

# BENTON CITY COUNCIL MEETING

AUGUST 22, 2016

7:00 PM



AGENDA MEETING 6:30 PM



BENTON MUNICIPAL COMPLEX  
114 SOUTH EAST STREET  
COUNCIL CHAMBERS

**DAVID MATTINGLY, MAYOR**

**REGULAR SESSION**  
**August 22, 2016**  
**7:00 PM**  
**AGENDA**

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|--------------|---|---|
| <b>I.</b>    | <b>Call to Order</b>  | <b>Mayor Mattingly</b>                          |
| <b>II.</b>   | <b>Invocation</b>   |   |
| <b>III.</b>  | <b>Pledge of Allegiance</b>   | <b>Alderman Baptist</b>                         |
| <b>IV.</b>   | <b>Roll Call</b>  | <b>City Clerk</b>                               |
| <b>V.</b>    | <b>Approval of Minutes</b>  | <b>August 8, 2016</b><br><i>Regular Meeting</i> |
| <b>VI.</b>   | <b>Employee of the Month</b><br><i>Christy Fontinel – July 2016</i>   | <b>Alderman Donnor</b>                          |
| <b>VII.</b>  | <b>ORDINANCE NO. 34 OF 2016</b><br><i>AN ORDINANCE LEVYING A TAX ON ALL REAL AND PERSONAL PROPERTY IN THE CITY OF BENTON, ARKANSAS FOR CITY GENERAL; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES AS PROVIDED BY LAW</i>                                     | <b>Mayor Mattingly</b>                          |
| <b>VIII.</b> | <b>COMMITTEE REPORTS &amp; MOTIONS</b>  |   |
|              | <b>1. Finance Committee</b>   | <b>Alderman Ponder</b>                          |
|              | <b>2. Community Services/Animal Control</b>   | <b>Alderwoman Reed</b>                          |
|              | <b>3. Streets &amp; Drainage Committee</b>  | <b>Alderman Cunningham</b>                      |
|              | <b>A.) ORDINANCE NO. 35 OF 2016</b><br><i>AN ORDINANCE ACCEPTING STREETS AND DRAINAGE, AND UTILITIES FOR MAINTENANCE FOR ST ANDREWS WOODS PHASE 3A DEVELOPMENT IN THE CITY OF BENTON, SALINE COUNTY, ARKANSAS, DECLARING AN EMERGENCY; AND OTHER PURPOSES</i> |   |
|              | <b>B.) ORDINANCE NO. 36 OF 2016</b><br><i>AN ORDINANCE ACCEPTING STREETS AND DRAINAGE, AND UTILITIES FOR MAINTENANCE FOR ST ANDREWS WOODS PHASE 3B DEVELOPMENT IN THE CITY OF BENTON, SALINE COUNTY, ARKANSAS, DECLARING AN EMERGENCY; AND OTHER PURPOSES</i> |   |
|              | <b>C.) ORDINANCE NO. 37 OF 2016</b><br><i>AN ORDINANCE ACCEPTING STREETS AND DRAINAGE, AND UTILITIES FOR MAINTENANCE FOR RICHLAND HILLS PHASE 1 DEVELOPMENT IN THE CITY OF BENTON, SALINE COUNTY, ARKANSAS, DECLARING AN EMERGENCY; AND OTHER PURPOSES</i>    |   |
|              | <b>D.) ORDINANCE NO. 38 OF 2016</b><br><i>AN ORDINANCE ACCEPTING STREETS AND DRAINAGE, AND UTILITIES FOR MAINTENANCE FOR HICKORY HEIGHTS PHASE 3 DEVELOPMENT IN THE CITY OF BENTON, SALINE COUNTY, ARKANSAS, DECLARING AN EMERGENCY; AND OTHER PURPOSES</i>   |   |

**E.) RESOLUTION NO. 48 OF 2016**

*A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID FOR THE WIDENING OF ALCOA ROAD; AND FOR OTHER PURPOSES*

**F.) RESOLUTION NO. 49 OF 2016**

*A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC FOR INSPECTION SERVICES FOR THE ALCOA ROAD WIDENING PROJECT; AND FOR OTHER PURPOSES*

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

**IX. Unfinished Business**

**X. New Business**

**XI. Old Business**

**XII. Announcements**

**XIII. Adjourn**

**MINUTES OF THE BENTON CITY COUNCIL**  
**Regular Session**  
**August 8, 2016**  
**Benton Municipal Complex**

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

The Mayor gave the invocation.

Alderman Baptist led the pledge of allegiance.

Roll was called.

The following persons were in attendance:

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

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

The Mayor requested approval for the July 11, 2016 city council meeting minutes. Alderman Baptist 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 July 11, 2016 council meeting were approved with 9 affirmative votes and 1 absent vote.

The Mayor requested approval for the July 11, 2016 public hearing minutes concerning Ordinance 25 of 2016, the sewer rate increase. Alderman Lee made a motion to approve the minutes, seconded by Alderman Herzfeld. The Mayor called for a voice vote. All aldermen present replied in the affirmative. The minutes for the July 11, 2016 public hearing were approved with 9 affirmative and 1 absent vote.

Officer Drew Brown was named the June employee of the month.

The Mayor gave an update on the Treasurer's report.

The next item on the agenda was committee reports and motions. Alderman Ponder was recognized for the Finance Committee report. Alderman Ponder made a motion to adopt Resolution 41 of 2016 – A Resolution Declaring Property as Surplus; and Authorizing the Sale of the Surplus Property at Auction. Seconded by Alderman Herzfeld. The resolution was read by the city clerk. The surplus property is police vehicles. 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 absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 41 of 2016 was adopted with 9 affirmative and 1 absent vote.

**Alderman Ponder asked for the first reading of Ordinance 28 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. Seconded by Alderman Herzfeld. The ordinance was read by the city clerk. The purchase is for ballistic plates and carriers. The Mayor asked for any comments. None. Alderman Ponder made a motion to suspend the rules for the second and third readings of Ordinance 28 of 2016. Seconded by Alderman Lee. 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 absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Ponder made a motion to adopt Ordinance 28 of 2016 on its second and third readings. Seconded by Alderman Baptist. 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 absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 28 of 2016 was adopted with 9 affirmative and 1 absent vote. Alderman Ponder made a motion to adopt the emergency clause. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was approved with 9 affirmative and 1 absent vote.**

**Alderman Reed was recognized for a report from the Community Service/Animal Control Committee. Alderman Reed made a motion to adopt Resolution 42 of 2016 – A Resolution Exempting the Amplify Concert from Ordinance 29 of 2007; and For Other Purposes. Seconded by Alderman Donnor. The resolution was read by the city clerk. This resolution exempts the Amplify Fest from the noise ordinance. 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 absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 42 of 2016 was adopted with 9 affirmative and 1 absent vote.**

**Alderman Reed made a motion to adopt Resolution 43 of 2016 –A Resolution Authorizing the Mayor and City Clerk to Execute a Pro Bono Agreement with Black, Corley, Owens & Hughes, PA for Architectural Services Rendered for the Stabilization of the Palace Theater; and for Other Purposes. Seconded by Alderman Baptist. The resolution was read by the city clerk. The Mayor asked for any comments. Alderman Hart stated that it states other services, is this for just the Palace or other projects they work on. The Mayor stated just the Palace Theater. Mr. Houston stated that they are donating their time for working on the Palace Theater. He also stated that the city will reimburse any out of pocket expenses. If they should need to hire someone like an engineer the agreement states that they will follow the city’s purchasing procedures. The firm is donating their time. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 43 of adopted with 9 affirmative and 1 absent vote.**

**Alderman Reed made a motion to adopt Resolution 44 of 2016 – A Resolution Authorizing the Mayor and City Clerk to Execute a Lease Agreement with the Christian Community Care Clinic for the Property Located at 220 West South Street; and For Other Purposes. Seconded by Alderman Murphy. The resolution was read by the city clerk. The Mayor asked for any comments. Mr. Houston stated that the lease is the same agreement that the city has executed in the past except for the 2 five year lease extensions. They also have an option to purchase the building at any point in time at its then fair market value of the structure. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 44 of adopted with 9 affirmative and 1 absent vote.**

**There was not a report from the Street and Drainage Committee.**

**Alderman Donnor was recognized for a report from Personnel/Health & Safety Committee. Alderman Donnor asked for the first reading of Ordinance 29 of 2016 – An Ordinance Authorizing the City to Enter into a Real Estate Purchase Agreement with the Fred Swaim and Edith Mae Swaim Joint Revocable Trust for the Acquisition of Certain Real Property; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Ponder. The ordinance was read by the city clerk. The Mayor asked for any comments. Mr. Houston stated that the new fire station and police substation on Highway 5 needs an additional roadway. The roadway currently there is not sufficient for a fire truck and will need to be redone. The land is not currently in the city so we don't have the ability to condemn it. So we spoke to the Swaim's and they have graciously agreed to give us the roadway. It is approximately 25 feet across and runs the length of their property. In exchange for the roadway, the city will continue to let them access it to their property and the property owners behind there. The Swaim's have requested a utility connection of water and sewer once those lines get to their property and the city has agreed to do so. The city will be waiving those connection fees. I spoke with Terry McKinney about a month ago and he told me that was acceptable to him but he might ask the city when it happens to reimburse the PUC for those fees. We have also agreed to bring in the entire Swaim property through annexation, which includes the NAPA store so the city will also get the benefit of sales tax.**

**Alderman Donnor made a motion to suspend the rules for Ordinance 29 of 2016. Seconded by Alderman Reed. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Donnor made a motion to adopt Ordinance 29 of 2016 on its second and third readings by title only. Seconded by Alderman Baptist. 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 absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 29 of 2016 was adopted with 9 affirmative and 1 absent vote. Alderman Donnor made a motion to adopt the emergency clause. Seconded by Alderman Ponder. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was adopted with 9 affirmative and 1 absent vote.**

**Alderman Lee was recognized for a report from the Parks Committee. Alderman Lee asked for the first reading of Ordinance 30 of 2016 – An Ordinance Setting Usage Rates at Riverside Park; and For Other Purposes. Seconded by Alderman Terrell. The ordinance was read by the city clerk. This is for membership rates. The Mayor asked for any comments. None. Alderman Lee made a motion to suspend the rules for Ordinance 30 of 2016. Seconded by Alderman Terrell. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Lee made a motion to adopt Ordinance 30 of 2016 on its second and third readings by title only. Seconded by Alderman Murphy. The ordinance was read by title only. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 30 of 2016 was adopted with 9 affirmative and 1 absent vote.**

**Alderman Lee asked for the first reading of Ordinance 31 of 2016 – An Ordinance Amending the 2016 Budget for the Parks and Recreation Fund As Adopted in Ordinance 64 of 2015; Accepting Grant Funds From the Arkansas Department of Parks and Tourism for the Renovation of Ralph Bunche Park; Appropriating Funds for the Parks Department for this Purpose; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Herzfeld. The ordinance was read by the city clerk. The Mayor asked for any comments. None. Alderman Lee made a motion to suspend the rules. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Lee made a motion to adopt Ordinance 31 of 2016 on its second and third readings by title only. Seconded by Alderman Terrell. 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 absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 31 of 2016 was adopted with 9 affirmative and 1 absent vote. Alderman Lee made a motion to adopt the emergency clause. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was adopted with 9 affirmative and 1 absent vote.**

**Alderman Lee made a motion to adopt Resolution 45 of 2016 – A Resolution Accepting the Lowest Acceptable Bid for the Pavilions and Sidewalk Improvements for Tyndall Park; Awarding the Contract to RJR Enterprises, Inc.; and For Other Purposes. Seconded by Alderman Reed. The resolution was read by the city clerk. The Mayor asked for any comments. None. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 45 of adopted with 9 affirmative and 1 absent vote.**

**Alderman Lee asked for the first reading of Ordinance 32 of 2016 – An Ordinance Amending the 2016 Budget for the Parks and Recreation Fund as Adopted in Ordinance 64 of 2015; Accepting a Reimbursement from CADC to Cover the Cost of Certain Kitchen Equipment Being Purchased for the Senior Adult Center at Riverside Park; And For Other Purposes. Seconded by Alderman Reed. The ordinance was read by the city clerk. The Mayor asked for any comments. None. Alderman Lee made a motion to suspend the rules. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Lee made a motion to adopt Ordinance 32 of 2016 on its second and third readings by title only. Seconded by Alderman Herzfeld. 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 absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 32 of 2016 was adopted with 9 affirmative and 1 absent vote.**

**Alderman Lee made a motion to adopt Resolution 46 of 2016 – A Resolution Authorizing the Mayor and City Clerk to Execute a Lease Agreement with the University of Arkansas at Little Rock; and For Other Purposes. Seconded by Alderman Terrell. The resolution was read by the city clerk. The Mayor asked for any comments. None. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 46 of 2016 was adopted with 9 affirmative and 1 absent vote.**

**Alderman Lee made a motion to adopt Resolution 47 of 2016 – A Resolution Authorizing the Execution of an Agreement with Rainey Electronics, Inc; Appropriating Funds for the Purchase and Installation of Scoreboards at the River Center; And For Other Purposes. Seconded by Alderman Reed. 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 absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 47 of 2016 was adopted with 9 affirmative and 1 absent vote.**

**Alderman Lee stated that a parks committee meeting will occur tomorrow at 5:30 pm.**

**Alderman Herzfeld was recognized for a report from the Public Utility Commission. Alderman Herzfeld made a motion to suspend the rules and read Ordinance 33 of 2016 – An Ordinance Amending Ordinance 25 of 2016 to Correct Certain Scrivener’s Errors; Fixing Rates for Services Rendered by the Sewer System of the City of Benton, Arkansas; Prescribing Other Matters Relating Thereto; Declaring an Emergency; and For Other Purposes by title only. Seconded by Alderman Ponder. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to read by title only was approved with 9 affirmative and 1 absent vote.**

Alderman Herzfeld made a motion to adopt Ordinance 33 of 2016 on its first reading 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 PUC contacted me after Ordinance 25 of 2016 was approved. The ordinance that was sent did not have the modifications made that should have been after the committee meeting revising those rates in certain areas. The rates that were approved were actually higher than what the city had intended on approving so what Ordinance 33 does is lower those rates to what they are actually suppose to be. Attached to the minutes will be a relined version of what was actually past with Ordinance 25 and what is being past tonight to show the differences between the two. A redlined version is attached. See attached. Alderman Herzfeld made a motion to suspend the rules for the second and third readings by title only of Ordinance 33 of 2016. Seconded by Alderman Lee. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Herzfeld made a motion to adopt Ordinance 33 of 2016 on its second and third readings by title only. 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 absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 33 of 2016 was adopted with 9 affirmative and 1 absent vote. Alderman Herzfeld made a motion to adopt the emergency clause. Seconded by Alderman Lee. The Mayor asked that the roll be called for the emergency clause. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was approved with 9 affirmative and 1 absent vote.

Copies of the Treasurer's report were handed out. See attached. The Mayor read it and Alderman Reed made a motion to accept the report. Seconded by Alderman Ponder. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham absent, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to accept the report was approved with 9 affirmative and 1 absent vote.

Alderman Ponder was recognized for the Advertising and Promotion Commission report. He stated that he would send a copy of the minutes to the city clerk to be included in the packets for next time. See attached.

There was not any unfinished, new or old business.

The Mayor stated Community Cup will be at McDonalds this Saturday morning. Asbestos abatement for the Palace Theater has gone out and the bid opening will be August 11<sup>th</sup>. The Street Committee will meet on August 16<sup>th</sup>. On the August 22<sup>nd</sup> council meeting will be the acceptance of the Alcoa Road lowest bid, which was \$14,608,565.99 and the approval of engineering services for the inspections of the Alcoa Road build, which was a little over \$1.4 million. Alderman Donnor and I met with Kathy Kirk last Friday to discuss the impact of the cost of living 3.5% increase. We are looking at the ramifications of that in respect to changing the mid and high point across all job categories. Within a week or two we should

have a better understanding of the impact and then a recommendation to come forward to integrate the 3.5% into the entire bandwidth across all jobs.

The meeting adjourned at 7:44 pm.

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**Cindy Stracener, City Clerk**

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**David Mattingly, Mayor**

ORDINANCE NO. \_\_\_\_ OF 2016

**AN ORDINANCE AMENDING ORDINANCE 25 OF 2016  
TO CORRECT CERTAIN SCRIVENER'S ERRORS;  
FIXING RATES FOR SERVICES RENDERED BY THE  
SEWER SYSTEM OF THE CITY OF BENTON,  
ARKANSAS; PRESCRIBING OTHER MATTERS  
RELATING THERETO; DECLARING AN EMERGENCY;  
AND FOR OTHER PURPOSES**

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

WHEREAS, the City Council of the City of Benton passed Ordinance 25 of 2016 following a public hearing setting sewer rates for customers; and

WHEREAS, it has been determined that Ordinance 25 of 2016 incorrectly contained certain scrivener's errors that need to be corrected in order for the monthly billings to be correct; and

WHEREAS, the entire ordinance, as amended and corrected, is set forth below.

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

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

(b) All users of the System shall be charged monthly, for OM&R, \$3.1050 for the first 2,000 gallons or portion thereof of average monthly water consumption and \$4.95 per 1,000 gallons or portion thereof of average monthly water consumption thereafter. Determination of water consumption by residential customers shall be based upon the average monthly water consumption of the customer for the preceding months of October, November, December, January, February and March. A re-computation of the average monthly water consumption of all residential customers, in the manner specified above, shall be made in May in each year for the forthcoming yearly rate to be charged. In the case of residential customers who do not have an established usage for the six months stated above, a monthly charge of \$30.00 shall be made until a six-month winter time frame is established. All commercial and industrial customers will be billed on actual water consumption or as determined pursuant to Section 5 (d) unless a leveled bill is requested and approved by the utilities manager based on a 12 month average.

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

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

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

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

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

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

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

#### User Charge Methodology

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

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

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

Symbols and Definitions:

$C_s$  = A surcharge for wastewaters of excessive strength

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

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

$S_c$  = O&M cost for treatment of a unit of suspended solids ("SS")

$S$  = Concentration of SS from a user above a base level

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

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

Vu = Volume contribution from a user per unit of time

\*Maximum limit for average domestic waste.

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

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

(f) All active users of the System shall be charged a flat monthly fee of ~~\$10,001.00~~ including commercial customers with the exception of residential customers age 65 and older or on Social Security Disability who will pay a flat monthly fee of \$8.30. These charges represent the debt retirement for the City's indebtedness incurred for System improvements that is payable from System revenues ("Debt Service").

(g) Total Monthly Minimum User Charge. The monthly minimum bill per user shall be as follows: residential users over the age of 65 or on Social Security Disability- ~~\$11,408.00~~ (~~\$3,105.00~~ OM&R + \$8.30); all other users - ~~\$13,104.50~~ (~~\$3,105.00~~ for OM&R + ~~\$10,001.00~~ for Debt Service).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND APPROVED this ~~se...f...~~ day of ~~J~~ day of August, 2016.

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David J. Mattingly, Mayor

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ATTEST: **STRAWN**

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

**David Mattingly**

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**From:** Jordan Woolbright <jordanwoolbright@hotmail.com>  
**Sent:** Thursday, July 28, 2016 5:05 PM  
**To:** Michael Collier; David Mattingly; City Attorney  
**Subject:** Fw: financial statements 201512

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

**Based upon my reading of the City of Benton's "General and Other Funds Financial Reports" for the period ending June 2016 as well as the "Utility Fund Financial Report" for the period ending June 2016, I approve the financial statements for the quarter ending June 30, 2016.**

Thank you for each of your efforts.

Best regards,

Jordan Woolbright  
City Treasurer

# BENTON ADVERTISING & PROMOTION COMMISSION

## Minutes

July 14, 2016

### I. CALL TO ORDER

Chairman Mark Fikes called the regularly scheduled meeting of the Benton Advertising & Promotion Commission to order on July 14, 2016 at 4:03 pm in the boardroom of the Benton Area Chamber of Commerce.

### II. ROLL CALL

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

### III. MINUTES

Jerry Ponder made a motion to approve the minutes of the June 16, 2016 meeting. Elgin Hamner IV seconded. Motion carried.

### IV. REPORT FROM BENTON EVENT CENTER

Due to the summer months, there have been fewer events at the Event Center. Memphis Flea Market has been there twice since the last A&P meeting. There have been several weddings. Estimated attendance for this time period is 7,290. Nearly a quarter of a million people have entered the doors since the building opened.

### V. OLD BUSINESS

Discussion was held about compensation for our Compliance Officer. Jerry Ponder made the motion that A&P

- Pay Terra Morris back wages from the time she started,
- Pay her at the rate of \$200 per month with an additional \$30 per hour for duties not included in her regular job description,
- Prepare a formal job description with duties outlined.

Bill Donner seconded. Motion passed.

Jerry Ponder will prepare the job description.

### VI. NEW BUSINESS

None

### VII. FUNDING REQUESTS

A. Saline County Gun & Knife Show

Kerry Murphy formally withdrew his funding request for this event.

VIII. ADMINISTRATIVE

Jerry Ponder reported that he is working with Terra regarding several companies who owe back taxes.

- One company has paid 2015 taxes and a payment plan for 2016 is being established.
- One company has closed and an attempt to collect what was owed at the time of closing is being made.
- One company continually misses tax deadlines.
- One company has not completed forms to get A&P permit and is operating each day without collecting or paying A & P taxes.

The commissioners would like to enforce existing policies and/or write new ones so these situations do not occur.

IX. FINANCIAL REPORTS

The financial reports were presented by Gary James. The A & P Commission had a net income of \$2,774.13 for the month of June 2016. Net Income for the Benton Event Center for June 2016 was \$6,744.84.

X. OTHER BUSINESS

Kerry Murphy announced that he is working toward the possibility of Benton hosting an AAU Basketball tournament next July.

XI. ADJOURNMENT

The meeting was adjourned on the motion of Bill Donnor at 4:44 pm.

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Mark Fikes  
Chairman

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Jerry Beaty  
Recording Secretary

**ORDINANCE NO. 34 OF 2016**

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

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

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

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

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

**1. City General Purposes:**

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

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

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

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

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

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

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

DESIGNATED FOR PUBLICATION

**ORDINANCE NO. 35 OF 2016**

**AN ORDINANCE ACCEPTING STREETS AND DRAINAGE, AND UTILITIES FOR  
MAINTENANCE FOR ST ANDREWS WOODS PHASE 3A DEVELOPMENT IN  
THE CITY OF BENTON, SALINE COUNTY, ARKANSAS,  
DECLARING AN EMERGENCY; AND OTHER PURPOSES**

WHEREAS, St Andrews Woods Phase 3A Development in the City of Benton was dedicated to the City of Benton, Arkansas on the \_\_\_\_ day of \_\_\_\_\_, 2016, and is recorded in the deed records of Saline County, Arkansas, document No. 13-95003. Streets were constructed as specified by the City, and more than one (1) year has elapsed since the construction of the streets, storm drains, water lines, and sewer mains in said development, and

WHEREAS, the City of Benton, Arkansas now desires to accept said streets, storm drains, water lines, and sewer mains for maintenance.

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

SECTION 1. The streets, storm drains, water lines and sewer mains of St Andrews Woods Phase 3A, an addition to the City of Benton, Arkansas, are hereby accepted for maintenance by the City of Benton, Arkansas.

SECTION 2. It is hereby found and determined that there is an immediate need to authorize the acceptance of the streets, storm drains, water lines, and sewer mains. 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.

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

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

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

DESIGNATED FOR PUBLICATION

## **ORDINANCE NO. 36 OF 2016**

### **AN ORDINANCE ACCEPTING STREETS AND DRAINAGE, AND UTILITIES FOR MAINTENANCE FOR ST ANDREWS WOODS PHASE 3B DEVELOPMENT IN THE CITY OF BENTON, SALINE COUNTY, ARKANSAS, DECLARING AN EMERGENCY; AND OTHER PURPOSES**

WHEREAS, St Andrews Woods Phase 3B Development in the City of Benton was dedicated to the City of Benton, Arkansas on the \_\_\_ day of \_\_\_\_\_, 2016, and is recorded in the deed records of Saline County, Arkansas, document No. 13-85440. Streets were constructed as specified by the City, and more than one (1) year has elapsed since the construction of the streets, storm drains, water lines, and sewer mains in said development, and

WHEREAS, the City of Benton, Arkansas now desires to accept said streets, storm drains, water lines, and sewer mains for maintenance.

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

SECTION 1. The streets, storm drains, water lines and sewer mains of St Andrews Woods Phase 3B, an addition to the City of Benton, Arkansas, are hereby accepted for maintenance by the City of Benton, Arkansas.

SECTION 2. It is hereby found and determined that there is an immediate need to authorize the acceptance of the streets, storm drains, water lines, and sewer mains. 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.

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

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

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

DESIGNATED FOR PUBLICATION

## ORDINANCE NO. 37 OF 2016

### AN ORDINANCE ACCEPTING STREETS AND DRAINAGE, AND UTILITIES FOR MAINTENANCE FOR RICHLAND HILLS PHASE 1 DEVELOPMENT IN THE CITY OF BENTON, SALINE COUNTY, ARKANSAS, DECLARING AN EMERGENCY; AND OTHER PURPOSES

WHEREAS, Richland Hills Phase 1 Development in the City of Benton was dedicated to the City of Benton, Arkansas on the \_\_ day of \_\_\_\_\_, 2016, and is recorded in the deed records of Saline County, Arkansas, document No. 13-80038. Streets were constructed as specified by the City, and more than one (1) year has elapsed since the construction of the streets, storm drains, water lines, and sewer mains in said development, and

WHEREAS, the City of Benton, Arkansas now desires to accept said streets, storm drains, water lines, and sewer mains for maintenance.

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

SECTION 1. The streets, storm drains, water lines and sewer mains of Richland Hills Phase 1, an addition to the City of Benton, Arkansas, are hereby accepted for maintenance by the City of Benton, Arkansas.

SECTION 2. It is hereby found and determined that there is an immediate need to authorize the acceptance of the streets, storm drains, water lines, and sewer mains. 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.

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

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

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

DESIGNATED FOR PUBLICATION

## **ORDINANCE NO. 38 OF 2016**

### **AN ORDINANCE ACCEPTING STREETS AND DRAINAGE, AND UTILITIES FOR MAINTENANCE FOR HICKORY HEIGHTS PHASE 3 DEVELOPMENT IN THE CITY OF BENTON, SALINE COUNTY, ARKANSAS, DECLARING AN EMERGENCY; AND OTHER PURPOSES**

WHEREAS, Hickory Heights Phase 3 Development in the City of Benton was dedicated to the City of Benton, Arkansas on the \_\_\_\_ day of \_\_\_\_\_, 2016, and is recorded in the deed records of Saline County, Arkansas, document No. 15-16300. Streets were constructed as specified by the City, and more than one (1) year has elapsed since the construction of the streets, storm drains, water lines, and sewer mains in said development, and

WHEREAS, the City of Benton, Arkansas now desires to accept said streets, storm drains, water lines, and sewer mains for maintenance.

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

SECTION 1. The streets, storm drains, water lines and sewer mains of Hickory Heights Phase 3, an addition to the City of Benton, Arkansas, are hereby accepted for maintenance by the City of Benton, Arkansas.

SECTION 2. It is hereby found and determined that there is an immediate need to authorize the acceptance of the streets, storm drains, water lines, and sewer mains. 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.

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

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David Mattingly, Mayor

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Cindy Stracener, City Clerk

DESIGNATED FOR PUBLICATION

RESOLUTION NO. 48 OF 2016

A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID  
FOR THE WIDENING OF ALCOA ROAD; AND FOR OTHER  
PURPOSES

WHEREAS, the City of Benton, as lead agency, after having advertised for bids for the widening of Alcoa Road, the City Council has determined that the bid submitted by Weaver-Bailey Contractors, Inc. is the lowest acceptable bid for these construction services and that the City should award the contract to this lowest acceptable bidder.

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

SECTION 1: The bid of Weaver-Bailey Contractors, Inc. in the amount of \$14,609,106.53 on job number 061297 is the lowest acceptable bid for the widening of Alcoa Road and said bid should be, and is hereby, accepted and awarded to Weaver Bailey, Inc.

SECTION 2: The Mayor is hereby authorized to execute, on behalf of the City of Benton, as lead agency, a contract for the construction services with the successful bidder and to execute such other documents as may be necessary and convenient to accomplish this purpose. The Mayor is likewise authorized on behalf of the City, as lead agent, to pay Weaver-Bailey Contractors, Inc., those sums which become due and payable over the course of contract term.

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

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

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

RESOLUTION NO. 49 OF 2016

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC FOR INSPECTION SERVICES FOR THE ALCOA ROAD WIDENING PROJECT; AND FOR OTHER PURPOSES

WHEREAS, the City, as lead agency, desires to enter into an agreement with McClelland Consulting Engineers, Inc. to provide inspection services to the City of Benton for the Alcoa Road widening project; and

WHEREAS, McClelland Consulting Engineers, Inc. was selected to perform the work from among the engineers who have submitted a statement of their qualifications to the city and was approved by the Arkansas Highway and Transportation Department.

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 McClelland Consulting Engineers, Inc. for providing inspection services for the above project.

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

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

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