

BENTON CITY COUNCIL MEETING

MARCH 28, 2016

7:00 PM



AGENDA MEETING 6:30 PM



BENTON MUNICIPAL COMPLEX
114 SOUTH EAST STREET
COUNCIL CHAMBERS

DAVID MATTINGLY, MAYOR

REGULAR SESSION
March 28, 2016
7:00 PM
AGENDA

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|--------------|--|---|
| I. | Call to Order | Mayor Mattingly |
| II. | Invocation | |
| III. | Pledge of Allegiance | Alderman Donnor |
| IV. | Roll Call | City Clerk |
| V. | Approval of Minutes | March 14, 2016
<i>Regular Meeting</i> |
| VI. | Proclamation
<i>Autism Awareness Day/Month</i> | Mayor Mattingly |
| VII. | Employee of the Month Recognition
<i>February 2016</i> | Alderman Donnor |
| VIII. | Employee of the Year Recognition
<i>Stephanie Batchelder</i> | Alderman Donnor |
| IX. | COMMITTEE REPORTS & MOTIONS | |
| | 1. Finance Committee | Alderman Ponder |
| | A.) RESOLUTION NO. 17 OF 2016
<i>A RESOLUTION RECOGNIZING THE SERVICES OF OFFICER DANIEL CREASEY TO THE CITIZENS OF BENTON AND AWARDING HIM HIS BADGE AND SERVICE WEAPON IN RECOGNITION OF THOSE SERVICES</i> | |
| | B.) RESOLUTION NO. 18 OF 2016
<i>A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS; AND AUTHORIZING THE DISPOSAL OF THE SURPLUS PROPERTY; AND FOR OTHER PURPOSES</i> | |
| | C.) ORDINANCE NO. 13 OF 2016
<i>AN ORDINANCE AMENDING THE 2016 BUDGET FOR THE POLICE DEPARMENT AS ADOPTED IN ORDINANCE 64 OF 2015; APPROPRIATING FUNDS FOR CERTAIN EQUIPMENT PURCHASES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | 2. Community Services/Animal Control | Alderwoman Reed |
| | RESOLUTION NO. 19 OF 2016
<i>A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR OFFERS TO PURCHASE THE PALACE THEATER AND/OR OFFERS TO RENOVATE THE STRUCTURE; AND FOR OTHER PURPOSES</i> | |
| | 3. Streets & Drainage Committee | Alderman Cunningham |
| | 4. Personnel/Health & Safety Committee | Alderman Donnor |

5. **Parks Committee**

Alderman Lee

A.) RESOLUTION NO. 20 OF 2016

A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID FOR THE INSTALLATION OF RESTROOMS AT SUNSET LAKE; AND FOR OTHER PURPOSES

B.) ORDINANCE NO. 14 OF 2016

AN ORDINANCE AMENDING THE 2016 BUDGET FOR THE PARKS AND RECREATION FUND AS ADOPTED IN ORDINANCE 64 OF 2015; APPROPRIATING FUNDS FOR THE SUNSET LAKE RESTROOM PROJECT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

C.) RESOLUTION NO. 21 OF 2016

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CURTIS STOUT A/V; APPROPRIATING FUNDS FOR THIS PURPOSE; AND FOR OTHER PURPOSES

D.) RESOLUTION NO. 22 OF 2016

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTON TO UTILIZE FEDERAL-AID RECREATIONAL TRAILS FUNDS TO DEVELOP A WALKING TRAIL THROUGH RIVERSIDE PARK

E.) RESOLUTION NO. 23 OF 2016

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SECOND CHANCE FITNESS; APPROPRIATING FUNDS FOR THIS PURPOSE; AND FOR OTHER PURPOSES

F.) RESOLUTION NO. 24 OF 2016

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PUSH PEDAL PULL; APPROPRIATING FUNDS FOR THIS PURPOSE; AND FOR OTHER PURPOSES

G.) RESOLUTION NO. 25 OF 2016

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

H.) ORDINANCE NO. 16 OF 2016

AN ORDINANCE ESTABLISHING POLICIES FOR SPONSORSHIPS AND SETTING RATES FOR SPONSORSHIPS AT RIVERSIDE PARK; AND FOR OTHER PURPOSES

6. **Public Utilities Commission**

Alderman Herzfeld

ORDINANCE NO. 17 OF 2016

AN ORDINANCE AUTHORIZING AND RATIFYING AN AGREEMENT WITH WILLIAM G. LENZ FOR THE ACQUISITION OF A UTILITY EASEMENT; WAIVING THE REQUIREMENT OF A PRE-ANNEXATION AGREEMENT; AND FOR OTHER PURPOSES

7. **A & P Commission**

Alderman Donnor/Ponder

X. **Unfinished Business**

XI. **New Business**

XII. Old Business

XIII. Announcements

XIV. Adjourn

MINUTES OF THE BENTON CITY COUNCIL
Regular Session
February 22, 2016
Benton Municipal Complex

The Benton City Council was called to order for a regular session.

The Mayor gave the invocation.

Alderman Reed led the pledge of allegiance.

Roll was called.

The following persons were in attendance:

**Alderman Frank Baptist
Alderman Charles Cunningham
Alderman Bill Donnor
Alderman Judd Hart
Alderman Steve Lee
David Mattingly, Mayor**

**Alderman Kerry Murphy
Alderman Evelyn Reed
Alderman Jerry Ponder
Alderman James Herzfeld
Brent Houston, City Attorney**

When roll was called nine (9) council members were present. A quorum was declared. Alderman Terrell and Cindy Stracener, City Clerk were absent. Tina Coston substituted in for the city clerk.

The Mayor requested approval for the February 22, 2016 city council meeting minutes. Alderman Hart made a motion to approve the minutes, seconded by Alderman Lee. The Mayor called for a voice vote on the approval of the minutes. All aldermen present replied in the affirmative. The minutes for the February 22, 2016 council meeting were approved with 9 affirmative and 1 absent vote.

Mark Dunn was recognized for 10 years of service with the city.

Sgt. Brian Bigelow was honored as the January employee of the month.

Justin McGee as recognized by MYAC as the March youth of the month.

The next item on the agenda was Resolution 12 of 2016 – A Resolution Authorizing the City to Enter into a Contract with Saline County for the Funding of the Saline County District Court- Benton Division; and for Other Purposes. Alderman Ponder made a motion to adopt Resolution 12 of 2016. Seconded by Alderman Herzfeld. The resolution was read by Tina Coston. The Mayor asked for any comments. None. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Resolution 12 of 2016 was adopted with 9 affirmative and 1 absent vote.

Alderman Donnor made a motion to adopt Resolution 13 of 2016 – A Resolution Accepting the Lowest Acceptable Bid for the Purchase of Equipment for the Fire Department; and For Other Purposes. Seconded by Alderman Reed. The resolution was read by Tina Coston. The Mayor asked for any comments. None. The Mayor asked that the roll be called. Roll

called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Resolution 13 of 2016 was adopted with 9 affirmative and 1 absent vote.

The next item on the agenda was committee reports and motions. Alderman Ponder was recognized for the Finance Committee report. He stated that a finance committee meeting will be held next Tuesday March 22, 2016.

Alderman Reed was recognized for a report from the Community Service/Animal Control Committee. Alderman Reed made a motion to adopt Resolution 14 of 2016 – A Resolution Authorizing the Execution of an Agreement with the United States Department of Interior for Operation and Maintenance of the Gaging Station on the Saline River; Appropriating Funds Therefore; and For Other Purposes. Seconded by Alderman Donnor. The resolution was read by Tina Coston. The Mayor asked for any comments. None. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Resolution 14 of 2016 was adopted with 9 affirmative and 1 absent vote.

Alderman Reed made a motion to adopt Resolution 15 of 2016 – A Resolution Authorizing the Mayor and City Clerk to Execute a Lease Agreement with Arkansas Game and Fish Commission; and For Other Purposes. Seconded by Alderman Cunningham. The resolution was read by Tina Coston. The Mayor asked for any comments. None. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Resolution 15 of 2016 was adopted with 9 affirmative and 1 absent vote.

Alderman Reed made a motion to adopt Resolution 16 of 2016 – A Resolution Authorizing the City Attorney to File a Lawsuit in the Saline County Circuit Court Seeking to Abate a Nuisance Located at 617 Edgemoor Terrace, Benton, Arkansas; and For Other Purposes. Seconded by Alderman Herzfeld. The resolution was read by Tina Coston. The Mayor asked for any comments. None. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Resolution 16 of 2016 was adopted with 9 affirmative and 1 absent vote.

Alderman Murphy made a motion to suspend the rules for Ordinance 9 of 2016 – An Ordinance Establishing Procedures for Renaming Streets Within the City of Benton, Arkansas; and For Other Purposes. Seconded by Alderman Hart. 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 absent. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Murphy made a motion to read Ordinance 9 of 2016 by title only. Seconded by Alderman Reed. The ordinance was read by title only. The Mayor asked for any comments. Mr. Houston stated that the city was approached last year about renaming a street in the city. So the first thing we did was to review ordinances and state law to see what

procedures we have to follow for doing that. We did not find any for renaming streets. We found procedures for naming new streets as they come in when subdivisions are established. So at that point I saw that we had a few options, one was to do nothing, explain to the individuals that we did not have any procedures and that would be the end of it. The second option was to refer it to the city council and send it through the appropriate committee. If the committee desired to proceed then they could hold a public hearing, notify the public of the hearing by newspaper, and then have an ordinance drawn up to modify the street name. The concern was the notification just because we put it in the paper does not mean that the people that live on that street will actually be notified or know anything about it. So that is the reason that this particular ordinance came about, not to try to be difficult, not to try to make it hard, but simply to notify people who are going to be affected by any kind of change. Business owners could be adversely affected because they have to change their cash registers, their invoices; they have to change quite a bit. It could cost money to do those things. For a homeowner the change is going to be like moving. It will be no different than moving. The Postmaster in Benton told me that they would forward mail only for a few months then stop. The individuals will have to take those necessary moves with their bank or anybody that they receive mail from or business and report that they have a new address. It could be time consuming and if you are dealing with someone who is elderly it could adversely affect them. So the desire of this ordinance was to try to notify individuals of what is going on so that they could have an input into the process and say whether or not they want it to happen or not. Patricia Ashley stated that the renaming of Dixie Street prompted the ordinance since one was not in place. She asked who will be responsible for doing the notification to the people who live on Dixie Street. Mr. Houston stated that the cost will be borne by the people making the request and they would also be responsible for the sending out the mailings and making the notifications. It will be the same as when we do a zoning change in town. Ms. Ashley stated that she does not trust the process because she has been bullied to deter from speaking against having Dixie Street renamed. If the street was named anything else other than Dixie then it would not be a problem, and they are using a good man's name a veteran to pull the heartstrings of people who want to do good to change the name of the street. We are doing the best with what we can and it is going to be a hardship on us. Mr. Houston stated that he appreciated Ms. Ashley's concerns but at this juncture we are just trying to establish whether or not there are going to be procedures in the city or not for changing a street. This does not pertain to the actual request of anybody. This pertains to how we go about making a change. That is all this pertains to at this juncture. Alderman Ponder asked whether under current law in the city of Benton, a public hearing could be held after publication and then the city council could simply vote to approve or disapprove a name change without any policies or procedures or notifications. Mr. Houston stated that he was actually adding the requirement of a public hearing, you don't have to do that. You have the authority to pass an ordinance at any time with or without notification to the affected property owners to change the name of a street. It is my recommendation that if you don't set up policies and procedures you at a bare minimum have a public hearing in order to notify those people but it is certainly not a requirement. Alderman Lee asked if Mr. Houston said that there was not a state statute dealing with this. Mr. Houston stated not that we could locate. Alderman Lee stated that he would not support this ordinance because why reinvent the wheel. If this was an important thing then I think you would have found a state statute dealing with it. Mr. Houston stated that other cities have adopted similar things. Alderman Lee stated in his 12 years we have named only a building or two so he does not see the necessity of this. Alderman Baptist stated that he concurs with Alderman Lee. I believe that this ordinance is not necessary. I believe that it could lead up to hardships of people who live on any street in the way of financial burdens and others as well by having to go through and make changes. I don't feel that this ordinance would be serving

the majority and the best interest of the citizens of our city and particularly of this ward. Therefore I don't want to be part of someone creating a hardship financial or otherwise on any of our citizens. I too will vote against this. Alderman Hart stated that what we are voting on now is not the hardship on the citizens; this is just putting in place a process when we don't have anything. Alderman Baptist stated you are correct. Alderman Hart stated so the hardship would be on that person or group that want to change the name then it would go through the steps then it might come to us then we would have a vote. Then the hardship would be on the person living on that street. This way they are being notified, that is my understanding. Mr. Houston stated that was a correct statement. Alderman Baptist stated that he did not disagree with what Alderman Hart said except that I believe that there is a possibility that it could if we approve this and then it does come later that it creates a burden. That is what I am looking at down the road ahead and not just of Dixie Street but any other street. I don't feel like we need this ordinance. Alderman Lee stated with this ordinance you could have 50% of the homeowners plus 1 putting the burden on the 48% of the homeowners. Alderman Murphy stated that it still has to come to the council, we vote yes or no.

Alderman Herzfeld made a motion to suspend the rules for second and third readings of Ordinance 9 of 2016. Seconded by Alderman Hart. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist no, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Motion to suspend was approved with 8 affirmative, 1 negative and 1 absent vote. Alderman Herzfeld made a motion to adopt Ordinance 9 of 2016 on its second and third readings by title only. 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 no, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor no, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee no, and Alderman Terrell absent. Ordinance 9 of 2016 was adopted with 6 affirmative, 3 negative and 1 absent vote.

Alderman Reed asked for the first reading of Ordinance 10 of 2016 – An Ordinance Authorizing the City to Enter into a Preannexation Agreement with RCK Development, LLC for the West Lake Village Subdivision; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Cunningham. The ordinance was read by Tina Coston. The Mayor asked for any comments. None. Alderman Reed made a motion to suspend the rules for the second and third readings. Seconded by Alderman Donnor. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Motion to suspend was approved with 9 affirmative votes and 1 absent. Alderman Reed made a motion to adopt Ordinance 10 of 2016 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 absent. Ordinance 10 of 2016 was adopted on its second and third readings with 9 affirmative and 1 absent vote. Alderman Reed made a motion to approve 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 absent. The emergency clause was approved with 9 affirmative votes and 1 absent.

Alderman Reed asked for the first reading of Ordinance 11 of 2016 – An Ordinance Adopting by Reference, The Arkansas Fire Prevention Code, 2012 Edition, or Latest Adopted Revision; Repealing Ordinance 40 of 2004 and Any Ordinances in Conflict Therewith; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Herzfeld. The ordinance was read by Tina Coston. The Mayor asked for any comments. None. Alderman Reed made a motion to suspend the rules for the second and third readings of Ordinance 11 of 2016. Seconded by Alderman Cunningham. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Reed made a motion to adopt Ordinance 11 of 2016 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 absent. Ordinance 11 of 2016 was adopted with 9 affirmative and 1 absent vote. Alderman Reed made a motion to approve 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 absent. The emergency clause was approved with 9 affirmative and 1 absent vote.

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

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

Alderman Lee was recognized for a report from the Parks Committee. Alderman Lee asked for the first reading of Ordinance 12 of 2016 – An Ordinance Amending the 2016 Budget for the Parks and Recreation Fund as Adopted in Ordinance 64 of 2015; Appropriating Funds for the Parks Department; Accepting a Donation from Everett Buick GMC for the Renovation of the Concession Stand at Bernard Holland Park; Designating a Name for the Concession Stand Pursuant to ACA §25-1-121; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Baptist. The ordinance was read by Tina Coston. The Mayor asked for any comments. None. Alderman Lee made a motion to suspend the rules for the second and third readings of Ordinance 12 of 2016 by title only. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell absent. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Lee made a motion to adopt Ordinance 12 of 2016 on its second and third readings by title only. Seconded by Alderman Hart. 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 absent. Ordinance 12 of 2016 was adopted with 9 affirmative and 1 absent vote. Alderman Lee made a motion to approve 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 absent. The emergency clause was approved with 9 affirmative and 1 absent vote.

Alderman Herzfeld was recognized for a report from the Public Utility Commission. He gave out a report from the March 7, 2016 commission meeting. See attached.

Alderman Donnor was recognized for the Advertising and Promotion Commission report. He stated that he had nothing to report.

There was not any unfinished, new or old business.

Alderman Ponder stated a Finance Committee meeting will be held next Tuesday before the joint Finance and Community Service Committee meeting.

The Mayor stated that the closing for the GBT property will be happening before the close of this week. Two more leases for the Shoppes of Benton have been signed, Rackroom and Petsmart.

The meeting was adjourned.

Cindy Stracener, City Clerk

David Mattingly, Mayor

Public Utility Commission Meeting Summary of the March 7, 2016 Meeting

The meeting was called to order with all members in attendance.

1.)

Presentation by Mr. Mark Bacon of CenterPoint on Wastewater Natural Gas usage. Mr. Bacon said Mr. Jonathan Buff, Wastewater Manager asked him to come out and revisit the Transportation Program with the Commission. BU switched over to the Transportation Program in July 2012. He asked the Commissioners to look at the handouts he gave them. As a refresher, the Transportation Program is for any nonresidential customer that burns over 3,650 BTU per year and BU burns about 10,000 or 11,000 per year, so you are about 3 times more than needed to qualify. That means you get your Natural Gas in the market at the Market Rates, as opposed to the Bundle Rates. You have been doing that for a few years now. He went through his presentation and the Commissioners thanked him for coming.

2.)

Discussion and approval of bids for Water Department roof. Mr. Hood asked them to refer to the hand out titled Roof Replacement at the Water Plant. Mr. Hood said Ms. Linda McAdoo, Procurement Manager opened bids on February 16th for the new roof replacement on the Water Department. They had bidders on it. The low bidder was \$30,987 and the high was \$62,373. The first 4 are local companies from the Hot Springs and Little Rock area. Number 5 was from Damascus, north of Clinton. Number 6 was from Branson, Missouri. He asked the Commission to move forward with RE-STOR-IT which was the low bidder at \$30,987. Chairman Best asked if this is in the budget and Mr. Hood said yes, they budgeted about \$46,000 or \$50,000. Member Miller asked if this is a flat roof that has to be rolled on and Mr. Hood said it's not flat. It is a metal roof, but it's a very low pitched roof. They will put tape between the seams where it joins together. Member Martin made a motion to go with the low bidder, a second was made by Member Miller. A vote was taken and unanimous approval given.

3.)

Review and possible approval of new billing office plans and location by Wallie Sprick of WD&D Architects. Mr. Sprick gave them a several different copies of the layout and also had them on a slideshow. Mr. Sprick said he has been with WD&D Architects for 30 years. Mr. Hicks asked him to come down and visit with the Commission about a proposed utilities building facility. He met with Mr. McKinney and Mrs. Hawkins and the rest of the Committee 2 or 3 times. They feel pretty good about the size of the building and spaces inside. They have a site plan and rendering of the proposed exterior. He asked them to keep in mind this is a concept and just lines on a paper. He started with the floor plan and walked them through each room. They put a vestibule on the front of the building. Mr. Sprick went through the layout of the building.

4.)

Discussion on advertisement for General Manager Position. Chairman Best said in the last meeting we talked about deciding tonight, if we agree, to go ahead and advertise for the General Manager Position. Ms. Wright said they discussed in a meeting the other day to advertise in the City and Town Magazine. She believes that is through the Municipal League. They are also going to use the Arkansas Democrat Gazette. The one thing she has found real helpful is Facebook, however, we have not used it for any upper level positions. We have used it for lower level positions, but it could be advantageous to us as well. She has provided the Commission with the final draft of the job description. Mr. McKinney said we are also going to advertise in the ICMA and APPA (American Public Power). Those are the 2 big ones right there. Member Livers said he suggests LinkedIn which is geared toward professional people. Member Ferrell suggested Career Builders and Indeed. Member Livers asked if we should advertise in 2 or 3 neighboring

large city newspapers like Dallas or Memphis and Mr. McKinney said ICMA and APPA goes to all 50 states and their main focus is in power. ICMA is the City Manager Association. In fact, that is where he found this job was on ICMA. They all cost \$400 or \$500 each. Chairman Best said we will see what we get and if we need to expand it to something else we can rerun it. Member Martin made a motion to proceed with advertising of the General Manager Position, a second was made by Member Ferrell. A vote was taken and unanimous approval given.

5.)

Review and possible approval of the Benton Utilities Vehicle Mechanic building and Job Description by Mollie Wright. Ms. Wright said she sent these to the Commissioners last Friday afternoon and asked if they had had a chance to look over it. Member Livers asked if this is in the budget and Ms. Wright said it is in Dewayne Hood's budget. She and Mrs. Hawkins put together a few numbers for them. This is what we spent on vehicle R&M for each department last year. Member Ferrell asked how much of that do they think we are going to save and Ms. Wright said a lot of this is actually supplies, so probably half of that will be saved in labor. The position we have currently have in the budget is a \$16.00 an hour position, which is \$33,280 annually. Member Martin asked if the position requires a CDL and Ms. Wright said yes because they will be required to drive some of the larger trucks. Mr. McKinney said it costs \$400 to \$600 to service each truck and Mr. Barnett said they do it by engine hours which is about every 2 to 3 months. Member Ferrell asked if we are "tooled up" to do full maintenance repairs on vehicles like hydraulic hoses for the bucket trucks. Mr. McKinney said that is what he is proposing. Member Miller made a motion to approve and a second was made by Member Martin. Member Livers and Member Ferrell voted against. Chairman Best had to break the tie and said he will have to go with the "nays" at this time until there is more research done. He would like them to get their numbers together, better research of the savings and the number of vehicles we have.

6.)

Review of the Benton Utilities Employee Handbook Draft by Mollie Wright. Ms. Wright said this is the draft of the handbook and she has made changes in red. She would love to go through it with them, but for the interest of time, the commission can review it. Chairman Best asked if this is basically the Benton Handbook which has not been revised in a number of years and is updated to fit the Utility Department. Ms. Wright said there are a few things added in there and will be more additions on stuff like electronic devices to kind of bring it up to the times. Chairman Best said she is asking us to read this over and within the next 30 to 60 days. If you have any questions to call Ms. Wright or Mr. McKinney. Mr. McKinney said they did take out the fire department and police department parts. It is cleaned up to be just the Utilities. Member Livers asked if the department heads have looked at it yet. Ms. Wright said we have had 3 or 4 meetings with just the Department Heads. We also pulled the Supervisors and Foremen in and had 2 meetings with them. Another difference is they had a dress code change which you have to have today due to society. It covers tattoos, piercings and sagging britches. Member Miller asked if they made a change on drug testing and Ms. Wright said the US Constitution, Amendment 4 states unreasonable search and seizure. We can't just random drug test. If there is reasonable suspicion they can be tested. Mr. Blake Wilson is going to have training on the subject.

7.)

Presentation by Jeff Barnett on the Agreement for the temporary power purchase from First Electric to Commissioners for signature, and request for immediate payment to fund the construction. Mr. Barnett said they should have 2 documents. One is the actual invoice for the metering point and the other is an agreement for fees and tariffs associated with the FECC and the APSC. Member Livers asked if this is concerning the \$46,000 we discussed last week and Mr. McKinney said yes, and you have already approved it. Mr. Barnett said he wanted them to be able to read over the agreement and Mr. McKinney

said Chairman Best will need to sign it. The \$46,000 gets the delivery point. The contract Mr. Jon Joyce with First Electric, was sent to him last week. It is a hefty cost because the demand component is very expensive in the summer. Chairman Best asked if the Commission had approved signing this already and Mr. McKinney said you approved the \$46,000 and in essence, you probably have. Member Ferrell said we approved up to \$50,000. Mr. McKinney said all you have to do is sign this and we are ready to go. Member Ferrell said you weren't sure exactly what the price was going to be and Mr. Barnett said to start, they had given us a couple of amounts that the meter was not included on. Member Ferrell asked if once we get this installed and are done with it, if it is ours and Mr. McKinney said no, it is theirs. We are paying for it but it will be there in case we have an emergency situation, but we would have to have another agreement with them to get it going. Member Ferrell asked if they could take it out and Mr. Barnett said what we have out there is a single phase line, from North Lake to Severns Landing to the station. A lot of this is the cost to upgrade to a 3 phase, so when we get off of it he is sure they will probably just leave it as is. Member Livers asked on their bill, what is the credit back to us for the salvageable materials and Mr. Barnett said he really doesn't know, possibly taking a line out... a lot of those points are still good. Maybe they are planning on taking them. Mr. McKinney said it says primary meter materials. Member Ferrell asked if they are upgrading the line and Mr. Barnett said yes, they are going from a 4 to a 3 one ought conductor, so that may be what it is right there.

8.)

Presentation by Cindy Hawkins on December and January financials. Mrs. Hawkins said if you look on page 2 of January. December was already approve. Member Livers said there was supposed to be some changes to December. Mrs. Hawkins said it is close but we are waiting on the audit to get finished. Mr. Scott Lovell did come today and they have it completed, but she has some adjustments to make. She will bring the December final to them at the next meeting. It was a good year. Mrs. Hawkins said for January ignore where it says fiscal year of 2014. It should be 2015. We did have a good month with revenues over expenses of \$63,714. She has started doing February and the sales are about 10% lower than in January. Keep in mind that not a lot was bought in January. It was a slow expenditure month. She doesn't expect February to look this good. Member Livers made a motion to approve the report as presented. Mrs. Hawkins said she will change the fiscal year to 2015. A second was made by Member Ferrell. A vote was taken and unanimous approval given.

9.)

Presentation by Cindy Hawkins on old debt that is being collected by Credit Bureau. Mrs. Hawkins said this is a customer who went off owing us a bill of \$970.55 in 2008. Mr. Paxton found him this month. The customer came in and said he would be happy to pay \$700 all at one time if we would agree to never try and collect the other \$270.55. Keep in mind it has been 8 years. If he pays the \$700, we will get \$420.00. The next option is to go to court, which is a toss-up. Since it has been 8 years, they may find for us and they may not. If they do, we will only get 50% of that and we will only get \$485.00. The difference is \$65.00, and if we go to court, the judge may not find for us because they could say it has been too long. Member Miller asked if we are selling him utilities now and Mrs. Hawkins said no, we are not. Member Ferrell made a motion to accept the offer and Member Livers seconded the motion. A vote was taken and unanimous approval given.

10.)

Status of easement needed across Bill Lenz Property for new 12" gravity sewer main on Highway 5. Member Martin said he met last Wednesday with Mr. Lenz, and he still on track. He is just trying to get his lawyer to get his paperwork drafted. He assured him that he is a man of his word, a Member Martin hopes by the end of next week that we will have an agreement to look at and tweak. We have answered all of his concerns and he recognized that. The bottom line is he wants a document in his hands, so that

10 years from now, if this Commission has gone by the wayside, he will have that piece of paper that tells what the City agreed to do for him for that easement. He is just waiting for his attorney to get him the form with the addendum or amendment into our document if that is what he wants to do. His lawyer has been out of state or something. Chairman Best asked how long we have and Mr. McKinney said the contractor is going to start next week, the following week the building should be down and we should be able to start there on the corner of Hwy.5 and Scott Salem. He will also start working at Hurricane Lake, so we have got maybe a month. Chairman Best said so really we need to be serious by the next meeting. That will be 2 weeks.

Meeting adjourned to executive session at 8:03 and reconvened at 8:59 with no decision made.

Meeting adjourned at 9:00 p.m.

PROCLAMATION
2016 World Autism Awareness Day
& Autism Awareness Month

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

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

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

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

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

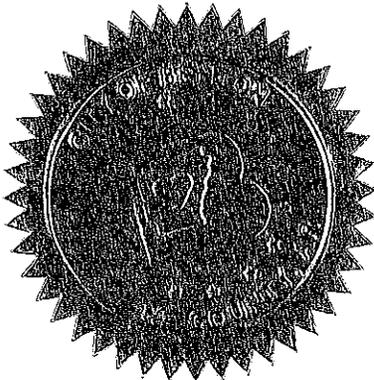
***WHEREAS**, The City of Benton is honored to take part in the annual observance of Autism Awareness Month and World Autism Awareness Day in the hope that it will lead to a better understanding of the disorder; and,*

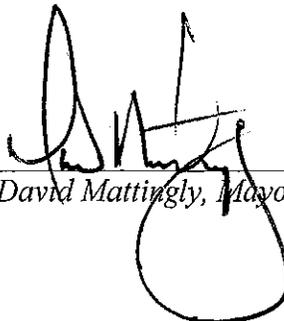
NOW, THEREFORE, I, David Mattingly, acting under my authority as Mayor of the City of Benton, Arkansas, do hereby proclaim

April 2016 as AUTISM AWARENESS MONTH

and April 2, 2016 as WORLD AUTISM AWARENESS DAY

in the City of Benton, to raise public awareness of autism and the myriad of issues surrounding autism, as well as to increase knowledge of the programs that have been and are being developed to support individuals with autism and their families.





David Mattingly, Mayor

RESOLUTION NO. 17 OF 2016

**A RESOLUTION RECOGNIZING THE SERVICES OF
OFFICER DANIEL CREASEY TO THE CITIZENS OF BENTON
AND AWARDING HIM HIS BADGE AND SERVICE WEAPON IN
RECOGNITION OF THOSE SERVICES**

WHEREAS, Officer Daniel Creasey has served the citizens of Benton for the past twenty three years as a police officer; and

WHEREAS, Officer Creasey has decided to retire from his duty assignment; and

WHEREAS, the city wishes to thank Officer Creasey for his dedicated services to our community by presenting him with his service weapon and badge in recognition of those 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 Daniel Creasey in recognition of his services to this community.

PASSED AND APPROVED this the _____ day of March, 2016.

David Mattingly, Mayor

Cindy Stracener, City Clerk

Exhibit "1"

Glock Model 21 Handgun, Serial Number SWH767
City of Benton Police Badge, Number - 2526

RESOLUTION NO. 18 OF 2016

**A RESOLUTION DECLARING CERTAIN PROPERTY
AS SURPLUS; AND AUTHORIZING THE DISPOSAL OF THE
SURPLUS PROPERTY; AND FOR OTHER PURPOSES**

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 the equipment to be traded for updated equipment for the police department.

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 traded for newer equipment and shall be done in accordance with any applicable state or federal law.

SECTION 2: The City Council does hereby authorize the Mayor or his designee to execute any document as shall be necessary to enter into a trade agreement with John Norrell Inc. for the purpose of trading surplus equipment for updated equipment. A copy of the agreement is attached hereto as Exhibit "2" to this resolution.

SECTION 3: The funds which are required to make the contemplated purchases above the trade in value will be paid from the drug seizure fund.

PASSED AND APPROVED this the _____ day of March, 2016.

David Mattingly, Mayor

Cindy Stracener, City Clerk

Benton Police Department

Benelli M2 Entry Patrol Shotgun

14" Barrel Restricted Class 3

Serial Numbers-

- 1.) M718620
- 2.) M718632
- 3.) M759601
- 4.) M759624
- 5.) M759598
- 6.) M759626
- 7.) M759599
- 8.) M759625
- 9.) M759600
- 10.) M759623
- 11.) M759622

John Norrell Inc.

13529 Saddle Hill Dr. Little Rock, AR 72212
E-Mail > smg1022@sbcglobal.net 501-225-7864 fax
www.JohnNorrellArms.com www.MolyResin.com

Class II Manufacturer Class III Dealer Law Enforcement Sales Repair/Refinishing Forensic Testimony

TRADE AGREEMENT

March 7, 2016

Page 1 of 3

The following is an agreement between John Norrell Inc. (JNI) of Little Rock, AR and the Benton Police Department (The Agency) of Benton, AR. This Agreement reflects the terms and conditions that both parties have agreed to in good faith.

The Agency has the following items for trade:

<u>Quantity</u>	<u>Description</u>
11	Benelli M2 Tactical shotguns with 14.5" with ATF restricted barrels. Shotguns are to be complete with forearms.

John Norrell Inc. (JNI) has agreed to trade the following:

<u>Quantity</u>	<u>Description</u>
12	Beretta model 1301 Tactical shotguns, 18.5' barrels with regular stocks (not pistol grips).
12	Two round magazine extensions

Financial

Quantity	Item	Price each	Total
12	Beretta Model 1301	\$ 840.00	\$ 10,080.00
12	Two round magazine extensions	75.00	900.00
		Shipping No Charge	<u>0.00</u>
		Subtotal	10,980.00
		Sales tax 9%	<u>988.20</u>
		Total	\$ 11,968.20

Quantity	Item	Trade-in Value	
11	Benelli M2 shotguns	\$ 450.00	- 4,950.00
	Credit applied from past trade 3/14/2014		<u>- 960.00</u>
		Total Due	\$ 6,058.20

(Continued)

The following terms and conditions will apply:

1. The Agency (Police Chief or authorized person) will sign and return to JNI one copy of this Trade Agreement. The signature implies that all approvals have been obtained by The Agency to conduct this transaction. The Agency agrees to provide whatever type documents of purchase, such as purchase order, agency letter, etc. required by Beretta for this transaction.
2. The Agency will provide copies of existing ATF paperwork for the Benelli shotguns so additional paperwork can be completed to start the ATF title transfers of Benelli shotguns to JNI. These forms will need to be signed by the Chief. When ATF approves the transfer forms for the Benelli shotguns, ATF will send those approved forms directly to The Agency. The Agency will notify JNI when these forms are received.
3. JNI will place orders with the Beretta distributors for the Model 1301 shotguns and extensions. Based on conversations with the Beretta distributor, they state it should take 6 to 8 weeks for delivery. Shotguns will be dropped shipped from Beretta to the Agency. It is understood by The Agency understands that Beretta is totally responsible for the amount of time the order takes for processing and shipping.
4. This Trade Agreement will survive and remain in effect in the event that The Agency management changes during the process of completing this trade. This Trade Agreement will remain in effect until all firearms have been delivered and the trade conducted.
5. Agency warrants, guarantees and affirms that this transaction meets all local, state and federal statutes and that the exchange of said property is entirely legal. All items included in the trade are affirmed to be the property of the Agency and the Agency has authority to make this purchase and exchange where required.
6. The Agency warrants, guarantees and affirms that it has the authority to release and trade the firearms and any other items included in the trade without auction and that the transaction meets all agency equipment purchasing or sale protocols, regulations or standards.
7. The Agency affirms that each and every firearm involved in the transaction and listed in the trade are warranted, guaranteed and affirmed to not be stolen property for which there is a legal owner. The Agency agrees to indemnify and hold harmless John Norrell Inc. and its agents and purchasers from any and all claims by persons claiming to be the lawful owners of the property involved in the transaction. Further, the Agency agrees to indemnify and hold harmless John Norrell Inc. from any claim that this exchange is illegal, invalid or improper in any way.

(Continued)

8. The Agency guarantees and warrants that the person executing this document on behalf of the Agency has the authority to sign and bind the Agency to the terms of this Agreement.

Dated: _____

John Norrell, President

Printed Name

Dated: _____

Signature - Benton

Printed Authorized Official Name and Title

Benton Police Department
Benton, Arkansas

ORDINANCE NO. 13 OF 2016

AN ORDINANCE AMENDING THE 2016 BUDGET FOR THE POLICE DEPARTMENT AS ADOPTED IN ORDINANCE 64 OF 2015; APPROPRIATING FUNDS FOR CERTAIN EQUIPMENT PURCHASES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council desires to amend the 2016 budget to provide funding for the purchase of equipment purchases for the police department.

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 FY2016 City of Benton Budget as adopted in Ordinance 64 of 2015. 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.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget to appropriate money for the purchase of necessary equipment upgrades for the police 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 the _____ day of March, 2016.

David Mattingly, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



EXHIBIT "1"

FY2016 Operating Budget

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

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

Section 2 is a detailed explanation of the amended Funding and Disbursements that make up this Fiscal Year 2016 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2016

General Fund

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$16,096,484	-0-	\$16,096,484
Personnel	\$11,844,552	-0-	\$11,844,552
Operations & Maintenance	\$3,061,536	\$17,655	\$3,079,191
Capital Items	\$1,241,550	-0-	\$1,241,550

Section 2: Funding & Disbursements - Fiscal Year 2016

General Fund

Funding

This budget amendment authorizes a transfer from the restricted Police Equipment Grant Funds in the amount of \$17,655.00 (130.550.10.00).

O&M

This budget amendment allows for ballistic plates and their carriers expenditure in the amount of \$17,655.00 (750.670.13.17) in the Police Department.

Quote

National Safety Supply, Inc.

P.O. Box 608
Jefferson, MD 21755

Invoice #: 00243188

(301)668-3230 (301) 668-3232 Fax

Bill To:

Benton Police Department
100 South East Street
Benton, AR 72015

Ship To:

Benton Police Department
100 South East Street
Benton, AR 72015

REP/CODE	CUST. P.O. #	SHIP VIA	PAYMENT	SHIP DATE	TERMS	DATE	PG.
Jeremy Gray	Scarab & Plates	Best Way			Net 30	3/4/16	1
QTY.	ITEM NO.	DESCRIPTION	PRICE	UOM	TOTAL	TX.	
15	VS-SLTKIT-RG-MD	Velocity Scarab LT Kit, Includes Carrier Front and Back, Shoulder Straps/Pads, 2 Cummerbunds, Front Flap, 1/4 Flaps, and Zip-On Back Panel, Ranger Green, Size: Medium	\$460.00	ea	\$6,900.00		
15	4600SWL	Hesco Armor 600 Series 4600 plate, NIJ 06 IV Stand Alone, Swimmers cut, Large, 10.0" x 12.1", 5.6 lbs.	\$485.00	ea	\$7,275.00		
30	VHW-MP-RG	Velocity Systems Helium Whisper Munitions Pouch, Ranger Green	\$15.00	ea	\$450.00		
15	VS-GENIV-RG	Velocity Systems Gen IV Placard, Ranger Green	\$160.00	ea	\$2,400.00		
15	VHW-MRP-RG	Velocity Systems Helium Whisper Motorola Pouch, Ranger Green	\$32.00	ea	\$480.00		
1	Shipping Charges	Shipping Charges	\$150.00		\$150.00		
Thank you for this opportunity!				SALE AMOUNT	\$17,655.00		
				FREIGHT	\$0.00		
				SALES TAX	\$0.00		
				TOTAL AMOUNT	\$17,655.00		
				PAID TODAY	\$0.00		
				BALANCE DUE	\$17,655.00		

RESOLUTION NO. 19 OF 2016

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR OFFERS TO PURCHASE THE PALACE THEATER AND/OR OFFERS TO RENOVATE THE STRUCTURE; AND FOR OTHER PURPOSES

WHEREAS, the City Council has considered several different options with respect to either the renovation or demolition of the Palace Theater over approximately the last year; and

WHEREAS, the City has previously advertised for proposals from individuals and/or groups who desired to renovate the structure as opposed to demolishing it but no solution has come to fruition; and

WHEREAS, it has been determined that the Mayor shall advertise for offers to acquire the Palace Theater and/or proposals for its renovation; and

WHEREAS, within ninety (90) days the Mayor shall report to the Community Services and Finance Committees all of the offers presented to the City for the purchase of the building and/or any proposals for the renovation of same.

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

SECTION 1: The City Council does hereby authorize the Mayor to advertise for offers to acquire the Palace Theater. Within ninety (90) days of this Resolution, all such offers to purchase the building and/or proposals for its renovation shall be submitted to the City Council for review and consideration.

PASSED AND APPROVED this the _____ day of March, 2016.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. 20 OF 2016

A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID
FOR THE INSTALLATION OF RESTROOMS AT SUNSET LAKE;
AND FOR OTHER PURPOSES

WHEREAS, the City of Benton after having advertised for bids for construction work to install restrooms at Sunset Lake, the City Council has determined that the bid submitted by Goslee Construction, Inc. is the lowest acceptable bid for these improvements and that the City should award the construction contract to this lowest acceptable bidder.

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

SECTION 1: The bid of Goslee Construction, Inc. in the amount of \$175,914.50 is the lowest acceptable bid for the construction work to install restrooms at Sunset Lake and said bid should be, and is hereby, accepted and awarded to Goslee Construction, Inc.

SECTION 2: The Mayor is hereby authorized to execute, on behalf of the City of Benton, a contract for the project with the successful bidder and to execute such other documents as may be necessary and convenient to accomplish this purpose. The Mayor is likewise authorized to pay to Goslee Construction, Inc. for the work. The sum of \$175,914.50 plus a ten percent contingency is hereby deemed appropriated for this purpose.

PASSED AND APPROVED this the _____ day of March, 2016.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

March 18, 2016

Attn: John Eckart
Director - Parks and Recreation
City of Benton
913 E. Sevier Street
Benton, AR 72015

RE: Recommendation of Award for Sunset Lake Restroom Project.

Dear John,

McClelland Consulting Engineers has reviewed the bids and checked the references for the apparent Low bidder, Goslee Construction. We recommend that the parks department accept the bid and award the project.

Below is a summary of the current budget for the project :

Bid total from Goslee Construction	\$175,914.50
Engineering Services remaining	\$8,000.00
Contingency (10% of construction)	<u>\$17,591.00</u>
Total Project Costs	\$201,505.50

If you have any questions feel free to give me a call.

Sincerely,
McClelland Consulting Engineers, Inc.



Dan Beranek PE
President Little Rock Office

CERTIFIED BID TAB (PAGE 1 OF 2)

PROJECT: LR15-5707 Rebid Sunset Lake / Dog Park Restroom Facility
 BID LOCATION: Mayor's Conference Room, City Hall, Benton, Arkansas
 BID TIME AND DATE: 11:00 AM, March, 16, 2016

Certified By: 
 Daniel G. Beranek, P.E., No. #12713

Goslee Construction Corp. Shields & Associates, Inc. A-Plus Builders, Inc. JCon, Inc.
 CONTRACTORS NAME 0172580117 0309120316 0051000416
 CONTRACTORS LICENSE NO.

Item No.	Item Description	Unit	Quantity	Unit Price	Total						
1	Clearing & Erosion Control	LS	1	\$4,050.00	\$4,050.00	\$3,500.00	\$3,500.00	\$6,200.00	\$6,200.00	\$5,000.00	\$5,000.00
2	Earthwork/Grading for Restroom Building	LS	1	\$2,700.00	\$2,700.00	\$10,000.00	\$10,000.00	\$4,000.00	\$4,000.00	\$10,000.00	\$10,000.00
3	Earthwork/Grading for Volleyball Courts (DEDUCT. ALTERNATE)	LS	1	\$32,000.00	\$32,000.00	\$15,000.00	\$15,000.00	\$3,600.00	\$3,600.00	\$14,500.00	\$14,500.00
4	Stormwater Pipe (12" HDPE) (DEDUCT. ALTERNATE)	LF	105	\$17.00	\$1,785.00	\$72.00	\$7,560.00	\$25.00	\$2,625.00	\$40.00	\$4,200.00
5	Stormwater Pipe Flared End Section (DEDUCT. ALTERNATE)	EA	1	\$525.00	\$525.00	\$2,500.00	\$2,500.00	\$1,000.00	\$1,000.00	\$300.00	\$300.00
6	Restroom Building	SF	575	\$201.74	\$116,000.50	\$234.78	\$134,998.50	\$281.52	\$163,874.00	\$262.00	\$150,650.00
7	Concrete Sidewalk	SF	711	\$6.00	\$4,266.00	\$8.50	\$6,043.50	\$5.50	\$3,910.50	\$7.00	\$4,977.00
8	Concrete Steps	SF	16	\$25.00	\$400.00	\$62.50	\$1,000.00	\$26.56	\$424.96	\$20.00	\$320.00
9	A.D.A Hand Rail	LF	41	\$68.00	\$2,788.00	\$60.00	\$2,460.00	\$83.00	\$3,403.00	\$110.00	\$4,510.00
10	4" Sch. 40 PVC Sewer Line	LF	30	\$15.00	\$450.00	\$33.33	\$999.90	\$15.00	\$450.00	\$8.00	\$240.00
11	Electrical Cable/Connection	LF	190	\$10.00	\$1,900.00	\$20.00	\$3,800.00	\$7.89	\$1,499.10	\$10.00	\$1,900.00
12	A.D.A Parking Sign	EA	1	\$150.00	\$150.00	\$200.00	\$200.00	\$400.00	\$400.00	\$125.00	\$125.00
13	Seeding & Sodding	LS	1	\$2,800.00	\$2,800.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$2,500.00	\$2,500.00
14	Arkansas Code Ann. §22-9-212, Trench and Excavation Safety System.	LS	1	\$500.00	\$500.00	\$500.00	\$500.00	\$2,500.00	\$2,500.00	\$10.00	\$10.00
15	Miscellaneous (Mobilization, Demobilization, Bonds, Insurance, As-Built Record Drawings, and Any Items not Covered Elsewhere to Complete the Project per the Drawings and Specifications).	LS	1	\$5,600.00	\$5,600.00	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$19,200.00	\$19,200.00
TOTAL AMOUNT BID					\$175,914.50		\$197,561.90		\$205,886.56		\$218,432.00

Item No.	Item Description	Unit	Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
3	Earthwork/Grading for Volleyball Courts (DEDUCT. A.L.T.)	LS	1	\$32,000.00	\$32,000.00	\$15,000.00	\$15,000.00	\$3,600.00	\$3,600.00	\$14,500.00	\$14,500.00
4	Stormwater Pipe (12" HDPE) (DEDUCT. ALTERNATE)	LF	105	\$17.00	\$1,785.00	\$72.00	\$7,560.00	\$25.00	\$2,625.00	\$40.00	\$4,200.00
5	Stormwater Pipe Flared End Section (DEDUCT. ALTERNATE)	EA	1	\$525.00	\$525.00	\$2,500.00	\$2,500.00	\$1,000.00	\$1,000.00	\$300.00	\$300.00
TOTAL DEDUCTIVE ALTERNATES:					\$34,310.00		\$25,060.00		\$9,825.00		\$19,000.00
TOTAL AMOUNT BID LESS TOTAL DEDUCTIVE ALTERNATES:					\$141,604.50		\$172,501.90		\$196,061.56		\$199,432.00

* Correction due to math error

CERTIFIED BID TAB (PAGE 2 OF 2)

Bell Construction Company, Inc CJRB Services, Inc Dayco Construction, Inc Redstone Construction Group, Inc. AMR Construction, LLC McClellan Consulting and Construction, LLC G.A.G. Builders, Inc
 0014780217 0215700316 0087640416 0007700217 0160780316 0336410316 0124480416

Unit Price	Total														
\$340.00	\$340.00	\$1,800.00	\$1,800.00	\$6,800.00	\$6,800.00	\$5,500.00	\$5,500.00	\$6,071.00	\$6,071.00	\$3,500.00	\$3,500.00	\$4,500.00	\$4,500.00	\$4,500.00	\$4,500.00
\$12,476.00	\$12,476.00	\$2,500.00	\$2,500.00	\$11,000.00	\$11,000.00	\$22,500.00	\$22,500.00	\$9,190.00	\$9,190.00	\$11,500.00	\$11,500.00	\$12,476.00	\$12,476.00	\$12,476.00	\$12,476.00
\$38,390.00	\$38,390.00	\$6,000.00	\$6,000.00	\$9,000.00	\$9,000.00	\$15,000.00	\$15,000.00	\$32,470.00	\$32,470.00	\$12,000.00	\$12,000.00	\$38,000.00	\$38,000.00	\$38,000.00	\$38,000.00
\$31.42	\$3,299.10	\$35.00	\$3,675.00	\$20.00	\$7,100.00	\$43.25	\$4,541.25	\$25.00	\$2,625.00	\$42.85	\$4,499.25	\$31.42	\$3,299.10	\$31.42	\$3,299.10
\$800.00	\$800.00	\$200.00	\$200.00	\$200.00	\$200.00	\$360.00	\$360.00	\$75.00	\$75.00	\$500.00	\$500.00	\$800.00	\$800.00	\$800.00	\$800.00
\$260.97	\$150,057.75	\$323.15	\$185,811.25	\$289.00	\$166,175.00	\$250.00	\$143,750.00	\$257.00	\$147,775.00	\$174.92	\$158,079.00	\$261.38	\$150,293.50	\$261.38	\$150,293.50
\$5.65	\$4,017.15	\$4.50	\$3,199.50	\$6.00	\$4,266.00	\$8.00	\$5,688.00	\$3.50	\$2,488.50	\$5.13	\$3,644.59	\$8.40	\$5,972.40	\$8.40	\$5,972.40
\$37.00	\$592.00	\$140.00	\$2,240.00	\$10.00	\$160.00	\$85.00	\$1,312.00	\$10.00	\$160.00	\$43.75	\$700.00	\$25.00	\$400.00	\$25.00	\$400.00
\$102.00	\$4,182.00	\$75.00	\$3,075.00	\$100.00	\$4,100.00	\$85.00	\$3,485.00	\$55.00	\$2,255.00	\$105.93	\$4,343.13	\$85.36	\$3,499.76	\$85.36	\$3,499.76
\$26.36	\$790.80	\$15.00	\$450.00	\$35.00	\$1,050.00	\$5.50	\$165.00	\$25.00	\$750.00	\$79.93	\$2,397.90	\$76.36	\$790.80	\$76.36	\$790.80
\$12.10	\$2,299.00	\$25.00	\$4,750.00	\$15.00	\$2,850.00	\$12.50	\$2,375.00	\$22.00	\$4,180.00	\$5.26	\$999.40	\$15.78	\$2,998.20	\$15.78	\$2,998.20
\$150.00	\$150.00	\$300.00	\$300.00	\$400.00	\$400.00	\$375.00	\$375.00	\$200.00	\$200.00	\$500.00	\$500.00	\$565.00	\$565.00	\$565.00	\$565.00
\$3,000.00	\$3,000.00	\$1,500.00	\$1,500.00	\$3,000.00	\$3,000.00	\$9,300.00	\$9,300.00	\$3,333.00	\$3,333.00	\$10,692.00	\$10,692.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
\$100.00	\$100.00	\$2,500.00	\$2,500.00	\$500.00	\$500.00	\$1.00	\$1.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00	\$500.00	\$500.00	\$500.00	\$500.00
\$3,813.00	\$3,813.00	\$10,000.00	\$10,000.00	\$20,000.00	\$20,000.00	\$27,500.00	\$27,500.00	\$32,758.00	\$32,758.00	\$52,163.40	\$52,163.40	\$56,901.00	\$56,901.00	\$56,901.00	\$56,901.00
	\$224,306.80		\$228,000.75		\$231,601.00		\$241,852.25		\$244,830.50		\$267,518.67		\$282,995.76		\$282,995.76

Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
\$38,390.00	\$38,390.00	\$6,000.00	\$6,000.00	\$9,000.00	\$9,000.00	\$15,000.00	\$15,000.00	\$39,470.00	\$39,470.00	\$12,000.00	\$12,000.00	\$38,000.00	\$38,000.00	\$38,000.00	\$38,000.00
\$31.42	\$3,299.10	\$35.00	\$3,675.00	\$20.00	\$7,100.00	\$43.25	\$4,541.25	\$25.00	\$2,625.00	\$42.85	\$4,499.25	\$31.42	\$3,299.10	\$31.42	\$3,299.10
\$800.00	\$800.00	\$200.00	\$200.00	\$200.00	\$200.00	\$360.00	\$360.00	\$75.00	\$75.00	\$500.00	\$500.00	\$800.00	\$800.00	\$800.00	\$800.00
	\$42,489.10		\$9,875.00		\$11,300.00		\$19,901.25		\$42,170.00		\$16,999.25		\$42,099.10		\$42,099.10
	\$181,817.70		\$218,125.75		\$220,301.00		\$221,951.00		\$202,660.50		\$250,519.42		\$240,896.66		\$240,896.66

ORDINANCE NO. 14 OF 2016

AN ORDINANCE AMENDING THE 2016 BUDGET FOR THE PARKS AND RECREATION FUND AS ADOPTED IN ORDINANCE 64 OF 2015; APPROPRIATING FUNDS FOR THE SUNSET LAKE RESTROOM PROJECT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council desires to install restrooms at Sunset Lake which will be of benefit to the public; and

WHEREAS, the City Council needs to amend the 2016 Parks and Recreation Fund budget to account for this 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 FY2016 City of Benton Budget as adopted in Ordinance 64 of 2015. 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.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget to appropriate funds for the installation of restrooms at Sunset Lake. 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 March, 2016.

David Mattingly, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



EXHIBIT "1"

FY2016 Operating Budget

The Parks Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2016. This submittal includes a revision for the Parks Fund.

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

Section 2 is a detailed explanation of the amended Disbursements that make up this Fiscal Year 2016 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2016

Parks Fund

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$3,127,876	-0-	\$3,127,876
Human Resources	\$641,640	-0-	\$641,640
Operations & Maintenance	\$671,500	-0-	\$671,500
Capital Items	\$1,543,625	\$201,506	\$1,745,131

Section 2: Receipts & Disbursements - Fiscal Year 2016

Parks Fund

Capital Items

This budget amendment accounts for the expenditure of renovation costs for the Sunset Lake Restroom Project in the amount \$201,506.00 (850.40.35.00).

RESOLUTION NO. 21 OF 2016

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CURTIS STOUT A/V;
APPROPRIATING FUNDS FOR THIS PURPOSE; AND FOR OTHER PURPOSES

WHEREAS, the City Council desires to purchase audio and visual equipment for the River Center at Riverside Park; and

WHEREAS, the purchase and installation of the equipment will be made using the TIPS/TAPS purchasing cooperative, which obtains competitive pricing on products for local governments; and

WHEREAS, the City desires to enter into a contract with Curtis Stout A/V for the purchase and installation of the equipment.

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

SECTION 1: The City Council does hereby authorize the Mayor and City Clerk to execute any document as shall be necessary to enter into an agreement with Curtis Stout A/V for the purpose of purchasing and installing audio and visual equipment at the River Center. A copy of the quote is attached hereto as Exhibit "1" to this resolution.

SECTION 2: The funding for the purchase contract is hereby deemed appropriated.

PASSED AND APPROVED this the _____ day of March, 2016.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

Exhibit “1”



PRICE PROPOSAL:

Proposal Price: = \$44,903.90
+\$5,076.85 tax and freight = \$49,980.75 (Total)

Payment terms: 50% down, progress payments based on percentage of completion

Terms and Conditions, including exclusions, should be listed as part of this proposal and must be signed. However, by signing here the client signifies that they have reviewed the Curtis Stout A/V proposal, materials list, terms and conditions, and exclusions documents included as part of this proposal.

Any changes to materials, components, equipment, installation, programming or engineering are subject to changes in total project cost. As changes in audio-visual manufacturer component models and pricing occurs frequently, this proposal expires thirty (30) days after delivery. Any claims based on this proposal will be deemed invalid without review and renewal by CSAV.

CUSTOMER

CURTIS STOUT A/V

By _____

By _____

Printed Name & Title _____

Printed Name & Title _____

Date _____

Date _____

THIS PROPOSAL IS VALID FOR A PERIOD OF 30 DAYS FROM PROPOSAL DATE

RESOLUTION NO. 22 OF 2016

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTON TO UTILIZE FEDERAL-AID RECREATIONAL TRAILS FUNDS TO DEVELOP A WALKING TRAIL THROUGH RIVERSIDE PARK

WHEREAS Benton City Council understands Federal-aid Recreational Trails Funds are available at 80% federal participation and 20% local match/in kind labor to develop or improve the trail system throughout Riverside Park, and

WHEREAS the City of Benton understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

WHEREAS this project, using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

NOW, THEREFORE, BE IT RESOLVED BY BENTON CITY COUNCIL THAT:

SECTION I: The City of Benton Parks Department will participate in accordance with its designated responsibility, including maintenance of this project.

SECTION II: Mayor David Mattingly is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

SECTION III: The City of Benton City Council pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of March, 2016.

Signed: _____
Mayor David Mattingly

ATTEST: _____
Cindy Stracener, City Clerk

RESOLUTION NO. 23 OF 2016

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SECOND CHANCE FITNESS; APPROPRIATING FUNDS FOR THIS PURPOSE; AND FOR OTHER PURPOSES

WHEREAS, the City Council desires to purchase Fitness equipment for the River Center at Riverside Park; and

WHEREAS, the purchase and installation of the equipment will be made using the TIPS/TAPS purchasing cooperative which obtains competitive pricing on products for local governments; and

WHEREAS, the City desires to enter into a contract with Second Chance Fitness for the purchase and installation of the equipment.

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

SECTION 1: The City Council does hereby authorize the Mayor and City Clerk to execute any document as shall be necessary to enter into an agreement with Second Chance Fitness for the purpose of purchasing and installing fitness equipment at the River Center. A copy of the quote is attached hereto as Exhibit "1" to this resolution.

SECTION 2: The funding for the purchase contract is hereby deemed appropriated.

PASSED AND APPROVED this the _____ day of March, 2016.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk



SECOND CHANCE FITNESS
 1577 Marquee Circle
 Cabot, AR 72023
 (501)8319993
 2ndchancefit@gmail.com

ADDRESS

John Eckart
 City of Benton Park and
 Recreation
 913 E. Sevier St
 Benton, AR 72015

SHIP TO

John Eckart
 City of Benton Park and
 Recreation
 913 E. Sevier St
 Benton, AR 72015

ESTIMATE 1204

DATE 03/17/2016

DATE	ACTIVITY	QTY	RATE	AMOUNT
03/17/2016	EXPRESSO HD RECUMBENT BIKE EXPRESSO HD RECUMBENT BIKE INTERACTIVE HD-R	2	5,791.50	11,583.00T
03/17/2016	EXPRESSO HD UPRIGHT BIKE EXPRESSO HD UPRIGHT BIKE INTERACTIVE HD-U	2	5,589.00	11,178.00T
03/17/2016	GAUNTLET STEPMILL - TSE-1 CONSOLE - 10" W/NTSC TV GAUNTLET STEPMILL - TSE-1 CONSOLE - 10" W/NTSC TV Core Health 150015-TSE1N	1	5,799.00	5,799.00T
03/17/2016	PRO SPORT STANDARD TOTAL BODY PRO SPORT STANDARD TOTAL BODY SCIFIT SYS. PRO231-INT	2	3,995.00	7,990.00T
03/17/2016	NUSTEP T4R RECUMBENT CROSS NUSTEP T4R RECUMBENT CROSS TRAINER NUSTEP T4R	2	3,575.00	7,150.00T
03/17/2016	CONCEPT2 MODEL D INDOOR CONCEPT2 MODEL D INDOOR ROWER W/PM5 LIGHT GRAY 2711-US	2	900.00	1,800.00T
03/17/2016	TROY 55-75 URETHANE DB SET TROY 55-75 URETHANE DB SET USA SPORT. TSD-055-075U	2	2,420.00	4,840.00T
03/17/2016	5-50# URETHANE DB SET 5-50# URETHANE DB SET USA SPORT. TSD-005-050U	1	2,395.00	2,395.00T
03/17/2016	8# TROY RUBBER DUMBLR PR. 8# TROY RUBBER DUMBLR PR. USA SPORT TSD-008R	6	39.99	239.94T
03/17/2016	12# TROY RUBBER DUMBELL PR. 12# TROY RUBBER DUMBELL PR. USA SPORT. TSD-012R	6	59.99	359.94T
03/17/2016	VERTICAL 8 PR DB RACK VERTICAL 8 PR DB RACK USA SPORT. GVDR-8	1	209.99	209.99T

DATE	ACTIVITY	QTY	RATE	AMOUNT
03/17/2016	ACCESSORY STORAGE RACK ACCESSORY STORAGE RACK USA SPORT. GTAR	1	409.99	409.99T
03/17/2016	20-110# EZ-CURL BARBELL SET (10 BARS) 20-110# EZ-CURL BARBELL SET (10 BARS) UMAX UBC-SET1	1	2,200.00	2,200.00T
03/17/2016	INT'L 7' BLK OLY1500# TEST BAR INT'L 7' BLK OLY1500# TEST BAR USA SPORT. AOB-1500B	2	250.00	500.00T
03/17/2016	65CM BURST BALL NO PACKAGING 65CM BURST BALL NO PACKAGING Spri SXPB65R	1	47.98	47.98T
03/17/2016	75CM BURST BALL NO PACKAGING 75CM BURST BALL NO PACKAGING Spri SXPB75S	1	52.98	52.98T
03/17/2016	INT'L EZ CURL BAR-BLCK INT'L EZ CURL BAR-BLCK USA SPORT TOZ- 47B	1	129.99	129.99T
03/17/2016	INTERLOCK RUBR PLT 45# INTERLOCK RUBR PLT 45# USA SPORT GO- 045R	16	79.99	1,279.84T
03/17/2016	INTERLOCK RUBR PLT 35# INTERLOCK RUBR PLT 35# USA SPORT..GO- 035R	8	65.00	520.00T
03/17/2016	INTERLOCK RUBR PLT 25# INTERLOCK RUBR PLT 25# USA SPORT GO- 025R	8	45.00	360.00T
03/17/2016	INTERLOCK RUBR PLT 10# INTERLOCK RUBR PLT 10# USA SPORT GO- 010R	12	18.00	216.00T
03/17/2016	INTERLOCK RUBR PLT 5# INTERLOCK RUBR PLT 5# USA SPORT GO- 005R	12	12.00	144.00T
03/17/2016	INTERLCK RUBR PLT 2.5# INTERLCK RUBR PLT 2.5# USA SPORT GO- 002R	12	6.50	78.00T
03/17/2016	PREMIUM HANGING MAT 71" x 23" x .04" PREMIUM HANGING MAT 71" x 23" x .04" Spri 07-70611	4	55.98	223.92T
03/17/2016	XERBALL MED BALL 4# XERBALL MED BALL 4# Spri 05-58668	1	36.98	36.98T
03/17/2016	XERBALL MED BALL 6# XERBALL MED BALL 6# Spri 05-58473	1	47.98	47.98T
03/17/2016	XERBALL MED BALL 8# XERBALL MED BALL 8# Spri 05-58474	1	57.98	57.98T
03/17/2016	XERBALL 6 BALL RACK XERBALL 6 BALL RACK Spri MED-RACK6	1	200.98	200.98T
03/17/2016	XERBALL MED BALL 10# XERBALL MED BALL 10# Spri 05-58471	1	68.98	68.98T

DATE	ACTIVITY	QTY	RATE	AMOUNT
03/17/2016	XERBALL MED BALL 12# XERBALL MED BALL 12# Sprl 05-58472	1	80.99	80.99T
03/17/2016	XERBALL MED BALL 15# XERBALL MED BALL 15# Sprl 05-58667	1	87.99	87.99T
03/17/2016	WBH-PS-S/I PROJECTION SYSTEM-Wall Mounted Kiosk WELLBEATS: WBH-PS-S/I PROJECTION SYSTEM-Wall Mounted Kiosk, 4500 Lumen projector, 120 screen, two 8" speakers, shipping, and installation included.	1	10,250.00	10,250.00T
03/17/2016	WBC-B WELLBEATS BASIC Package WELLBEATS: WBC-B WELLBEATS BASIC Package. Six original formats of multi-level classes and tutorials. Potential Class Count 84 \$199.00 Monthly Cost	1	2,388.00	2,388.00T
03/17/2016	FREIGHT COMMERCIAL FREIGHT COMMERCIAL	1	4,355.00	4,355.00T
03/17/2016	DELIVERY/INSTALLATION DELIVERY/INSTALLATION	1	2,250.00	2,250.00T
03/17/2016	LEASE OPTIONS FOR THE CARDIO PRODUCTS ONLY! THAT TOTAL IS \$66,383. LEASE #1 36 Month 2 payments down of \$1993.11 and 34 monthly payments of \$1993.11 LEASE #2 48 Month 2 payments down of \$1562.00 and 46 payments of \$1562.00 per month LEASE #3 60 Month 2 payments down of \$1305.08 and 58 monthly payments of \$1305.00 THESE PRICES ARE SUBJECT TO YOUR CREDIT APPLICATION!!! I CAN SEND YOU ONE WHEN YOUR READY! PLEASE CALL WITH YOUR QUESTIONS!			
03/17/2016	Tips Taps Contract Number Tips Taps Contract Number #7111915 Please include the contract number on the Purchase Order and Email the p.o. to me please.	1	0.00	0.00T

Mr. Eckart,

SUBTOTAL

79,532.45

Hi,

TAX (9%)

7,157.92

Thank you for the opportunity!

Please review the lease estimates in the body of the estimate!

Please contact me with any questions!!

Perry shock

Owner

2nd Chance Fitness

TOTAL

\$86,690.37

Accepted By

Accepted Date

RESOLUTION NO. 24 OF 2016

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PUSH PEDAL PULL;
APPROPRIATING FUNDS FOR THIS PURPOSE; AND FOR OTHER PURPOSES

WHEREAS, the City Council desires to purchase and install fitness equipment for the River Center at Riverside Park; and

WHEREAS, the purchase and installation of the equipment will be made using the NJAP purchasing cooperative, which obtains competitive pricing on products for local governments; and

WHEREAS, the City desires to enter into a contract with Geneva Capital, LLC for the purchase and installation of the cardio equipment, which will also include financing for the purchase over a five (5) year period; and

WHEREAS, the City desires to enter into a contract with Push Pedal Pull for the purchase and installation of the equipment.

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

SECTION 1: The City Council does hereby authorize the Mayor and City Clerk to execute any document as shall be necessary to enter into an agreement with Push Pedal Pull for the purpose of purchase and installation of fitness equipment for the River Center. A copy of the quote is attached hereto as Exhibit "1" to this resolution.

SECTION 2: The funding for the purchase contract is hereby deemed appropriated.

PASSED AND APPROVED this the _____ day of March, 2016.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

Exhibit "1"

Integrity / Innovation / Excellence / Service



QUOTE

Date: March 15, 2016

Carl Langner

Geneva Capital, LLC
522 Broadway Street
Alexandria, MN 56308
p. 320-759-3588
c. 320-815-2546
f. 320-762-8402
carl@gogc.com

Quotation prepared for:

City of Benton Park and Recreation

Attn. John Eckart
P.O. Box 607
Benton, AR 72018

Lease May Be Structured As Follows:

Equipment Vendor	Push-Pedal-Pull Andrew		
Equipment Description	See Quote# 14516		
Original Equipment Cost	\$215,981.02	\$215,981.02	\$215,981.02
Term (monthly)	36	48	60
Annual Payment (w/o tax)	\$6,373.55	\$4,845.21	\$3,972.94
Advance Payment (w/o tax)	\$6,373.55	\$4,845.21	\$3,972.94
Security Deposit (w/o tax)	\$0.00	\$0.00	\$0.00
Documentation Fee	\$395.00	\$395.00	\$395.00
End of Lease Option	\$1.00	\$1.00	\$1.00
Total Due (w/o tax)	\$6,768.55	\$5,240.21	\$4,367.94

Note: This is a Tax Exempt \$1.00 Out product with "non-appropriation" language.

Thank you for your interest in leasing the above purchase through Geneva Capital LLC. Please feel free to call me at 320-759-3588 or email carl@gogc.com with any questions!

**Quotation is valid for 60 days and is contingent upon credit approval and acceptable equipment review. Actual numbers will vary based on credit & individual financial situations. Transaction may be funded by a 3rd party source.*



PUSH PEDAL PULL

the exercise equipment experts

PUSH PEDAL PULL

ATTN MANAGER 501-251-1750

11600 Chenal Parkway

Little Rock AR 72211

Cell / Text: (501) 350-6345

amcneel@pushpedalpull.com

Purchase Recommendation

Page 1 of 3

Prepared by: Andrew McNeel

Quote Date	Quote #
3/11/2016	14477

Billing Address	Shipping Address
City of Benton Park and Recreation John Eckart P.O. Box 607 Benton AR 72018	City of Benton Park and Recreation John Eckart P.O. Box 607 Benton AR 72018

Account No.	Customer Email
1900029110 City of Benton Park and Recreation	jeckart@benton.ar.gov

Item #	MFR	MODEL	Description	Qty	MSRP	Price	Extended
71544	PRECOR	PHRCTP828853...	TRM 885.V2 TREADMILL - P82	9	12,355.00	7,690.00	69,210.00
71540	PRECOR	PHRCEP828853...	EFX 885 ELLIPTICAL - P82	3	10,495.00	6,821.75	20,465.25
71539	PRECOR	PHRCEP828833...	EFX 883 ELLIPTICAL - P82	3	9,495.00	6,171.75	18,515.25
71541	PRECOR	PHRCAP828853...	AMT 885 OPEN STRIDE - P82	3	11,995.00	7,796.75	23,390.25
71542	PRECOR	PHRCBP828853...	RBK 885 RECUMBENT BIKE - P82	3	7,135.00	4,332.00	12,996.00
71543	PRECOR	PHRCBP828853...	UBK 885 UPRIGHT BIKE - P82	2	6,925.00	4,501.19	9,002.38
71550	PRECOR	SBK863	SPINNER RALLY, BELT DRIVE	16	2,395.00	1,550.00	24,800.00
123	PRECOR	PHRCC8353610...	CLM 835-P30 CONSOLE W/15" PVS	1	6,294.00	4,405.59	4,405.59
71034	PRECOR	DSL414	DISCOVERY CONVERGING CHEST PRESS	1	5,500.00	3,600.00	3,600.00
71423	PRECOR	DSL505	DISCOVERY REAR DELT / PEC FLY	1	4,700.00	3,290.00	3,290.00
71036	PRECOR	DSL314	DISCOVERY DIVERGING LAT PULLDOWN	1	4,900.00	3,240.00	3,240.00
71162	PRECOR	DSL324	DIVERGING LOW ROW	1	5,100.00	3,360.00	3,360.00
30115	PRECOR	DSL204	DISCOVERY BICEPS CURL	1	3,900.00	2,574.00	2,574.00
70347	PRECOR	DSL208	DISCOVERY TRICEPS EXTENSION	1	3,900.00	2,574.00	2,574.00
70037	PRECOR	DSL620	DISCOVERY INNER THIGH	1	4,500.00	2,970.00	2,970.00
70034	PRECOR	DSL621	DISCOVERY OUTER THIGH	1	4,500.00	2,970.00	2,970.00
30119	PRECOR	DSL605	DISCOVERY LEG EXTENSION	1	4,400.00	2,904.00	2,904.00
70035	PRECOR	DSL619	DISCOVERY SEATED LEG CURL	1	4,700.00	3,102.00	3,102.00
30118	PRECOR	DSL602	DISCOVERY LEG PRESS	1	6,200.00	4,092.00	4,092.00
488	PRECOR	PW407KBR99	150# CROSS ADJ PULLEYS	1	5,100.00	3,366.00	3,366.00
1899	PRECOR	PW320KNR99	DIP CHIN ASSIST CW320	1	4,275.00	2,820.00	2,820.00

Standard Terms and Conditions:

- 1) 50% deposit and approve P.O. with order. Balance due upon delivery. Send Payment To:
2306 W 41st Street
Sioux Falls, SD 57105
- 2) All unit prices are F.O.B. destination.
- 3) Prices are subject to change 30 days after the quote date.
- 4) There will be a 2% monthly service charge on all overdue accounts. The buyer is also responsible for any collection and/or legal fees involved in collecting past due accounts.
- 5) The above quotation is computed to be performed during regular business hours. Any special request by the buyer necessary to complete work will be paid by the buyer
- 6) Clerical errors are subject to correction.
- 7) Buyer agrees to promptly file claim for all goods damaged in transit.
- 8) There will be a 20% restocking fee on merchandise ordered but not accepted. Delivery, Set-Up, and Freight will not be refunded.
- 9) A Preventative Maintenance Agreement is available for all equipment.
- 10) Equipment lease is available with approved credit.

Subtotal \$: 274,251.41

Sales Tax \$: 24,682.64

Total \$: 298,934.05

Acceptance of Proposal:

These prices, specifications, and conditions are satisfactory and are hereby accepted. I am authorized to order the equipment listed with full understanding of the payment terms.

Date:

Authorized Signature:

P.O. Number:

Print Signature:



PUSH-PEDAL-PULL

the exercise equipment experts

PUSH PEDAL PULL

ATTN MANAGER 501-251-1750

11600 Chenal Parkway

Little Rock AR 72211

Purchase Recommendation

Page 2 of 3

Prepared by: Andrew McNeel

amcneel@pushpedalpull.com

Quote Date	Quote #
3/11/2016	14477

Billing Address	Shipping Address
City of Benton Park and Recreation John Eckart P.O. Box 607 Benton AR 72018	City of Benton Park and Recreation John Eckart P.O. Box 607 Benton AR 72018

Account No.	Customer Email
1900029110 City of Benton Park and Recreation	jeckart@benton.ar.gov

Item #	MFR	MODEL	Description	Qty	MSRP	Price	Extended
71444	PRECOR	DPL802	DISCOVERY SERIES SMITH MACHINE	2	4,200.00	2,940.00	5,880.00
71552	PRECOR	DBR119	DISCOVERY MULTI-ADJUSTABLE BENCH	3	1,150.00	805.00	2,415.00
2141	PRECOR	PW202CNN99	SEAT PREACHER CURL CW202	1	955.00	630.00	630.00
77433	PRECOR	DPL601	DISCOVERY ANGLED LEG PRESS	1	5,400.00	3,780.00	3,780.00
1791	PRECOR	PW0312NN99	BACK EXTENSION CW312	1	1,100.00	726.00	726.00
1790	PRECOR	PW0702NN99	VERTICAL KNEE UP/ DIP CW702	1	1,175.00	776.40	776.40
1745	PRECOR	PW0812NN99	DUMBELL RACK-10 PAIR CW812	2	930.00	651.00	1,302.00
30201	PRECOR	DSL500	DISCOVERY SHOULDER PRESS	1	4,100.00	2,706.00	2,706.00
70039	PRECOR	DSL315	DISCOVERY ROTARY TORSO	1	4,600.00	3,036.00	3,036.00
70043	PRECOR	DSL714	DISCOVERY ABDOMINAL	1	4,500.00	3,000.00	3,000.00
70044	PRECOR	DPL616	PLATE LOADED CALF RAISE	1	1,400.00	980.00	980.00
1733	PRECOR	PW0408NN99	OLYMPIC BENCH CW408	1	1,030.00	685.00	685.00
1743	PRECOR	PW116CNN99	MULTI PURPOSE BENCH	1	500.00	350.00	350.00
8923	PRECOR	PW0808NN99	BARBELL RACK - 10 BARS CW808	1	995.00	696.50	696.50
1792	PRECOR	CW816	VERTICAL PLATE TREE-	2	400.00	280.00	560.00
9995							
9901		FC	FREIGHT COMMERCIAL	1		13,231.79	13,231.79
9977		DEL	DELIVERY/INSTALLATION	1		9,850.00	9,850.00
9995							



PUSH·PEDAL·PULL

the exercise equipment experts

PUSH PEDAL PULL

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Item #	MFR	MODEL	Description	Qty	MSRP	Price	Extended
			*****CONTRACT PRICING EXTENDED***** National Joint Power Alliance (NJPA) CONTRACT #: 120215-PCR				

RESOLUTION NO. 25 OF 2016

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

WHEREAS, the city owns 10.3 acres located at 2110 Henry street which is to be used for future city park development; and

WHEREAS, there are certain structures thereon which need to be removed in order to prepare the land for the city's intended use of the property; and

WHEREAS, the structures which are located on the property are more fully identified in Exhibit "1" to this Resolution; and

WHEREAS, the City Council desires to declare the assets identified in Exhibit "1" as surplus and to authorize them to be sold at public auction.

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

SECTION 1: The assets listed in Exhibit "1" are hereby declared surplus and shall be sold at public auction in accordance with any applicable state or federal law. The land upon which these items sit shall be retained by the city.

SECTION 2: The Mayor is authorized to set all of the terms and conditions for the auction with respect to the amount of the deposit required on the day of sale, closing and all other necessary terms for the sale, including the date when the surplus property shall be removed by the successful bidder.

SECTION 3: All net proceeds from the sale shall be deposited into the parks fund line item #680.06.

PASSED AND APPROVED this the _____ day of March, 2016.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

EXHIBIT "1"

2110 Henry Street Asset List:

- 2,082 Square foot Single Family Residence
 - o Pro Line Hot Water Heater
 - o Hot Point Dish Washer
 - o Heil 5000 outside heat and air unit
 - o Five ceiling fans
- 6' x 10' storm shelter
- Water fountain with two working pumps
- Six decorative concrete tables
- Twenty decorative concrete benches
- 24' x 23' metal pavilion
- 14' x 9' Gazebo
- Two 8' x 8' wood pavilions
- 21' x 20' shop with 16' manual garage door
- 18' x 13' Butter Fly house

Ordinance No. 16 of 2016

AN ORDINANCE ESTABLISHING POLICIES FOR SPONSORSHIPS AND SETTING RATES FOR SPONSORSHIPS AT RIVERSIDE PARK; AND FOR OTHER PURPOSES

WHEREAS, the City Council has determined it is in the best interest of the city to establish policies and to set rates for the selling of sponsorships at Riverside Park in order to obtain additional revenue for the city and to offset the cost of maintaining the Riverside Park facilities and its operations.

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

SECTION 1: The City Council does hereby adopt the policies for the selling of sponsorships which is attached hereto as Exhibit "1" to this ordinance. These policies shall be applied to all city sponsorships and not just those at Riverside Park.

SECTION 2: In addition thereto, the City Council does hereby adopt the sponsorship rates for sponsorships at Riverside Park which are attached to this ordinance as Exhibit "2".

SECTION 3: Because of the immediate need to establish policies and set rates for sponsorships within the city, an emergency is hereby declared and this ordinance shall be of full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of March, 2016.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

DESIGNATION FOR PUBLICATION

Exhibit "1"

Sponsorship Policy



BACKGROUND:

The City of Benton welcomes and encourages sponsorships undertaken to assist in the provision of City services and projects. All sponsorships shall be consistent with the City of Benton's vision, mission and values and will not compromise or contradict any by-law or Policy of the City, or reflect negatively on the City's public image. All sponsorship agreements shall be established in a manner that ensures access and fairness, and results in the optimal balance of benefits to the City and the community. For the purpose of this document the term Council equals the City.

PURPOSE:

1) The purpose of this policy is to promote the City's image and enhance public awareness of particular City assets by establishing guidelines for their naming or renaming and to establish guidelines for sponsorship activities.

(a) City assets include, but are not limited to, parks and parklands; landscape elements such as trees, plants, plazas, and gardens; site furnishings such as benches, playgrounds, and donated art; open spaces; facilities; recreation elements such as sports fields; memorials, statues, and busts; and municipal buildings, properties, sites and structures.

(b) The naming of City assets shall be consistent with adopted City policy and the provisions of this chapter.

(c) The policy set forth in this Chapter is to establish a systematic and consistent basis for recognizing contributions and support to the City from citizens, volunteers, organizations, financial donors, community leaders, officials, and others.

SCOPE:

(1) This Chapter shall apply to the naming or renaming of any City asset except City assets named or renamed prior to the enactment of this Chapter, as well as general sponsorship activities.

(2) Asset Naming Parameters.

(a) Naming of any City assets will require City Council approval

Excluded-Out of Scope

This procedure does not apply to:

Sponsorship Policy



1. Pouring Rights Contracts: agreement between a beverage distributor and the City that allows the distributor to be the only entity selling beverages at a given location(s)
2. Partnerships: Partnership means a formal agreement between two or more parties that have agreed to work together in the pursuit of common goals.

It should be noted that this Policy does not govern, administer strategic alliances, strategic partnerships, tenant-landlord relationships, marketing cooperatives or other partnership Agreements managed by the City of Benton. These initiatives are managed by separate Agreements, incorporating where applicable, definitions, principles, and conditions from this policy.

DEFINITIONS:

1) Sponsorship

A mutually agreed upon agreement between the City of Benton and an external company, organization, enterprise, association or individual evidenced in writing whereby the external party (sponsor) contributes money, goods or services to a City of Benton facility, program, project, or special event in return for recognition, acknowledgement, or other promotional considerations or benefits. The term of sponsorships can be on a per event basis or on a yearly basis as determined by the Department Head. The maximum term for a sponsorship shall be five years.

This does not include donations and gifts to the City where no business relationship or association is contemplated or is required and where no reciprocal consideration is being sought.

Forms of Sponsorship

- Cash: A sponsorship received in the form of money.
- In-kind: Goods or services of value to the City are received rather than cash.
- A combination of the above.

2) Naming Rights

Pursuant to A.C.A § 25-1-121, A naming right is a type of sponsorship in which an external company, organization, enterprise, association or individual purchases the exclusive right to name a municipal asset or venue for a fixed or indefinite period of time. Usually naming rights are considered in a commercial context, which is that the naming right is sold or exchanged for significant cash and/ or other considerations under a long-term arrangement. This arrangement is documented in a written agreement signed by the interested parties and has a specified end date to the contractual obligation.

3) City Recognitions

The City may elect to name a City asset to formally recognize significant contributions and support given to the City by individuals or organizations.

4) Tributes and Memorials

As provided in this Chapter, an individual may petition the City to name a City asset as a tribute or memorial to an individual, group, event, or other thing

5) Ethical Scans

A search of a potential sponsor's main company and subsidiaries, if any, that is performed to determine if the sponsor/advertiser meets the requirements defined by the Corporate Sponsorship Policy or is otherwise affected by the "Restrictions on Sponsorships" section of the Policy.

Sponsorship Policy



The applicable department on all sponsorships arrangements of more than \$10,000 will conduct ethical scans. Should a conflict be discovered which is contrary to the provisions of this Policy then the applicable Agreement shall not be executed by the Department.

Naming Standards

(1) **Applicability.** The provisions set forth in this Section apply to the naming of any City asset, including, but not limited to, the opening of a new or refurbished City asset; honoring an individual, group, or organization; recognizing a gift, donation, sponsorship, joint venture/partnership, or significant contribution to the City or the general public; or improvements to existing City assets.

(2) **General Provisions.** The following provisions shall apply to the selection of any name associated with a sponsorship, City recognition, or a tribute or memorial:

(a) **Consent.** When a City asset is proposed to be named for an individual, before consideration of the proposal, consent shall be obtained from such individual or, if such individual is deceased, the individual's next of kin.

(b) **Prohibited Names.** Unless otherwise determined by the City, in its sole discretion, no name shall be chosen that:

(i) causes confusion due to duplication of, or similarity to, an existing name within the City;

(ii) is the name of an entity associated with tobacco, alcohol, obscenity or a sexually oriented business, place or practice;

(iii) may have an inappropriate acronym, short form, or modification;

(iv) is discriminatory, derogatory or otherwise creates controversy within the City, as determined by the City Council;

(v) is complex, unduly long, difficult to spell or pronounce; or

(vi) recognizes a single individual for a contribution similar or identical to a contribution made by others within a particular group associated with that individual.

(c) **Asset Name Rejection.** The City, in its sole discretion, may reject any proposed asset donation or any proposed name for a new or existing City asset.

Sponsorship Policy



(3) Sponsorships and City Recognitions. The following provisions shall apply to the selection of any name associated with sponsorship or City recognition:

(a) Context. The selected name should:

(i) have a longstanding or unusually significant identification with the City or its residents;

or

(ii) be consistent with the character and public value of the asset; the financial sponsorship categories; specific geographical locations; or any other applicable City requirement.

(b) Personal and Organization Names. The name of an individual or an organization shall be considered only when such individual or organization has made a significant contribution to the City by:

(i) enhancing the quality of life and well-being of the City;

(ii) contributing to the historical, cultural, or societal preservation of the community;

(iii) contributing a significant portion of project costs used for acquisition, development, or conveyance of land or construction or renovation of a City building; or

(iv) achieving personal or organizational excellence that represents the City of Benton in a positive manner.

(c) Public Gifts. When selecting a name connected with a sponsorship, the following additional factors shall be considered:

(i) The dollar value of the contribution compared to the construction and ongoing operating and maintenance costs of the City asset to be named;

(ii) Any financial sponsorship categories, as may be established by the City, to recognize different contribution amounts;

(iii) The cost of establishing the naming; and

Sponsorship Policy



(iv) In the case of a donated asset, projected ongoing operating and maintenance costs.

(4) Tributes and Memorials. The following provisions shall apply to the selection of any name associated with a tribute or memorial:

(a) Quality. An asset donated to the City shall conform to applicable City standards including, but not limited to, design, durability, location, and applicable safety considerations. The City, in its sole discretion, may reject an offer to donate an asset that does not meet City standards.

(b) Maintenance. An asset donated to the City that is unique and not within any asset class ordinarily purchased and maintained by the City shall be maintained by the donor unless otherwise provided in an asset naming agreement. The City will not consider for approval tributes and memorials which will impose a significant financial burden on the City to maintain.

(c) Content. It is in the City's discretion to approve or reject the design, size, material, text, and graphics to be used for tributes and memorials and to approve species of memorial trees. Any written content on a City asset is subject to review and may be rejected if it:

(i) is discriminatory, derogatory, or may otherwise create controversy, as determined by the City Council; or

(ii) contains statements of religious principles or scriptural verses unless such principles or verses are unavoidably entwined with an otherwise historically significant event or person proposed to be honored.

(d) Ownership. Unless otherwise agreed to in advance and in writing, all donated property of whatever kind becomes and remains City property. The City assumes no liability for the loss, damage and/or replacement of City assets.

Sponsorship Policy



Changing an Existing Asset Name.

(1) Criteria. The name of a City asset shall be changed only after consideration of the:

- (a) Historical significance of the name;
- (b) Impact on the currently named individual or organization;
- (c) Cost and impact of:
 - (i) changing existing signage, if any;
 - (ii) rebuilding community recognition; and
 - (iii) updating records such as letterhead, databases, and promotional materials; and
- (d) Financial contribution of both the person or organization of the currently named asset and the person or organization proposing the new name.

(2) Consideration. Each petition to change an existing name shall be considered on a case-by-case basis pursuant to applicable provisions of this Chapter.

Asset Name Removal

(1) End of Service Life. When the City determines an asset has exceeded its service life or the asset is destroyed or damaged beyond feasible and economic repair, the asset and its associated name may be removed as provided by law.

(2) Extension. A named asset that has exceeded its service life may thereafter remain in service only if remaining in service poses no danger to the public and is approved by the City Council pursuant to an asset naming agreement that specifies the length of time that the asset name may be used, and provides for an endowment fund or other financial resources sufficient to pay the asset's ongoing maintenance and operation costs.

Sponsorship Policy



General Requirements

Sponsorship agreements must comply with federal and state statutes, municipal by-laws.

The following conditions apply when establishing sponsorship relationships:

- The City will maintain control over the planning and delivery of sponsorship activities.
- Agreements shall not in any way invoke future consideration, influence, or be perceived to influence the day-to-day business of the City.
- The relationship must not cause a City employee to receive any product, service or assets for personal gain or use.
- Advertising devices must not impact the quality and integrity of the City's properties, buildings, streetscape, and provide no added risks to safety.
- The sponsorship opportunity should be appropriate to the target audience.

Solicitation and Allocation of Sponsorship Opportunities

Sponsorship activities should continue, as always, to be the result of direct solicitation by the City departments or Council officials to sponsors.

As a general policy, the following sponsorship opportunities should be competed:

- Opportunities that will offer a significant corporate profile.
- Agreements of a lengthy duration (5 years and beyond).
- Agreements that allow for exclusive benefits and recognition.

Non-competitive arrangements may be considered for the following opportunities when:

- An unlimited number of sponsors are being sought.
- It is a unique, innovative or experimental sponsorship opportunity.
- Only one suitable sponsor can be identified.
- The value of the sponsorship or advertising opportunity is less than \$50,000.

Unsolicited sponsorship proposals received by the City will be reviewed and evaluated by the Appropriate Committee as per the provisions of the Policy and may be declined, accepted, referred or reported to Council.

The City reserves the right to reject any unsolicited sponsorships that have been offered to the City and to refuse to enter into agreements for any sponsorships that originally may have been openly solicited by the City.

All sponsorship agreements shall be evaluated by the department directors on an annual basis to determine continued benefit. The term of all agreements shall not exceed ten years unless authorized by the Mayor, Department Head responsible for the program and the City Attorney.

The City reserves the right to terminate an existing sponsorship or advertising agreement should conditions arise that make it no longer in the best interests of the City.

Sponsorship Policy



RESPONSIBILITIES:

Delegation of Authority

Staff are authorized to enter into sponsorship agreements that do not exceed the following preauthorized limits. Agreements that exceed these pre-authorized limits as well as all Naming Rights will require City Council approval.

1) Department Head/Director Approval

Directors are responsible for approving all Sponsorship and Advertisements with a value equal to or greater than \$5,000 and equal to or less than \$50,000 provided they satisfy all provisions of this Policy.

2) Parks Committee Approval

The Parks Committee is responsible for approving all Sponsorship and Advertisements agreements for amounts between \$50,001 to \$100,000 provided they satisfy all provisions of this Policy.

3) City Council Approval

Council approval is required for any contract exceeding \$100,001 or that that does not satisfy the provisions of this Policy and for all opportunities involving the naming/renaming of City property, buildings and structures.

Sponsorship Agreement

All sponsorships shall be confirmed in a legal agreement. All agreements are to be prepared by the City of Benton, using an approved template form. All sponsorship agreements shall be approved to content by the director of the program and the department head. All contracts are required to be approved in a form satisfactory to the City Attorney.

Departments are responsible for soliciting, negotiating, preparing and administering their own agreements, including contract management. Staff approving sponsorship proposals must ensure that all relevant by-laws and policies are adhered to, appropriate consultation and approval authorities are respected, and where applicable that insurance, indemnification, ethical scans, and permits have been obtained. Furthermore, Departments are responsible for ensuring that all agreements consider the References noted in this Policy.

Departments are responsible for ensuring that third party advertising relationships abide by the restrictions noted in this Policy.

Exhibit “2”

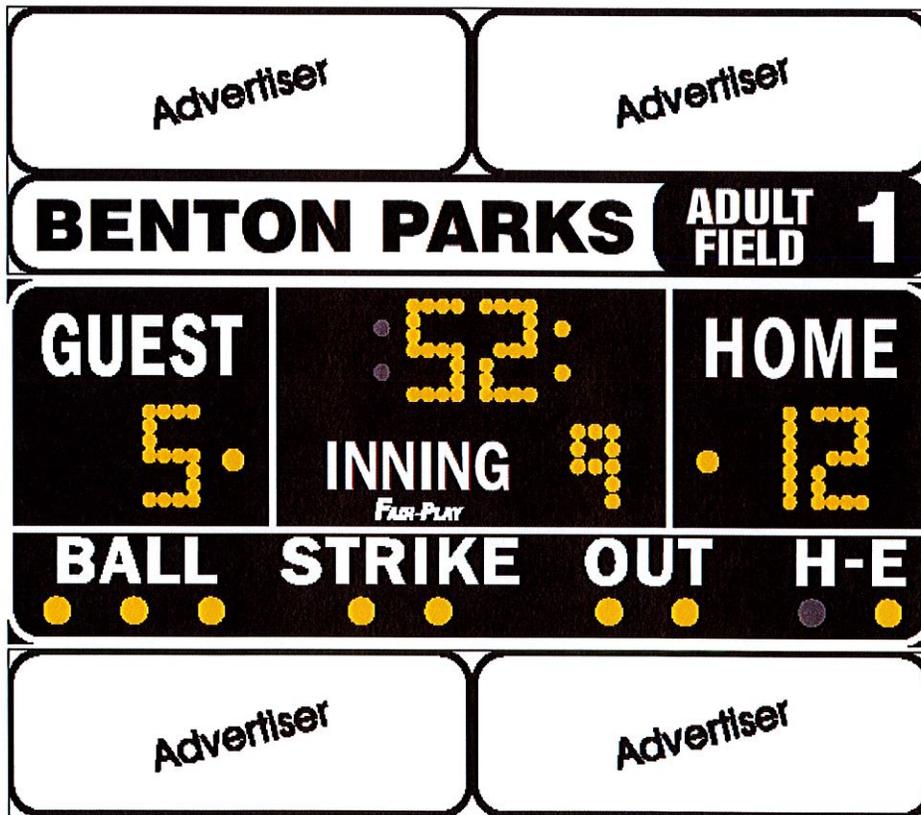


Opportunity	Opportunities Available	Commitment
Scoreboard Sponsor	4	20,000
Basketball Court	4	10,000
Exercise Room	2	3,000
Weight and Cardio Room	1	5,000
Pool Party Room	2	3,000
The Loft Party Lounge	1	3,000
River Center Concessions	1	1,500
Therapy Pool	1	5,000
Ballpark Foul Poles	1	3,200
Riverside Park Bench	15	500/bench



Scoreboard Sponsor: Four (4) Packages Available
Commitment: \$20,000/year for five years

Sponsor will have their logo prominently displayed on a total of 17 scoreboards throughout Riverside Park: five at the new girl's softball complex, three at the new soccer complex, three scoreboards at the adult softball fields, five scoreboards in the River Center and one natatorium scoreboard. Sponsor will also receive one six second static sponsor logo treatment per cycle on the outdoor marquee display featured at the entrance to Riverside Park. The 18' x 25' LED marquee will have unobstructed views from I-30 East and West bound traffic. Sponsor will also receive two (2) two-hour reservations (each year) for sponsor's business at the natatorium at the discretion of the City, and first rights to renewal of the contract when contract is set to expire, along with category exclusivity.

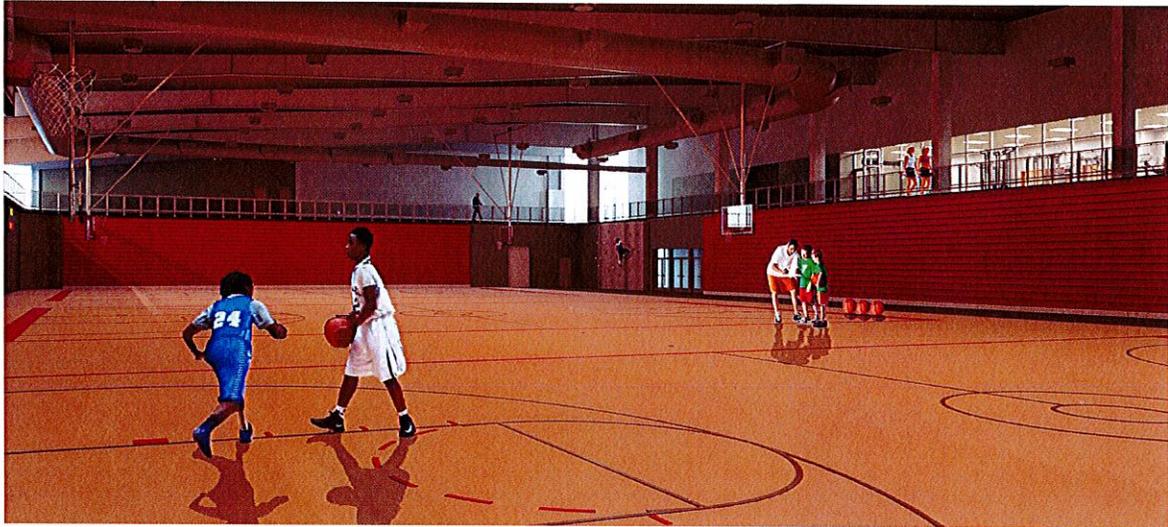




Basketball Court Sponsor: Four (4) Packages Available

Commitment: \$10,000/year for five years

Sponsor will have their logo placed adjacent to one of the four basketball courts in the form of a 4'x6' graphic to be placed on the padding at the end of each court. Each sponsor will receive one six second static sponsor logo treatment per cycle on the outdoor marquee display featured at the entrance to Riverside Park. The 18' x 25' LED marquee will have unobstructed views from I-30 East and West bound traffic. Sponsor will also receive one (1) two-hour reservation (each year) for sponsor's business at the natatorium at the discretion of the City, and first rights to renewal of the contract when contract is set to expire, along with category exclusivity.

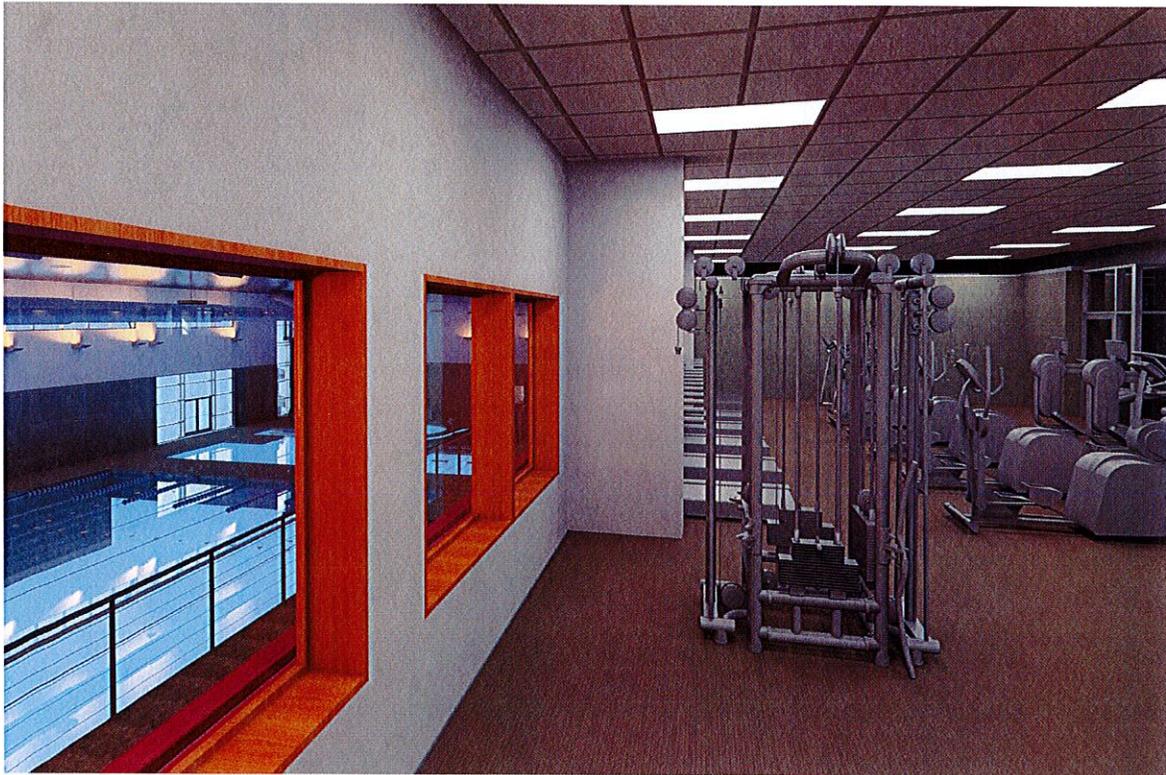




Weight and Cardio Room Sponsor: One (1) Package Available

Commitment: \$5,000/year for five years

The weight and cardio room sponsor will have their logo displayed above the entrance to the 2000 square foot workout room. The sponsor will have two eight-hour reservations (each year) for sponsor's business in one of the exercise rooms or one pool party in the natatorium. Sponsor will receive first rights to renewal of the contract when contract is set to expire.



Exercise Room Sponsor: Two (2) Packages Available

Commitment: \$3,000/year for five years

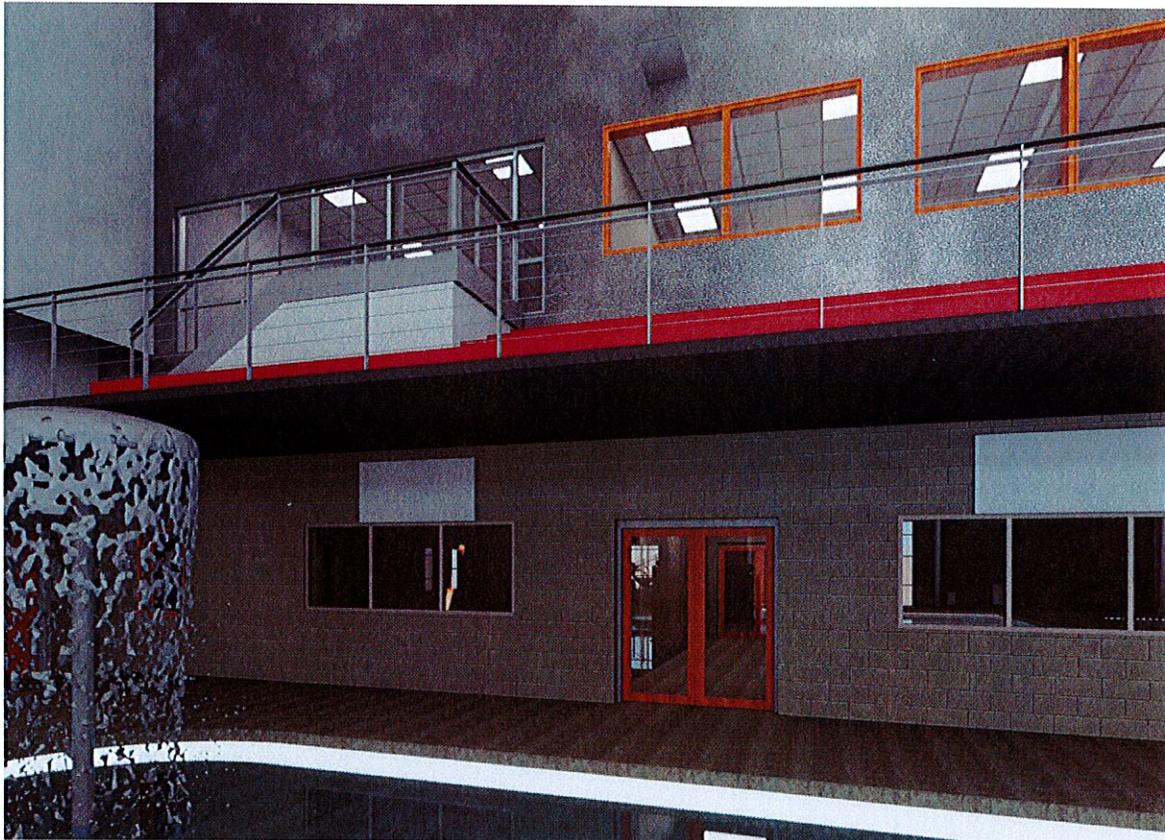
Each sponsor will have their logo displayed at the entrance to one of the fitness rooms. Each sponsor will have two eight-hour reservations (each year) for sponsor's business in sponsored room, and receive first rights to renewal of the contract when contract is set to expire.



Pool Party Rooms: Two (2) Package Available

Commitment: \$3,000/year for five years

Each sponsor will have their logo displayed prominently at the entrance to one of the pool party rooms located adjacent to the leisure pool. Each sponsor will have one (1) two-hour reservation (each year) for sponsor's business in sponsored room, and receive first rights to renewal of the contract when contract is set to expire.



The Loft Party Lounge: One (1) Package Available

Commitment: \$3,000/year for five years

The Loft Party Lounge sponsor will have their logo displayed at the entrance to the Lounge Area. Each sponsor will have one (1) two-hour reservation (each year) for sponsor's business in sponsored room, and receive first rights to renewal of the contract when contract is set to expire.



Therapy Pool/Leisure Pool: One (1) Package Available

Commitment: \$5,000/year for five years

The Leisure Pool sponsor will have their logo displayed on the wall adjacent to the Leisure pool. Each sponsor will have one (1) two-hour reservations (each year) for sponsor's business in one of the pool party rooms, and receive first rights to renewal of the contract when contract is set to expire.



River Center Concessions: One (1) Package Available

Commitment: \$1,500/year for five years

The River Center Concessions sponsor will have their logo displayed on the back wall of the concessions stand visible to patrons during events. Sponsor will have right to contract with vending contractor to dispense their products. Sponsor will receive first rights to renewal of the contract when contract is set to expire.



Ball Field Fowl Poles: One (1) Package Available

Commitment: \$3,200/year for five years

The Ball Field Fowl Poles sponsor will have their logo displayed on each of the 32 poles located at Riverside Park. (eight baseball fields, three adult softball fields, five girls softball fields). Sponsor will receive first rights to renewal of the contract when contract is set to expire.

Riverside Park Bench Sponsors: Fifteen (15) Packages Available

Commitment: \$500, one time contribution

Each sponsor will have a personalized plaque attached to the side of one bench located on the grounds of Riverside Park. This contribution would be a one-time contribution.

ORDINANCE NO.17 OF 2016

AN ORDINANCE AUTHORIZING AND RATIFYING AN AGREEMENT WITH WILLIAM G. LENZ FOR THE ACQUISITION OF A UTILITY EASEMENT; WAIVING THE REQUIREMENT OF A PRE-ANNEXATION AGREEMENT; AND FOR OTHER PURPOSES

WHEREAS, the City is presently extending sewer services from the area of the Longhills Subdivision to the Hurricane Lake area along State Highway 5; and

WHEREAS, the extension of services will require the City to obtain easements along certain parts of the sewer route; and

WHEREAS, William G. Lenz has offered to donate an easement to the City across his property in exchange for a sewer connection and the ability to connect to the sewer line; and

WHEREAS, the Public Utility department believes this agreement is in the best interest of the City and has asked for it to be ratified and approved.

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

SECTION 1. The City Council does hereby ratify and approve the agreement between the City of Benton Utility Department which is attached hereto as Exhibit "1". Any modifications to this agreement shall be approved by the City Attorney before execution of same but shall be substantially in the form approved by this Ordinance.

SECTION 2. All ordinances which are in conflict with this Ordinance and this agreement shall be deemed repealed, but not otherwise. This includes any requirement that Mr. Lenz enter a pre-annexation agreement with the City before the extension of sewer services to the property. The normal and customary rates for sewer services outside of the city limits shall be charged. The City Council also approves the waiver of the connection fee in exchange for the easement itself.

SECTION 3. Because of the immediate need to extend sewer services along Highway 5, an emergency is hereby declared and this ordinance shall be of full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of March, 2016.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION

PERMANENT AND TEMPORARY SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to William G. Lenz, hereinafter referred to as Grantor, by Benton Utilities, an agency of the City of Benton, Arkansas hereinafter referred to as the Grantee, the receipt of which is hereby acknowledged, and subject to the conditions noted herein, to wit:

1. This easement is granted for the purpose of extending the sewer services for the City of Benton. The plans and specifications for this project include, but not limited to the construction contract, the plans, specifications and addendums, for the Benton Utilities Hwy 5 gravity sewer trunk line from Longhills to Hurricane Lake - MCE Project No. LR15-5767, all of which are incorporated hereto by reference. It is recognized that certain of these documents are protected by the Homeland Security Act and may not necessarily be copied and released.

2. Except for the use and enjoyment of the Grantor, the easement is exclusively for a single 12" diameter gravity flow sewer line.

3. Grantor shall have the first right of refusal to retain, in addition to trees noted by contract documents which will be removed, of any removed tree located within the easements which has not previously been designated. Any salvageable parts of the trees (excluding any stumps, roots or small limbs and debris) the Grantor wishes to retain shall be so designated by him within a reasonable time before removal. The salvageable parts shall be placed on Grantor's property at a location designated by Grantor but within close proximity to the Grantee's easement.

4. No trash or debris shall be buried or burned on the easements or Grantor's property.

5. Grantee's ingress and egress to these easements shall be exclusively from the property located immediately adjacent and to the east portion of these easements.

6. During the construction of the sewer line, Randy Hawkins - a Benton Utilities employee or his designee, shall be the construction observer. He shall be on-site at regular intervals during the times the contractor, sub-contractor, or workers are using the easements.

7. Damages to the Grantor's property, except as noted by the contract documents, related to or caused by the construction, maintenance, existence, or

repair of the sewer line shall be the responsibility of the City of Benton. Nothing herein shall be considered a relinquishment, by Grantor, of his claims regarding damages to Grantor's property. Grantee shall indemnify Grantor and hold him harmless from any loss, including attorney fees, caused by or related to the construction, maintenance or repair of the sewer line.

8. The City of Benton shall allow the Grantor, his successors and assigns, to connect the utilities for one single family residence to the utilities in the right-of-way of Shoal Creek Drive without any connection fees which are normally charged by the city.

9. Grantor, his successors and assigns, shall have the right to connect to the sewer line without any connection fees which are normally charged by the city.

10. It is recognized by the parties that this agreement is NOT a pre-annexation agreement which would require the Grantor to be annexed into the City of Benton in exchange for this connection. The right to connect to the sewer line, as stated in paragraphs 8 and 9 is part of the consideration of this agreement.

The Grantor, his successors and assigns, does hereby grant, quitclaim, transfer and convey unto the Grantee, its successors and assigns, as a 12" sanitary sewer line easement, the following parcel of property, as shown on attachment "A" and as being more particularly described as follows:

LOCATED IN THE WEST 1/2 OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 14 WEST, SALINE COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4, OF THE NORTHWEST 1/4, SECTION 30, TOWNSHIP 1 SOUTH, RANGE 14 WEST; THENCE ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, OF THE NORTHWEST 1/4 S2°27'30"W 1311.87' TO THE POINT OF BEGINNING SAID POINT BEING THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4, OF THE NORTHWEST 1/4; THENCE CONTINUING ALONG SAID EAST LINE S2°27'30"W 15.00'; THENCE LEAVING SAID EAST LINE N87°33'43"W 1187.04'; THENCE N56°43'33"W 170.12' TO THE WEST LINE OF SAID SOUTHEAST 1/4, OF THE NORTHWEST 1/4; THENCE ALONG SAID WEST LINE N2°31'59"E 17.45'; THENCE LEAVING SAID WEST LINE S56°43'33"E 174.91' TO THE SOUTH LINE OF SAID SOUTHEAST 1/4, OF THE NORTHWEST 1/4; THENCE ALONG SAID SOUTH LINE S87°33'43"E 1182.91' TO THE POINT OF BEGINNING CONTAINING 0.47 ACRES (20362.29 SQ. FT.) MORE OR LESS.

Also, A TEMPORARY ACCESS RIGHT AND CONSTRUCTION EASEMENT for the purpose of permitting the City of Benton, or its contractor, access & working space to construct the 12" inch sewer line within the permanent easement. This temporary easement, shown by attachment "A" and described

below, shall begin when the contractor commences its initial work on the permanent easement and shall terminate two years from that date.

A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 14 WEST, SALINE COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4, OF THE NORTHWEST 1/4, SECTION 30, TOWNSHIP 1 SOUTH, RANGE 14 WEST; THENCE ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, OF THE NORTHWEST 1/4 S2°27'30"W 1311.87' TO THE SOUTH LINE OF SAID SOUTHEAST 1/4, OF THE NORTHWEST 1/4; THENCE ALONG SAID SOUTH LINE N87°33'43"W 431.19' TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE N87°33'43"W 300.00'; THENCE LEAVING SAID SOUTH LINE N2°26'17"E 30.00'; THENCE S87°33'43"E 300.00'; THENCE S2°26'17"W 30.00' TO THE POINT OF BEGINNING CONTAINING 0.21 ACRES (9000.00 SQ. FT.) MORE OR LESS.

Also:

A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN THE WEST 1/2 OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 14 WEST, SALINE COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4, OF THE NORTHWEST 1/4, SECTION 30, TOWNSHIP 1 SOUTH, RANGE 14 WEST; THENCE ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, OF THE NORTHWEST 1/4 S2°27'02"W 1326.87' TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE S2°27'30"W 30.00'; THENCE LEAVING SAID EAST LINE N87°33'43"W 431.17'; THENCE S2°26'17"W 35.00'; THENCE N87°33'43"W 300.00'; THENCE N2°26'17"E 35.00'; THENCE N87°33'43"W 473.88'; THENCE N56°43'33"W 149.20' TO THE WEST LINE OF SAID SOUTHEAST 1/4, OF THE NORTHWEST 1/4; THENCE ALONG SAID WEST LINE N2°31'59"E 40.72'; THENCE LEAVING SAID WEST LINE S56°43'33"E 170.12'; THENCE S87°33'43"E 1187.04' TO THE POINT OF BEGINNING CONTAINING 1.19 ACRES (51969.60 SQ. FT.) MORE OR LESS.

The Grantee covenants to maintain the 12" sewer line and easements in good repair so that no damage will result from its use to the Grantor's heirs, successors and assigns. This agreement shall be for the benefit of Grantor, his respective heirs, successors and assigns. Grantee may not assign this easement without Grantor's prior written permission.

IN WITNESS WHEREOF, the Grantor has executed this instrument the ____ day of March, 2016.

William G. Lenz

ACKNOWLEDGEMENT

State of Arkansas)
) ss
County of _____)

On this the ____ day of _____, 2016, before me, the undersigned notary, personally appeared William G. Lenz, satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes and consideration therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public

My Commission expires: _____