOSS | CX750 1600 WATTS | 100607060 |
| AMPLIFIER | AUTOTEK | SUPERSPORT AT 1200 | |

| | | | |
|-------------------------------------|---------------------------|-----------------|--------------------------|
| HEADPHONES | EAGLE | | |
| HIGHBACK CHAIR | GENEVA | PF211 | |
| MAGNETIC ERASER | KESON | ROADRUNNER | |
| ROLATAPE | PANASONIC | TOUGHBOOK CF-47 | OECPRY0036 |
| LAPTOP WITH BAG | PANASONIC | TOUGHBOOK CF-47 | OCYUA08066 |
| LAPTOP WITH BAG | POLAROID | SPECTRA AF | L7WJ6QYJVHBE |
| CAMERA IN BAG WITH ACCESSORIES | POLAROID | SPECTRA AF | D8PJAMCJVHBE |
| CAMERA | POLAROID | SPECTRA | MZCJM86WVKBD |
| CAMERA | SONY | MAVICA | 1058075 |
| CAMERA | SONY | MAVICA | 1399598 |
| CAMERA | CANON | POWERSHOT A560 | 4722117139 |
| CAMERA | DXG | | A66108497 |
| TAPE RECORDER | GENEVA | 3-5301B | 213A2136 |
| TAPE RECORDER | OLYMPIUS | VOX | 417172 |
| MONITOR | DELL | | CN-OC5369-64180-547-02UH |
| MONITOR | DELL | | CN-OC5369-64180-547-1AWH |
| MONITOR | DELL | | CN-OY4413-72872-57L-2NHS |
| MONITOR | DELL | | CN-OC5369-64180-547-104H |
| MONITOR | DELL | | QS5333201629 |
| MONITOR | DELL | | CN-OY4413-72872-63L-29TS |
| MONITOR | DELL | | CN-OY9998-72872-63L-3CAT |
| MONITOR | DELL | | CN-OY4413-72872-57L-29LS |
| MONITOR | DELL | | |
| CALCULATOR | TEXAS INSTRUMENTS | TI-5640 | 0036283 |
| LABEL MAKER | BROTHER | | U61531-DOG394651 |
| MINI TAPE DUPLICATOR | SAUL MINEROFF ELECTRONICS | D-704 | 20072 |
| FAX MACHINE | CANON | SUPER G-3 | MDL76154 |
| SHREDDER | FELLOWES | OD1500C | |
| SHREDDER | FELLOWES | S70-2 | |
| SHREDDER | FELLOWES | S70C-2 | |
| (1) MONITOR STAND HANGING | PLANTRONICS | | |
| (15) HEADSETS | | | |
| (12) BOXES OF 3.5 INCH DISKETTES | | | |
| (3) WOODEN DESKS | | | |
| (1) 5 DRAWER LATERAL FILING CABINET | | | |
| (1) BACKPACK | | | |
| (1) TOOL BELT | | | |

THE GENERAL FIREPROOFING CO.

- (1) COMPUTER BAG
- (2) KEYBOARD TRAYS
- FILING CABINET
- SMALL FILE DRAWER METAL
- SMALL METAL FILE RACK
- WOODEN PAMPHLET HOLDER
- (6) BLACK PLASTIC RIFLE CASES
- BOX OF (22) KEYBOARDS
- (2) BOXES OF WIRES, MOUSE, AND COMPUTER ACCESSORIES
- SMALL CAMO BINOCULARS
- (2) CAMERA BAGS
- BOX OF CASSETTE, VCR TAPES AND PRINTER INK
- CEILING MOUNT TV STAND

RESTRICTED ITEMS

PAGER TRANSMITTER AND CABLES
 TRANSMITTER
 MOTOROLA BRAVO 7015
 LEA M7022

MOBILE TRACKING UNIT AND CABLES
 AUDIO RECEIVER
 LEA GV-A500
 LEA 15002

LICENSE PLATE READER (vehicle installation)

K-9 CAGE WITH DOOR POPPER (2009 DODGE CHARGER)

LOT 1

| | | | | |
|---|--------------------|---------|-------------|--|
| ANALOG POLE MOUNT SURVEILLANCE SYSTEM | | | | |
| VIDEO CONTROLLER | DTC COMMUNICATIONS | AM-1868 | 10881917A | |
| VHF FM TRANSCIEVER AND CABLES AND CHARGING DOCK | KENWOOD | TK270G | C05111-1028 | |
| LARGE BLACK PELICAN STYLE CASE | | | | |

LOT 2

| | | | | |
|--|---------|--------|------------|-------------------|
| VIDEO RECEIVER/RECORDER | MINIPIX | MPX800 | BE-1845 | |
| AUDIO/VIDEO TRANSMITTER AND CABLES | | | C0534-1076 | |
| GREEN TRAVEL BAG. EXT. ANTENNAS AND CABLES | | | | BC-340 AND BC-338 |

HOTEL KIT (2) WAVECOM TRANSMITTER ANTENNAS AND CABLES
VIDEO RECORDER

SONY

GV-A500

15002

RESOLUTION NO 66 OF 2015

**A RESOLUTION DECLARING CERTAIN PROPERTY
AS SURPLUS; AND AUTHORIZING EITHER THE SALE OF THE
SURPLUS PROPERTY AT AUCTION OR THE ABILITY TO
TRADE THE VEHICLES FOR REPLACEMENT VEHICLES**

WHEREAS, the city owns two vehicles which are more fully identified in Exhibit "1" to this Resolution which are no longer useful to the city; and

WHEREAS, the City Council desires to declare this equipment as surplus and to authorize them to be sold at auction or in the alternative, trade the vehicles for replacement vehicles.

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

SECTION 1: The vehicles listed on the attached document, Exhibit "1" are hereby declared surplus property. The city administration is given the discretion to either sell the individual vehicles at public auction or trade the vehicles for replacement vehicles. In either situation, the proceeds from either auctioning the vehicles or trading them shall be applied toward the purchase price of the replacement vehicles.

PASSED AND APPROVED this the _____ day of December, 2015.

David Mattingly, Mayor

Cindy Stracener, City Clerk

Exhibit "1"

2004 Ford .5T 4dr. Ext Cab w/animal box VIN#1FTZR45E54PA95306

Mileage: 121,262

2001 Dodge Durango VIN#: 1B4HS28N31F600029 Mileage: 116,214

RESOLUTION NO. 67 OF 2015

**A RESOLUTION RECOGNIZING THE SERVICES OF
OFFICER JUSTIN TITTLE TO THE CITIZENS OF BENTON AND
AWARDING HIM HIS BADGE AND SERVICE WEAPON IN
RECOGNITION OF THESE SERVICES**

WHEREAS, Officer Justin Tittle has served the citizens of Benton for over twenty years as a police officer; and

WHEREAS, Officer Tittle has announced his retirement from the police department; and

WHEREAS, the city wishes to thank Officer Tittle for his dedicated services to our community by presenting him with his service weapon and badge in recognition of these outstanding services.

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

SECTION 1: The equipment listed on the attached document, Exhibit "1" is hereby declared surplus and shall be presented to Officer Justin Tittle in recognition of his services to this community.

PASSED AND APPROVED this the _____ day of December, 2015.

David Mattingly, Mayor

Cindy Stracener, City Clerk

Exhibit "1"

Glock Model 21, serial number #SWH752

Benton Police Department Badge Number: #2533

ORDINANCE NO. 66 of 2015

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A GENERAL REVENUE PROMISSORY NOTE (STREETS PROJECT), SERIES 2015; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Benton, Arkansas (the "City") is authorized and empowered under the provisions of Amendment 78 to the Arkansas Constitution and the provisions of Arkansas Code Annotated Section 14-78-1001 et seq (the "Act") to issue notes and expend the proceeds thereof for purpose of acquiring, constructing, installing and renting real property; and

WHEREAS, the City entered into an Interlocal Agreement with Metroplan, Saline County and the City of Bryant on September 13, 2010, as amended by Supplemental Agreement dated September 16, 2014 (collectively, the "Interlocal Agreement") providing for the widening of Alcoa Road between Interstate 30 and Sidell Road in Saline County, 5,906 feet of which is within the corporate limits of the City (the "Alcoa Road Project"); and

WHEREAS, the City Council has determined that it is appropriate to commence reconstruction and resurfacing of Lillian Street in the City of Benton at an estimated cost of \$1,100,000.00 (the "Lillian Street Project", and, together with the Alcoa Road Project, the "Streets Project"); and

WHEREAS, the City proposes to finance a portion of its share of the cost of the Streets Project by issuing its promissory note pursuant to Amendment 78 and the Act in the principal amount not to exceed Five Million and No/100ths Dollars

(\$5,000,000.00) in favor of First Security Bank, an Arkansas banking corporation (“Lender”).

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

Section 1. The City Council hereby finds that the Streets Project involves the construction of improvements to real property which will have a useful life of more than one (1) year and that the aggregate principal amount of the Note and all other obligations heretofore incurred by the City under Amendment No.78 does not exceed 5% of the assessed value of taxable property located within the City as determined by the last tax assessment.

Section 2. Under the authority of Amendment 78 and the Act, the City of Benton General Revenue Promissory Note (Streets Project), Series 2015 (the “Note”) is hereby authorized and ordered issued in the maximum principal amount of \$5,000,000.00 for the purpose of financing a portion of the Streets Project. The Note shall bear interest at an interest rate not to exceed 1.79%, and shall mature on that date which is five (5) years from the date of the Note. The Note shall evidence a multiple advance, non-revolving line of credit. Interest on the outstanding balance of principal of the Note shall be paid in quarterly installments commencing March 31, 2016, and on the last day of each calendar quarter thereafter. The principal on the Note shall be paid in annual installments equal to the lesser of: (i) the amount of principal outstanding as of the due date of each annual installment or (ii) \$1,000,000.00. Advances on the Note shall be made for purposes of defraying the

expenses of the Streets Project on the written order of the Mayor and City Clerk. The Note may be prepaid at any time prior to maturity. The Note shall be dated as of the date of its execution and shall be issuable only as a fully registered Note without coupons.

Section 3. The Note shall be executed on behalf of the City by the Mayor and City Clerk and shall have impressed or imprinted thereon the seal of the City.

Section 4. As provided in Amendment No. 78, the debt service payments on the Note in each fiscal year shall be charged against and paid from the general revenues of the City for such fiscal year. For the purpose of making the debt service payments, there is hereby, and shall be appropriated to pay the Note, an amount of general revenues of the City sufficient for such purposes. The City covenants that for each fiscal year in which the Note is outstanding, the general revenues of the City shall exceed the amount of debt service payments due on the Note in that fiscal year.

Section 5. The City covenants with the Lender, and any subsequent owner of the Note as follows:

5.1. The City will not take any action or suffer or permit any action to be taken or condition to exist which causes or may cause the interest payable on the Note to be included in gross income for federal income tax purposes.

5.2. The proceeds of the Note will not be used, directly or indirectly, in such a manner as to cause the Note to be treated as an "arbitrage bond" within

execute and deliver all documents, certificates and other instruments that may be required therefor.

Section 10. In the event that any provision of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this Ordinance which shall remain in full force and effect as if the portion declared invalid were not originally a part of this Ordinance.

Section 11. All laws, ordinances, resolutions or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

Emergency Clause. The need to commence construction of the Streets Project to improve traffic flow in the City being necessary for the preservation of the public peace, health, safety and welfare, an emergency is hereby found to exist and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED this ___ day of December, 2015.

Mayor

ATTEST:

City Clerk

DESIGNATED FOR PUBLICATION

ORDINANCE NO. 67 OF 2015

AN ORDINANCE ANNEXING CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF BENTON, SALINE COUNTY, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, Benton Investment Partners, LLC on behalf of MPE Properties, Inc., the property owner, filed a petition with the County Court of Saline County, Arkansas, to annex certain contiguous property hereinafter described, into the corporate limits of the City of Benton, Saline County, Arkansas, and

WHEREAS, on the 12th day of November, 2015, Jeff Arey, Saline County Judge, determined that said petition should be granted and that the property hereinafter described should be released from Saline County and annexed to the corporate limits of the City of Benton, Saline County, Arkansas; and

WHEREAS, more than thirty (30) days has expired since entry of said order and the City of Benton desires to accept said property into the City.

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

Section 1: That the property hereinafter described is hereby annexed and made a part of the City of Benton, Saline County, Arkansas, and being more fully described as follows, to wit:

Part of the Southwest Quarter of the Northeast Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 30, Township 1 South, Range 14 West of the 5th P.M., Saline County, Arkansas, described as follows:

Beginning at the Northeast corner, Northwest Quarter, Southeast Quarter of said Section 30; thence South 2°23'17" West, 820.23 feet to a point on the North right of way of Interstate Highway 30; thence South 65°07'28" West, 297.80 feet along said North right of way; thence North 0°34'23" East, 500.86 feet; thence South 88°01'54" East, 39.66 feet; thence North 2°46'38" East, 492.51 feet; thence South 87°58'08" East, 228.13 feet to the East line of the Southwest Quarter of the Northeast Quarter of said Section 30; thence South 1°18'46" West, 37.78 feet along said East line to the point of beginning. Contains 5.281 acres of land, more or less.

Section 2: Said property shall be zoned as Highway Commercial and shall be used for the purposes of a commercial retail development.

Section 3: Because of the need to proceed with a retail commercial development which will be placed on this property and which will be of benefit to the local community and economy, 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 December, 2015.

David Mattingly, Mayor

Cindy Stracener, City Clerk

DESIGNATED FOR PUBLICATION

ORDINANCE NO. 68 OF 2015

**AN ORDINANCE REZONING CERTAIN LAND IN THE CITY OF BENTON,
SALINE COUNTY, ARKANSAS,
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, an application for zoning was filed with the Planning Commission of the City of Benton, Arkansas by Benton Investment Partners, LLC requesting the lands hereinafter described be zoned to Highway Commercial (CH) zoning; and,

WHEREAS, the Planning Commission ordered a Public Hearing be held on November 10, 2015 at 6:00 p.m. for the purpose of hearing said application; the notice of such hearing having been published in a newspaper having a bona fide circulation in Saline County, Arkansas; with evidence having been submitted that all property owners or lessees within 300 feet of the property having been notified of said hearing; and at said hearing, the Planning Commission recommended to the City Council that such request be granted; and,

WHEREAS, the City Council of the City of Benton, Arkansas desires to zone the following property as Highway Commercial (CH) zoning.

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

SECTION 1. The following described property is hereby rezoned from Single Family Residential R 1-7.5 to Highway Commercial (CH)

The property located at 20380 Interstate 30 Frontage Road, Saline County, Benton, Arkansas to wit: Part of the Southwest Quarter of the Northeast Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 30, Township 1 South, Range 14 West of the 5th P.M., Saline County, Arkansas, described as follows: Beginning at the Northeast corner, Northwest Quarter, Southeast Quarter of said Section 30; thence South 2° 23' 17" West, 820.23 feet to a point on the North right of way of Interstate Highway 30; thence South 65° 07' 28" West, 297.80 feet along said North right of way; thence North 0° 34' 23" East, 500.86 feet; thence South 88° 01' 54" East, 39.66 feet; thence North 2° 46' 38" East, 492.51 feet; thence South 87° 58' 08" East, 228.13 feet to the East line of the Southwest Quarter of the Northeast Quarter of said Section 30; thence South 1° 18' 46" West, 37.78 feet along said East line to the point of beginning. Contains 5.281 acres of land, more or less.

SECTION 2. The City Council, having found that the immediate rezoning of this property will allow construction to commence thereon which will be of benefit to the local economy, hereby declares an emergency and this Ordinance shall be in full force and effect after its passage and approval.

PASSED AND APPROVED, this _____ day of _____, 2015.

Mayor

Attest: _____
City Clerk

DESIGNATED FOR PUBLICATION

Staff Use:

DATE SUBMITTED _____
DATE OF NEXT MEETING _____
AD MUST RUN NOT LATER THAN _____

Application and Procedural Requirements for Rezone Permit

Applicant's Name GBT Realty Corporation (on behalf of Benton Investment Partners, LLC)

Address of Subject Property 20380 Interstate 30 Frontage Rd., Benton, AR 72019

Legal Description of Subject Property (may be attached on separate sheet)

see attached

Assessor's Parcel Number of Subject Property 001-047049-000

Zoning District of Subject Property Unknown

Proposed Use See attached

Please attach vicinity map of the property, 8.5 x 11 inch size. Additional required information is detailed on p. 2.

I hereby certify that I am the owner of the property identified in this application; or, that I am the authorized agent of MPE Properties, Inc., who is the owner of said property; or that I am the employee or agent of GBT Realty Corp., which is a public utility company or other agency with the powers of eminent domain, and that I am authorized to act in their behalf, and that this application, to the best of my knowledge and belief, is true and correct.

Signed



Mailing Address 9010 Overlook Blvd.

Brentwood, TN 37027

Phone Number 615-370-0670

Subscribed and certified to me this 26 day of October, 2015

Community Development Dept Representative

Potential uses:

Clothing, home furnishing, jewelry and other soft goods sales

Outdoor sales areas on sidewalks only with no screening

Pet store including pet boarding, grooming and veterinary services

Restaurants

Personal grooming services (i.e., spas, hair and nail salons, etc.)

Banking

Automotive repair and tire store

Medical and office uses

Health Clubs and gyms

Tutoring Classes

Grocery/Bakery/Deli

Liquor Store

Pharmacy



GBT REALTY CORPORATION

October 26, 2015

David Vondran
City of Benton
Community Development Director
114 S. East Street
Benton, AR 72015

To the Benton City Planning Commission:

To further our retail development located at this site, it is our intent to rezone the approximately 5.65 acre parcel located at 20380 Interstate 30 Frontage Road, Benton, Arkansas, to CH zoning. Additionally, below is a list of potential retail uses, and we are requesting a conditional use permit for any uses that fall outside the approved uses for CH zoning. This parcel is currently not located within the City of Benton, but the annexation process has commenced. At this time, it is our intent to submit an annexation request to the City Council for the December 14, 2015. We ask that the rezoning and conditional use permit be contingent on Benton Investment Partners, LLC buying the property.

Potential Uses:

- Clothing, home furnishing, jewelry and other soft goods sales
- Outdoor sales areas on sidewalks only with no screening
- Pet store including pet boarding, grooming and veterinary services
- Restaurants
- Personal grooming services (i.e., spas, hair and nail salons, etc.)
- Banking
- Automotive repair and tire store
- Medical and office uses
- Health Clubs and gyms
- Tutoring Classes
- Grocery/Bakery/Deli
- Liquor Store
- Pharmacy

Sincerely,

Fiona Haulter
GBT Realty Corporation
Vice President of Development
Shopping Center Division

No 39544 DATE 10-26 20 15

CITY OF BENTON, ARKANSAS
GENERAL FUND

RECEIVED OF GBT Realty Corp. \$ 30.00

FOR Rezone of 20380 I-30

Check # 10543 D. M. Randle
RECEIVED BY:

543

Proof of Publication

STATE OF ARKANSAS
County of Saline

I, Maribeth Bueche, do solemnly swear that I am Legal Advertising Clerk for The Saline Courier, a daily newspaper printed in said county, and that I was such at the date of publication hereinafter stated, and that said newspaper had a bona fide circulation in such county at said dates, and has been regularly published in said county since the year 1876 before the date of the first publication of the advertisement hereto annexed, and that said advertisement was published in said newspaper 1 times for 1 issues, the first insertion therein having been made on 10.23.2015, and the last insertion on 10.23.2015.

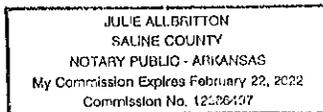
Billed Account YBI Realty Corp

Ad Number 70343
Maribeth Bueche
Legal Advertising Clerk

Sworn to and subscribed before me on 10-26-15
Julie Allbritton
Notary Public

FEE FOR PRINTING

\$ 79.00 Cost of Notice
\$ 2.60 Cost of Proof
\$ 81.60 Total



Legal Notices

NOTICE IS hereby given that a hearing will be held by the Planning Commission of the City of Benton, AR on November 10, 2015 at 6:00pm at 114 South East Street, Benton, AR for a rezoning and conditional use petition made by Benton Investment Partners, LLC for property located at 20380 Interstate 30 Frontage Rd., Saline County, Benton, AR 72019 to wit: Part of the Southwest Quarter of the Northeast Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 30, Township 1 South, Range 14 West of the 5th P.M., Saline County, Arkansas, described as follows: Beginning at the Northeast corner, Northwest Quarter, Southeast Quarter of said Section 30; thence South 2°23'17" West, 820.23 feet to a point on the North right of way of Interstate Highway 30; thence South 65°07'28" West, 297.80 feet along said North right of way; thence North 0°34'23" East, 500.86 feet; thence South 88°01'54" East, 39.66 feet; thence North 2°46'38" East, 492.51 feet; thence South 87°58'08" East, 228.13 feet to the East line of the Southwest Quarter of the Northeast Quarter of said Section 30; thence South 1°18'46" West, 37.78 feet along said East line to the point of beginning. Contains 5.281 acres of land, more or less.

Advertising Receipt

PO BOX 207
Benton 72018

Phone: (501) 315-8228
Fax: (501) 315-1920

GBT Realty Corporation
Fiona Haulter
9010 Overlook Blvd
Brentwood, TN 37027

Acct #: 04106776
Ad #: 00070343
Phone: (615)921-0037
Date: 10/16/2015
Ad taker: MAB Salesperson:

Sort Line: Notice 20380 IH 30 Frontage

Classification 710

| Description | Start | Stop | Ins. | Cost/Day | Total |
|-----------------------------|------------|------------|------|----------|-------|
| 01 The Saline Courier | 10/23/2015 | 10/23/2015 | 1 | 78.00 | 78.00 |
| WEB CL \$1 Liner+1colCD Web | | | | | 1.00 |
| AFFI Affidavit | | | | | 2.60 |

Ad Text:

Notice is hereby given that a hearing will be held by the Planning Commission of the City of Benton, AR on November 10, 2015 at 6:00pm at 114 South East Street, Benton, AR for a rezoning and conditional use petition made by Benton Investment Partners, LLC for property located at 20380 Interstate 30 Frontage Rd., Saline County, Benton, AR 72019 to wit: Part of the Southwest Quarter of the Northeast Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 30, Township 1 South, Range 14 West of the 5th P.M., Saline County, Arkansas, described as follows: Beginning at the Northeast corner, Northwest Quarter, Southeast Quarter of said Section 30; thence South 2°23'17" West, 820.23 feet to a point on the North right of way of Interstate Highway 30; thence South 65°07'28" West, 297.80 feet

Payment Reference:

Total: 81.60
Tax: 0.00
Net: 81.60
Prepaid: -81.60
Total Due: 0.00

Notice is hereby given that a hearing will be held by the Planning Commission of the City of Benton, AR on November 10, 2015 at 6:00pm at 114 South East Street, Benton, AR for a rezoning and conditional use petition made by GBT Realty Corporation for property located at 20380 Interstate 30 Frontage Rd., Saline County, Benton, AR 72019 to wit:

SALINE COUNTY ABSTRACT & GUARANTY COMPANY, INC.

P.O. Box 118
Benton, AR 72018-0118
(mailing address)

316 N. Main Street
Benton, AR 72015

Phone: (501) 315-2471
Fax: (501) 315-4128

October 23, 2015

Stewart Title
Attn: Joy Griffin
5901 Peachtree Dunwoody Road, Suite B-540
Atlanta Georgia

RE: 300' ownership search
1202 Hwy 5 North & 2030 Interstate 30, Benton

To Whom It May Concern::

The list attached as Exhibit "A" is a list of apparent property owners filed in the real estate records of Saline County, Arkansas, within 300 feet of the land as set forth in Deeds filed as Document No. 07 57539 in the name of Mt. Carmel Investment Company, LLC and Document No. 09 70776 in the name of MPE Properties Inc.

We hereby certify that the following list is the owners of the last deed of record as of effective date October 7, 2015 at 12:01 a.m.

This search does not purport to state the ownership of the property, but only involving those persons listed above appearing to claim ownership or have claimed ownership by matters of record, consequently said search must not be used for any purposes where actual ownership must be ascertained. Liability of this company for errors in the information in this report is limited to the amount paid \$420.00 for said information.

Sincerely,



Denise Carpenter
Title Insurance Dept.

cc: file
Encl.

Exhibit "A"

Name

Address

Document No.

| | | |
|--|--|-------------------------|
| 1. Landers Land Company #2, LLC | P.O. Box 1649 Benton, Ar 72018 | 1995-33696 |
| 2. Austin E. Brightop | 2415 Silver Maple Dr. Little Rock, AR 72210 | 2010-108517 |
| 3. Richard R. or Joy Brightop | 4915 Katy Lane Benton, AR 72019 | 2000-21589 |
| 4. Richard R. or Joy Brightop | 4915 Katy Lane Benton, AR 72019 | 295-611 |
| 5. Arellio Lopez | 8970 Stonehedge Trail Benton, AR 72019 | 2004-107727, 2006-60928 |
| 6. Maizie Walden | P.O. Box 117 Benton, AR 72018 | 265-173 |
| 7. Lillian St. Church of Christ | 1500 Lillian Benton, AR 72019 | 278-320 |
| 8. Dennis Properties | 1420 Hwy 5 North Benton, AR 72019 | 2004-83190 |
| 9. Mathias Shopping Center | c/o Harp's P.O. Box 48 Springdale, AR 72766 | 2009-78288 |
| 10. Kenneth P. Page | 1401 Hwy 5 North Benton, AR 72019 | 2013-54028 |
| 11. Charles or Alma F. Raper | 1319 Hwy 5 North Benton, Ar 72019 | 2000-39870 |
| 12. Ronald I or Loretta Kaye Daugherty | 1325 Hwy 5 North Benton, AR 72019 | 2014-72270 |
| 13. George J. Matejan | 1301 Hwy 5 North Benton, AR 72019 | 2011-65235 |
| 14. Douglas C. or Lisa B. Groves | 3916 Robinwood Cir Bryant, Ar 72022 | 1999-51352 |
| 15. Douglas C. or Lisa B. Groves | 3916 Robinwood Cir Bryant, Ar 72022 | 1999-51352 |
| 16. William L. Dillon | 1122 Hwy 5 North Benton, AR 72019 | 2004-34147 |

| | | |
|-------------------------------------|--|-------------|
| 17. William P. Lawson | 1110 Hwy 5 North Benton, AR 72019 | 2003-120856 |
| 18. William J. Tiner | 992 Hwy 5 North Benton, AR 72019 | 2013-14679 |
| 19. William J. Tiner | 992 Hwy 5 North Benton, AR 72019 | 2013-14679 |
| 20. Michael H. & Brenda sue Targett | 4117 Edison Ave. Benton, AR 72015 | 1999-7932 |
| 21. Parker Hannifin Corp | 6035 Parkland Blvd. Cleveland OH 44124 | 245-622 |
| 22. The Apostolic Christian Church | 20141 I-30 Benton, AR 72019 | 365-619 |
| 23. William G. Lenz | 20251 I-30 South Benton, AR 72015 | 1995-38060 |
| 24. William G. Lenz | 20251 I-30 South Benton, AR 72015 | 2001-15526 |
| 25. American Freightways Corp | c/o Altus Group U.S. Inc 21001 N. Tatum Blvd Ste. 1630-630 Phoenix, AZ 85050 | 2002-17123 |
| 26. Fed Ex Freight East, Inc. | c/o Burke & Associates 3336 East 32nd St. #217 Tulsa OK 74135 | 2007-91738 |
| 27. Centerpoint Church | 20383 I-30 South Benton, AR 72019 | 342-274 |

ORDINANCE NO. 69 OF 2015

AN ORDINANCE PROVIDING FOR A CONDITIONAL USE FOR RETAIL COMMERCIAL SERVICES;
DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, an application for a Conditional Use Permit was filed with the Planning Commission of the City of Benton, Arkansas, by Benton Investment Partners, LLC requesting that 20380 Interstate 30 Frontage Road be issued a Conditional Use for the operation of retail commercial services.

WHEREAS, the Planning Commission ordered a public hearing to be held on November 10, 2015 at 6:00 P.M., for the purposes of hearing said application, that notice of said hearing having been published in a newspaper having a bona fide circulation in Saline County, Arkansas, evidence having been submitted that all property owners or lessees within 300 feet of the property hereinafter described having either consented to or been notified of said hearing and at said hearing the Planning Commission resolved to recommend to the City Council of the City of Benton, that the Application for a Conditional Use Permit be granted.

WHEREAS, the City Council of the City of Benton desires to grant a Conditional Use to Benton Investment Partners, LLC for retail commercial services.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Benton that Benton Investment Partners, LLC is granted a Conditional Use for the operation of retail commercial services to-wit:

The property located at 20380 Interstate 30 Frontage Road, Saline County, Benton, Arkansas to wit: Part of the Southwest Quarter of the Northeast Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 30, Township 1 South, Range 14 West of the 5th P.M., Saline County, Arkansas, described as follows: Beginning at the Northeast corner, Northwest Quarter, Southeast Quarter of said Section 30; thence South 2° 23' 17" West, 820.23 feet to a point on the North right of way of Interstate Highway 30; thence South 65° 07' 28" West, 297.80 feet along said North right of way; thence North 0° 34' 23" East, 500.86 feet; thence South 88° 01' 54" East, 39.66 feet; thence North 2° 46' 38" East, 492.51 feet; thence South 87° 58' 08" East, 228.13 feet to the East line of the Southwest Quarter of the Northeast Quarter of said Section 30; thence South 1° 18' 46" West, 37.78 feet along said East line to the point of beginning. Contains 5.281 acres of land, more or less.

It is hereby found and determined that there is an immediate need to authorize the conditional use of the property to allow for the operation of retail commercial services. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED, this _____ day of _____, 2015.

Mayor

Attest: _____
City Clerk

DESIGNATED FOR PUBLICATION

Staff Use:

DATE SUBMITTED _____
DATE OF NEXT MEETING _____
AD MUST RUN NOT LATER THAN _____

Application and Procedural Requirements for Conditional Use Permit

Applicant's Name GBT Realty Corporation (on behalf of Benton Investment Partners, LLC)

Address of Subject Property 20380 Interstate 30 Frontage Rd., Benton, AR 72019

Legal Description of Subject Property (may be attached on separate sheet)

see attached

Assessor's Parcel Number of Subject Property 001-047049-000

Zoning District of Subject Property CH (rezoning being request)

Proposed Use See attached

Please attach vicinity map of the property, 8.5 x 11 inch size. Additional required information is detailed on p. 2.

I hereby certify that I am the owner of the property identified in this application; or, that I am the authorized agent of MPE Properties, Inc., who is the owner of said property; or that I am the employee or agent of GBT Realty Corp., which is a public utility company or other agency with the powers of eminent domain, and that I am authorized to act in their behalf, and that this application, to the best of my knowledge and belief, is true and correct.

Signer

Mailing Address 9010 Overlook Blvd.

Brentwood, TN 37027

Phone Number 615-370-0670

Subscribed and certified to me this 26 day of October, 2015

Community Development Dept Representative



GBT REALTY CORPORATION

October 26, 2015

David Vondran
City of Benton
Community Development Director
114 S. East Street
Benton, AR 72015

To the Benton City Planning Commission:

To further our retail development located at this site, it is our intent to rezone the approximately 5.65 acre parcel located at 20380 Interstate 30 Frontage Road, Benton, Arkansas, to CH zoning. Additionally, below is a list of potential retail uses, and we are requesting a conditional use permit for any uses that fall outside the approved uses for CH zoning. This parcel is currently not located within the City of Benton, but the annexation process has commenced. At this time, it is our intent to submit an annexation request to the City Council for the December 14, 2015. We ask that the rezoning and conditional use permit be contingent on Benton Investment Partners, LLC buying the property.

Potential Uses:

- Clothing, home furnishing, jewelry and other soft goods sales
- Outdoor sales areas on sidewalks only with no screening
- Pet store including pet boarding, grooming and veterinary services
- Restaurants
- Personal grooming services (i.e., spas, hair and nail salons, etc.)
- Banking
- Automotive repair and tire store
- Medical and office uses
- Health Clubs and gyms
- Tutoring Classes
- Grocery/Bakery/Deli
- Liquor Store
- Pharmacy

Sincerely,

Fiona Haulter
GBT Realty Corporation
Vice President of Development
Shopping Center Division

Potential uses:

Clothing, home furnishing, jewelry and other soft goods sales

Outdoor sales areas on sidewalks only with no screening

Pet store including pet boarding, grooming and veterinary services

Restaurants

Personal grooming services (i.e., spas, hair and nail salons, etc.)

Banking

Automotive repair and tire store

Medical and office uses

Health Clubs and gyms

Tutoring Classes

Grocery/Bakery/Deli

Liquor Store

Pharmacy

Proof of Publication

STATE OF ARKANSAS
County of Saline

I, Maribeth Bueche, do solemnly swear that I am Legal Advertising Clerk for The Saline Courier, a daily newspaper printed in said county, and that I was such at the date of publication hereinafter stated, and that said newspaper had a bona fide circulation in such county at said dates, and has been regularly published in said county since the year 1876 before the date of the first publication of the advertisement hereto annexed, and that said advertisement was published in said newspaper 1 times for 1 issues, the first insertion therein having been made on 10.23.2015, and the last insertion on 10.23.2015.

Billed Account MBI Realty Corp

Ad Number 70343
Maribeth Bueche
Legal Advertising Clerk

Sworn to and subscribed before me on 11.2.15
Julie Albrecht
Notary Public

FEE FOR PRINTING

\$ 79.00 Cost of Notice

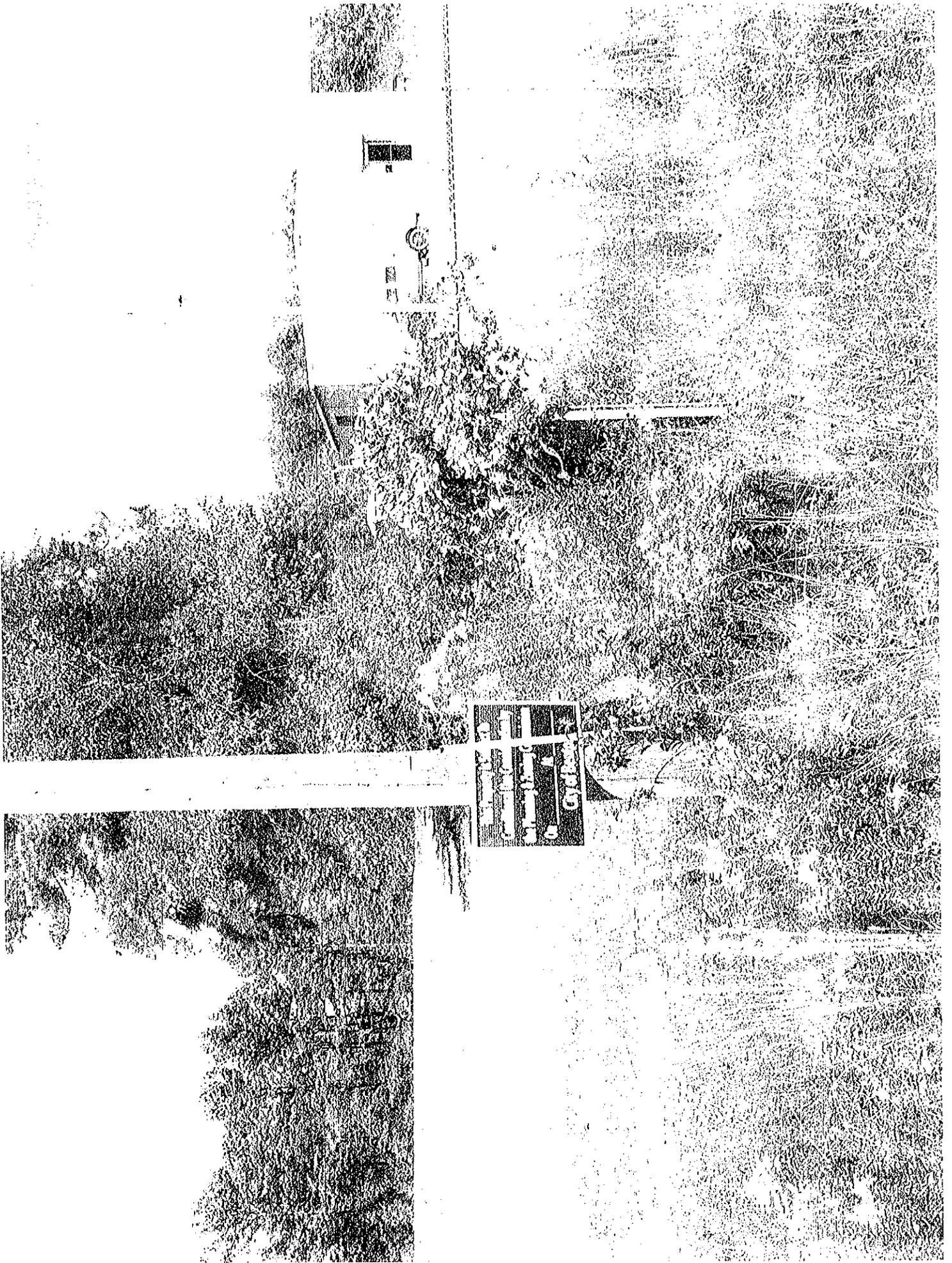
\$ 2.60 Cost of Proof

\$ 51.60 Total

Legal Notices

NOTICE IS hereby given that a hearing will be held by the Planning Commission of the City of Benton, AR on November 10, 2015 at 6:00pm at 114 South East Street, Benton, AR for a rezoning and conditional use petition made by Benton Investment Partners, LLC for property located at 20380 Interstate 30 Frontage Rd., Saline County, Benton, AR 72019 to wit: Part of the Southwest Quarter of the Northeast Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 30, Township 1 South, Range 14 West of the 5th P.M., Saline County, Arkansas, described as follows: Beginning at the Northeast corner, Northwest Quarter, Southeast Quarter of said Section 30; thence South 2°23'17" West, 820.23 feet to a point on the North right of way of Interstate Highway 30; thence South 85°07'28" West, 297.80 feet along said North right of way; thence North 0°34'23" East, 500.86 feet; thence South 88°01'54" East, 39.66 feet; thence North 2°46'38" East, 492.51 feet; thence South 87°58'08" East, 228.13 feet to the East line of the Southwest Quarter of the Northeast Quarter of said Section 30; thence South 1°18'46" West, 37.78 feet along said East line to the point of beginning. Contains 5.281 acres of land, more or less.

JULIE ALBRECHT
SALINE COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires February 29, 2019
Commission No. 1230707



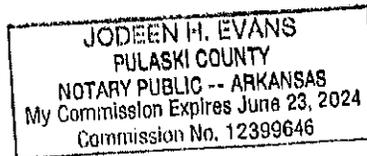
State of Arkansas
County of Pulaski

Before me the undersigned, a Notary Public within and for the State and County aforesaid, personally appeared Mr. Michael Sylwester, with whom I am personally acquainted and who upon his/her oath acknowledged himself/herself to be the President of MPL Properties Inc the within named bargainer, a corporation, and that, he/she as such President, being authorized to do executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as such President.

Witness my hand and official seal at Little Rock, Arkansas, this 9th day of October, 2015

Jodeen H. Evans My Commission Expires: 6/23/2024

Notary Public



Newspaper Ad Proof:

Notice is hereby given that a hearing will be held by the Planning Commission of the City of Benton, AR on November 10, 2015 at 6:00pm at 114 South East Street, Benton, AR for a rezoning and conditional use petition made by Benton Investment Partners, LLC for property located at 20380 Interstate 30 Frontage Rd., Saline County, Benton, AR 72019 to wit: Part of the Southwest Quarter of the Northeast Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 30, Township 1 South, Range 14 West of the 5th P.M., Saline County, Arkansas, described as follows: Beginning at the Northeast corner, Northwest Quarter, Southeast Quarter of said Section 30; thence South 2°23'17" West, 820.23 feet to a point on the North right of way of Interstate Highway 30; thence South 65°07'28" West, 297.80 feet along said North right of way; thence North 0°34'23" East, 500.86 feet; thence South 88°01'54" East, 39.66 feet; thence North 2°46'38" East, 492.51 feet; thence South 87°58'08" East, 228.13 feet to the East line of the Southwest Quarter of the Northeast Quarter of said Section 30; thence South 1°18'46" West, 37.78 feet along said East line to the point of beginning. Contains 5.281 acres of land, more or less.

SALINE COUNTY ABSTRACT & GUARANTY COMPANY, INC.

P.O. Box 118
Benton, AR 72018-0118
(mailing address)

316 N. Main Street
Benton, AR 72015

Phone: (501) 315-2471
Fax: (501) 315-4128

October 23, 2015

Stewart Title
Attn: Joy Griffin
5901 Peachtree Dunwoody Road, Suite B-540
Atlanta Georgia

RE: 300' ownership search
1202 Hwy 5 North & 2030 Interstate 30, Benton

To Whom It May Concern::

The list attached as Exhibit "A" is a list of apparent property owners filed in the real estate records of Saline County, Arkansas, within 300 feet of the land as set forth in Deeds filed as Document No. 07 57539 in the name of Mt. Carmel Investment Company, LLC and Document No. 09 70776 in the name of MPE Properties Inc.

We hereby certify that the following list is the owners of the last deed of record as of effective date October 7, 2015 at 12:01 a.m.

This search does not purport to state the ownership of the property, but only involving those persons listed above appearing to claim ownership or have claimed ownership by matters of record, consequently said search must not be used for any purposes where actual ownership must be ascertained. Liability of this company for errors in the information in this report is limited to the amount paid \$420.00 for said information.

Sincerely,



Denise Carpenter
Title Insurance Dept.

cc: file

Encl.

EXHIBIT "A"

09 070778

All that part of the Southwest Quarter of the Northeast Quarter, Section 30, Township 1 South, Range 14 West, and a part of the Northwest Quarter of the Southeast Quarter, said Section 30, described as follows: Beginning at the intersection of the East line of the Northwest Quarter of the Southeast Quarter of said Section 30 and the North Right-of-way line of Interstate Highway No. 30; which point is 400 feet, more or less, South of the Northeast corner of said Northwest Quarter of Southeast Quarter; run thence Southwesterly along the North Right-of-way of Highway for 300 feet; thence North parallel with East line of Northwest Quarter of Southeast Quarter for 499.5 feet; thence East at a 90 degree angle with the East line of Northwest Quarter of Southeast Quarter for 41 feet; thence North parallel with East line of Northwest Quarter of Southeast Quarter for 490 feet; thence East at a 90 degree angle with East line thereof for 217.0 feet to the East line thereof; thence South along said East line for 455 feet to the point of beginning, containing 5.0 acres, more or less.



FILED FOR RECORD
In Doc Book 09 Page 70778
AUG 14 2009
at 10:46 o'clock A M
BY DOUG KIDD CIRCUIT CLERK
Tommy DE

Exhibit "A"

| Name | Address | Document No. |
|--|--|-------------------------|
| 1. Landers Land Company #2, LLC | P.O. Box 1649 Benton, Ar 72018 | 1995-33696 |
| 2. Austin E. Brightop | 2415 Silver Maple Dr. Little Rock, AR 72210 | 2010-108517 |
| 3. Richard R. or Joy Brightop | 4915 Katy Lane Benton, AR 72019 | 2000-21589 |
| 4. Richard R. or Joy Brightop | 4915 Katy Lane Benton, AR 72019 | 295-611 |
| 5. Arelio Lopez | 8970 Stonehedge Trail Benton, AR 72019 | 2004-107727, 2006-60928 |
| 6. Maizie Walden | P.O. Box 117 Benton, AR 72018 | 265-173 |
| 7. Lillian St. Church of Christ | 1500 Lillian Benton, AR 72019 | 278-320 |
| 8. Dennis Properties | 1420 Hwy 5 North Benton, AR 72019 | 2004-83190 |
| 9. Mathias Shopping Center | c/o Harp's P.O. Box 48 Springdale, AR 72766 | 2009-78288 |
| 10. Kenneth P. Page | 1401 Hwy 5 North Benton, AR 72019 | 2013-54028 |
| 11. Charles or Alma F. Raper | 1319 Hwy 5 North Benton, Ar 72019 | 2000-39870 |
| 12. Ronald I or Loretta Kaye Daugherty | 1325 Hwy 5 North Benton, AR 72019 | 2014-72270 |
| 13. George J. Matejan | 1301 Hwy 5 North Benton, AR 72019 | 2011-65235 |
| 14. Douglas C. or Lisa B. Groves | 3916 Robinwood Cir Bryant, Ar 72022 | 1999-51352 |
| 15. Douglas C. or Lisa B. Groves | 3916 Robinwood Cir Bryant, Ar 72022 | 1999-51352 |
| 16. William L. Dillon | 1122 Hwy 5 North Benton, AR 72019 | 2004-34147 |

| | | |
|-------------------------------------|--|-------------|
| 17. William P. Lawson | 1110 Hwy 5 North Benton, AR 72019 | 2003-120856 |
| 18. William J. Tiner | 992 Hwy 5 North Benton, AR 72019 | 2013-14679 |
| 19. William J. Tiner | 992 Hwy 5 North Benton, AR 72019 | 2013-14679 |
| 20. Michael H. & Brenda sue Targett | 4117 Edison Ave. Benton, AR 72015 | 1999-7932 |
| 21. Parker Hannifin Corp | 6035 Parkland Blvd. Cleveland OH 44124 | 245-622 |
| 22. The Apostolic Christian Church | 20141 I-30 Benton, AR 72019 | 365-619 |
| 23. William G. Lenz | 20251 I-30 South Benton, AR 72015 | 1995-38060 |
| 24. William G. Lenz | 20251 I-30 South Benton, AR 72015 | 2001-15526 |
| 25. American Freightways Corp | c/o Alkus Group U.S. Inc 21001 N. Tatum Blvd Ste. 1630-630 Phoenix, AZ 85050 | 2002-17123 |
| 26. Fed Ex Freight East, Inc. | c/o Burke & Associates 3336 East 32nd St. #217 Tulsa OK 74135 | 2007-91738 |
| 27. Centerpoint Church | 20383 I-30 South Benton, AR 72019 | 342-274 |

RESOLUTION NO. 68 OF 2015

A RESOLUTION REQUESTING THE U.S. ARMY CORPS OF ENGINEERS CONDUCT AN INVESTIGATION AND STUDY TO DETERMINE THE FEASIBILITY OF DEVELOPING A FLOOD CONTROL PROJECT; AND FOR OTHER PURPOSES

Be it resolved that the Benton City Council requests the U.S. Army Corps of Engineers to conduct investigations and studies to determine the feasibility of developing a flood control project along the Saline River in the vicinity of Sunset Lake in Benton, Arkansas under the authority provided by Section 205 of the 1948 Flood Control Act, as amended.

It is understood the feasibility study phase is federally funded up to \$100,000. Study costs in excess of \$100,000 are shared 50 percent Federal and 50 percent by the project sponsor. Approval of any expense for this project above this \$100,000 amount shall require the pre-approval of the Benton City Council and the Saline County Quorum Court, who is co-sponsoring this request. It is also understood the project sponsor(s) will be asked to sign a feasibility cost sharing agreement when study costs exceed \$100,000 before it will proceed.

It is understood that, if it is found feasible and advisable to implement a flood control project at the Saline River, the Benton City Council and the Saline County Quorum Court would be required before construction will commence to enter into a contractual agreement that it will provide such local cooperation as may be prescribed by the Secretary of the Army. Neither the Benton City Council nor the Saline County Quorum Court shall be required to enter into this Agreement. As the non-Federal project sponsor, the Benton City Council and Saline County Quorum Court would contribute 35 percent to 50 percent of project implementation costs, divided equally between the two entities.

The Mayor of the City of Benton shall be, and is hereby, directed to transmit three copies of this resolution to the District Engineer, U.S. Army Corps of Engineers, Wilmington District, Post Office Box 1890, Wilmington, North Carolina 28402-1890 once approval of a similar resolution is passed by the Saline County Quorum Court.

PASSED AND APPROVED this the _____ day of _____, 2015.

Dave Mattingly, Mayor

City Clerk

Ordinance No. 70 of 2015

AN ORDINANCE ADOPTING POLICIES AND PROCEDURES FOR THE CITY OF BENTON ANIMAL CONTROL DEPARTMENT; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

WHEREAS, the City Council desires to adopt certain policies and procedures for the animal control department by adopting the “Policies and Procedures for the Benton Animal Control Department”; and

WHEREAS, at least three (3) copies of the rules and regulations have been filed with the City Clerk of the City of Benton and available for public inspection since on or about December 2 2015; and,

WHEREAS, a public notice was published in the Saline Courier, a newspaper of general circulation in the community, on or about December 9, 2015, advising the public that three (3) copies of the “Policies and Procedures for the Benton Animal Control Department” were available for public examination at the office of the City Clerk, City Hall, 114 South East Street, Benton, Arkansas.

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

SECTION 1. The City of Benton does hereby adopt, by reference, the “Policies and Procedures for the Benton Animal Control Department” manual which is attached to this ordinance as Exhibit 1.

SECTION 2. All City of Benton Ordinances and Resolutions and parts thereof, in conflict with the “Policies and Procedures for the Benton Animal Control Department” as adopted by this ordinance are hereby repealed to the extent of such conflict, but not otherwise.

SECTION 3. The City Clerk shall, upon the passage and approval of this ordinance, maintain and keep on file at least three (3) copies of the “Policies and Procedures for the Benton Animal Control Department” manual as adopted by this ordinance; and at least three (3) copies of the text of this Ordinance for use and examination by the public.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 5. There is an immediate need to adopt the “Policies and Procedures for the Benton Animal Control Department” manual in order to assist with the ongoing operations of the department. Therefore, an emergency exists, and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this _____ day of December, 2015.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

DESIGNATED FOR PUBLICAION

Benton Animal Control

Policies and Procedures

I. Purpose and Scope:

- A. The purpose of this policy is to set forth the procedures regulating the training, handling, and deployment of TASER Conducted Electrical Weapons (CEW's) by Animal Control Officers of the Benton Animal Control.

II. Policy:

- A. The Benton Animal Control recognizes the X26P TASER device is an additional tool and is not intended to replace verbal problem solving skills, self-defense techniques, or animal capture. TASER CEW's shall be deployed only in circumstances where it is deemed reasonably necessary to control a dangerous or violent animal, or an animal that has demonstrated the intent to be dangerous or violent toward themselves, the employee, or another person. The TASER CEW shall be deployed when attempts to subdue the animal by other tactics such as verbal direction, empty-hand techniques, etc. have been, or will likely be, ineffective in the situation at hand; or there is a reasonable expectation that it will be unsafe for employees to approach within personal contact range of the animal. **TASER CEW'S shall not be used on any human. Should an Animal Control Officer feel threatened by a subject, the officer shall contact the police department for assistance.**

III. Definitions:

- A. Conducted Electrical Weapon (CEW) – A department authorized and issued less-lethal device, which is designed to produce and emit an electrical charge used to incapacitate animals. Current CEW's include the TASER X26P.
- B. Medical Personnel - Includes, but is not limited to Doctors, Physician's Assistants, Nurses, Paramedics, and Emergency Medical Technicians.
- C. Activation – The arcing of the TASER unit, whether intentional or unintentional, that creates an internal computer chip log entry of the activation.
- D. Deployment – The contact maneuvers on an animal, AKA: drive-stun; and/or the discharge of an air cartridge, whether or not the probes strike the intended target. The mere display of a TASER CEW is not a deployment, even if it is activated.

- E. Spark Test – Depressing the trigger on the X26P Taser, discharging the weapon to ensure that it is functioning properly. Prior to performing this test, ensure that the cartridge is removed while the weapon is placed on safe. Replace the cartridge following the test.

IV. Procedure:

- A. Only properly functioning CEW's shall be used in the field. At the beginning of each shift in which a CEW will be carried, a "spark test" shall be conducted. The spark test will be conducted in accordance with current TASER training methods.
- B. Any CEW found to be defective, damaged, or expired shall be turned in to the Benton Animal Control. An e-mail to the Training Coordinator and the Benton Animal Control Manager explaining the malfunction or cause of damage shall be submitted.
- C. All TASER CEW's and associated equipment shall be properly secured when not in use. When carried in the field, the CEW shall be carried in a department-approved holster, on the weak hand side for officers. A center mounted holster on an external vest carrier is also acceptable.
- D. Each deployment of a CEW, shall be tracked and documented by utilizing the Benton Animal Control's Response to Resistance reporting system. This includes a contact deployment, as well as the firing of an air cartridge or other deployment resulting in a subject receiving an electrical charge from the CEW. Any accidental discharge of a CEW shall be documented in an inter-officer memo addressed to the Benton Animal Control Manager.

V. Deployment:

- A. Whenever a CEW is to be deployed, it is the responsibility of the deploying officer to make certain that other officers on scene understand that the CEW is being deployed and not lethal force, prior to the deployment of the CEW, whenever practical. This shall be accomplished through the verbal warning announcement "TASER! TASER!" as directed in training.
- B. When an officer approaches an animal with the intent to deploy the CEW, an additional officer should also approach, whenever possible. Clear and simple verbal commands should be used repeatedly before (whenever practical), during, and after the deployment of the CEW.
- C. Officers shall use the most recent training and certification standards on which they have received training.
- D. CEW's should not be used on the following:
 - 1) Near flammable substances (including some types of O.C. spray) or combustible environments;
 - 2) On animals in an elevated position where the fall would likely result in major injury or death;
 - 3) Feline.

VI. Post Deployment:

- A. Animals, who have received an electrical charge from a CEW unit or probes, shall be treated as follows.
 - 1. Once the animal is safely secured and in custody, trained employees may remove and CEW probes that are embedded in the skin, with the exception of probes which are embedded in the face, neck, groin area, or in the female breast. Only medical personnel may remove or direct to be removed any CEW probes that are embedded in these sensitive areas.
 - 2. If the probes are no longer affixed to the animal, and the Animal Control Officer determines the animal does not need to be transported to the veterinary hospital, the animal may be transported to the Benton Animal Control.
 - 3. If the animal is transported to the veterinary hospital, the transporting officer will obtain a medical release from veterinary personnel before the animal is transported to the Benton Animal Control.
 - 4. Officers must be aware that aspects of possible injury to an animal receiving an electrical charge from a CEW include falling from a standing position and/or ignition if the subject is saturated or in very close proximity to flammable liquids or substances.

- B. The spent air cartridge and probes should be collected and preserved as evidence. Caution should be exercised in handling probes that have penetrated an animal's skin. Deployed probes shall be packaged and handled in the following manner:
 - 1. The insulated leads "wires" will be removed from the probes and the cartridge and then may be discarded.
 - 2. The probes should be placed back into the holes in the cartridge, point first.
 - 3. Evidence tape or a cartridge shipping cover should be placed over the face of the cartridge to secure the probes in the holes.
 - 4. The packaged device should then be placed in an evidence bag.
 - 5. The bag should then be processed as an individual piece of evidence.
 - 6. The bag shall be labeled as a biohazard when submitted as evidence.
 - 7. In the event the CEW is used during a deadly force incident or any incident where a death occurs, the cartridge wires, doors, and any AFID (Anti-Felon Identification) which can be located shall also be collected and submitted with the cartridge and probes.

VII. Documentation for subject deployments:

- A. The deploying officer is responsible for documenting the deployment of the CEW by completing the Benton Animal Control Response to Resistance reporting system. In this report the employee will indicate the CEW used and the serial number of the deployed

cartridge(s), if applicable, as well as submitting a detailed account of the reason(s) for deploying the CEW.

- B. A detailed incident report shall be completed, when applicable. If the deploying officer is not the primary animal control officer then a detailed supplemental report shall be completed by the deploying officer. The mere activation or display of the CEW does not require a Response to Resistance report however; it should be noted in the text of the incident report.
- C. The employee deploying the CEW shall ensure photographs are taken of the animal that received an electrical charge from the CEW (contact or probes), with special attention to any areas injured and where the charge was received. Photos will be submitted to evidence.
- D. At least annually, the TASER control manager or his designee shall download the deployment reports and videos from each CEW. Annual downloads and reports are not mandatory when appropriate software is unavailable, untested, or malfunctioning.
- E. The deployment data shall be maintained at least three (3) years from the date of record, in the TASER software. Non-deployment records, such as "spark testing" videos and reports may be purged from the system as needed.
- F. Review of reports in which a CEW was used by Department personnel and establishing a system for maintaining statistics on the performance of the CEW will be a function of the Office of Professional Standards.

VIII. Training Unit:

The Training Coordinator of the Benton Animal Control will be assigned the duties of the TASER control manager, whose duties shall include, but not be limited to the following:

- a) Receive, inspect, and ensure the maintenance and replacement of the Department's TASER devices and related equipment.
- b) Establish and maintain systems to record issuance of equipment.
- c) Return defective or damaged TASER's and air cartridges to the supplier.
- d) Obtain service and/or replacement for defective or damaged TASER components from the supplier.
- e) Coordinate scheduling to provide user certification and annual re-certification training on all TASER devices.
- f) The training unit will maintain training records and TASER certifications on employees authorized to carry a TASER CEW for the Benton Animal Control.

IX. PERSONS AUTHORIZED TO USE THE X26P TASER: only those who have successfully completed the Benton Animal Control Department required training course for the operation of the X26P Taser allowed to carry and deploy the weapon.

X. No officer will playfully, maliciously or intentionally misuse the X26P Taser in a display of power against an animal, except to encounter an imminent threat.

XI. Review

All X26P Taser incidents will be reviewed for compliance with departmental policy at each level of the officer's chained of command.

The purpose of this review is to determine;

- a) If training methods or policies need to be changed or developed.
- b) If the involved officer needs remedial training or corrective action.
- c) If there is the need for additional in-service training.

RESOLUTION NO. 69 OF 2015

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH HENRY BROWN REALTY FOR THE LEASE OF REAL PROPERTY LOCATED IN DOWNTOWN BENTON FOR THE PLACEMENT OF A FARMER'S MARKET; AND FOR OTHER PURPOSES

WHEREAS, the City of Benton desires to lease real property from Henry Brown Realty for the purpose of providing a location for a downtown farmer's market as well as a venue for public gatherings and related parking.

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 Henry Brown Realty for the lease of real property in the downtown area for the purposes stated above. The proposed contract is attached hereto as Exhibit "1". The Mayor and City Clerk are authorized to execute the agreement once it is approved by the City Attorney. The Mayor is also authorized to pay the lease payments when due.

PASSED AND APPROVED this the _____ day of December, 2015.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

LEASE AGREEMENT

This Lease is entered into this _____ day of December, 2015, by and between Henry Brown Realty hereinafter "Lessor," and, the City of Benton, Arkansas hereinafter "Lessee."

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

LEGAL DESCRIPTION

2. TERM: The term of this Lease shall be for ten (10) years, commencing on January 1, 2016, and ending on December 31, 2025. This lease agreement shall automatically renew for a five (5) year term unless the Lessor or the Lessee gives at least thirty (30) days written notice to the other of the intent to not renew the lease agreement at the conclusion of the lease term.

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

4. USE: The leased premises will be used by Lessee for the creation of a farmer's market as well as a venue for public gatherings along with necessary parking.

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

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

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

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

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

HENRY BROWN REALTY

By: _____
Authorized Signature
Lessor

CITY OF BENTON

By: _____
Mayor
Lessee

Attest:

City Clerk

RESOLUTION NO. 70 OF 2015

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM JIM AND EDNA PATRIDGE; AND FOR OTHER PURPOSES

WHEREAS, Jim and Edna Partridge own real property which presently which is adjacent to real property owned by the City of Benton which is known as Bernard Holland Park; and

WHEREAS, the city is presently constructing Riverside Park and is making improvements to Bernard Holland Park all of which are connected; and

WHEREAS, the property owned by the Partridges will be needed as an assemblage for the future development of this area by the city; and

WHEREAS, the City Council desires to acquire from Jim and Edna Partridge the herein described real estate which will be designated as city park property.

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

SECTION 1: The City Council of Benton does hereby authorize the mayor and City Clerk to execute the real estate contract which is attached hereto as Exhibit "1" and to acquire the real property on behalf of the city. The funds for this purchase are hereby deemed appropriated. Once acquired, the property shall be designated as park property within the City of Benton.

PASSED AND APPROVED this the _____ day of December, 2015.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

OFFER AND ACCEPTANCE

DATE: DECEMBER 1, 2015

1. The undersigned, herein called BUYER, offers to buy, subject to the terms set forth herein, the following described property located in Saline County, Arkansas:

10.33 acres located at 2110 Henry Street, Benton, Arkansas
2. The BUYER agrees to pay and SELLER, whose name is set out below, agrees to accept the sum of \$300,000.00 which BUYER will pay at closing at the time the seller conveys a general Warranty Deed to the BUYER. The SELLER agrees to accept same for the conveyance of the real property described herein under the terms and conditions set forth in this document.
3. BUYER will tender earnest money in the amount of \$0.00.
4. Conveyance shall be made to BUYER from SELLER by general Warranty Deed except that it shall be subject to recorded restrictions and easements. SELLER agrees to not encumber or convey and easements thereon after the execution of this agreement. BUYER will pay for a policy of Title Insurance for BUYER, warranting clear title in the real property. BUYER shall pay closing costs including Revenue Stamps and closing charges unless specified below. Closing shall be with a title company designated by BUYER. All prior years taxes which are unpaid shall be paid by SELLER. The current year's taxes shall be prorated between the BUYER and SELLER.
5. If the title company requires a survey as a condition of providing title insurance, it shall be paid for by the BUYER.
6. Closing shall occur on or before March 1, 2016 on a date set by BUYER. Possession will be given at closing unless otherwise agreed to in writing by the parties. Any unforeseen delays in closing such as clearing title specifically do not void this contract.
7. BUYER certifies that BUYER has inspected the property and is not relying upon any warranties, representations or statements of SELLER as to age or condition of improvements and accepts the property in its present condition.
8. SELLER shall settle any and all disputes or liens on the property prior to closing, including, but not limited to any mortgages, liens, certificates of indebtedness or the like.
9. The parties acknowledge an on-going dispute the SELLER has with Entergy Arkansas, Inc. regarding the amount of just compensation the SELLER is due for a taking on the subject property for a utility easement. The amount BUYER is paying SELLER for the property takes into consideration this taking and the presence of the utility easement. SELLER shall retain any and all proceeds from Entergy Arkansas, Inc. which has already been deposited with the court, and SELLER shall be entitled to retain any additional funds the SELLER may obtain in the future when the amount of just compensation is adjudicated. BUYER disclaims any interests in these proceeds. This paragraph shall survive closing.
10. This agreement has been entered into following the approval of the Benton City Council and shall be designated as park property within the city.

BUYER:

CITY OF BENTON, ARKANSAS

SELLER:

Jim and Edna Partridge

BY: _____
David Mattingly, Mayor

BY: _____
Jim Partridge

BY: _____
Edna Partridge

ORDINANCE NO. 71 OF 2015

AN ORDINANCE ESTABLISHING NEW WATER RATES FOR THE USERS OF THE CITY OF BENTON AND REPEALING ORDINANCE 3 OF 2009.

WHEREAS, the City Council in Ordinance 46 of 2004 established a Public Utility Commission (P.U.C.) to oversee the utilities which are owned and operated by the City, but which does not have rate making authority; and

WHEREAS, the City of Benton last established water rates for its customers in Ordinance 3 of 2009; and

WHEREAS, the P.U.C. has determined that said rates should be modified to adequately maintain the water revenues required by the City and has requested that the City Council modify these rates; and

WHEREAS, the City Council desires to establish the rates for water users as set forth therein.

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

SECTION 1: The minimum monthly base charge for the first two thousand, (2,000) gallons or less shall be as follows for the following described water users, for all water billings from and after January 1, 2016:

| <u>METER SIZE</u> | <u>AMOUNT</u> |
|---|---------------|
| 5/8" & 3/4" (Residential Customers Age 65 and Over) | \$ 7.75 |
| 5/8" & 3/4" (Residential Customers on Social Security Disability) | \$ 7.75 |
| 5/8" & 3/4" | \$ 11.35 |
| 1" | \$ 16.00 |
| 1 1/4" | \$ 19.80 |

| | |
|----|----------|
| 2" | \$ 25.30 |
| 3" | \$ 37.75 |
| 4" | \$ 54.25 |
| 6" | \$100.65 |

SECTION 2: Customers age 65 and over must present valid identification in order to receive the reduced rate and Customers on Social Security Disability must present a copy of their Social Security Disability Award or check in order to receive the reduced rate. Customers who are presently receiving a reduced rate for either of these reasons under Ordinance 23 of 1997 do not have to resubmit proof to the City in order to receive the discounted rate.

SECTION 3: For all water billings from and after January 1, 2016, each one thousand (1,000) gallons of water metered over and above the minimum two thousand (2,000) gallons set in Section 1, the rate shall be \$3.435 per one thousand (1,000) gallons.

SECTION 4: The rate established in Section 3 shall be set as follows for all water billings from and after January 1st in the following years:

| <u>Year</u> | <u>Rate</u> |
|-------------|-------------|
| 2017 | \$3.504 |
| 2018 | \$3.574 |
| 2019 | \$3.646 |

SECTION 5: This ordinance shall be in full force and effect for all water billings from and after passage.

SECTION 6: It has been found and is hereby declared that the rates presently established for the services provided by the system are not adequate for the efficient operation and maintenance and for the further development of the City. Therefore, an emergency is declared to exist and this ordinance being

necessary to the preservation of public peace, health and safety shall be in full force and effect immediately, upon its passage and approval.

PASSED AND APPROVED this ____ day of _____. 2015.

David Mattingly, Mayor

ATTEST:

Cindy, Stracener, City Clerk

DESIGNATED FOR PUBLICATION