

BENTON CITY COUNCIL MEETING

JUNE 13, 2016

7:00 PM



AGENDA MEETING 6:30 PM



JOINT PUC/CITY COUNCIL MEETING 6:00 PM

TO DISCUSS SEWER RATE INCREASE ORDINANCE



BENTON MUNICIPAL COMPLEX
114 SOUTH EAST STREET
COUNCIL CHAMBERS

DAVID MATTINGLY, MAYOR

REGULAR SESSION
June 13, 2016
7:00 PM
AGENDA

- I. Call to Order** **Mayor Mattingly**
- II. Invocation**
- III. Pledge of Allegiance** **Alderman Herzfeld**
- IV. Roll Call** **City Clerk**
- V. Approval of Minutes** **May 9, 2016**
Regular Meeting
- VI. Employee of the Month** **Alderman Donnor**
William Townsend, April 2016
- VII. RESOLUTION NO. 34 OF 2016** **Mayor Mattingly**
A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS; AND AUTHORIZING THE SALE OF THE SURPLUS PROPERTY
- VIII. RESOLUTION NO. 35 OF 2016** **Mayor Mattingly**
A RESOLUTION AUTHORIZING THE MAYOR AND THE CHIEF OF POLICE TO APPLY FOR GRANT FUNDING THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; AND FOR OTHER PURPOSES
- IX. COMMITTEE REPORTS & MOTIONS**
- 1. Finance Committee** **Alderman Ponder**
- 2. Community Services/Animal Control** **Alderman Reed**
RESOLUTION NO. 36 OF 2016
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH DORIS BAILEY FOR THE LEASE OF REAL PROPERTY LOCATED AT 205 EAST SOUTH STREET, SUITE 2 IN BENTON; AND FOR OTHER PURPOSES
- 3. Streets & Drainage Committee** **Alderman Cunningham**
- 4. Personnel/Health & Safety Committee** **Alderman Donnor**
- 5. Parks Committee** **Alderman Lee**
- 6. Public Utilities Commission** **Alderman Herzfeld**
ORDINANCE NO. 25 OF 2016 – 1st Reading
AN ORDINANCE FIXING RATES FOR SERVICES RENDERED BY THE SEWER SYSTEM OF THE CITY OF BENTON, ARKANSAS; PRESCRIBING OTHER MATTERS RELATING THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES
- 7. A & P Commission** **Alderman Donnor/Ponder**
- X. Unfinished Business**
- XI. New Business**
- XII. Old Business**
- XIII. Announcements**
- XIV. Adjourn**

MINUTES OF THE BENTON CITY COUNCIL
Regular Session
May 9, 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 Ponder led the pledge of allegiance.

Roll was called.

The following persons were in attendance:

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

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

The Mayor requested approval for the April 21, 2016 special called council meeting minutes. Alderman Ponder made a motion to approve the minutes, seconded by Alderman Herzfeld. The Mayor called for a voice vote on the approval of the minutes. All aldermen present replied in the affirmative. The minutes for the April 21, 2016 special called council meeting were approved with 9 affirmative and 1 absent vote.

The Mayor requested approval for the April 25, 2016 council meeting minutes. Alderman Ponder made a motion to approve the minutes, seconded by Alderman Reed. The Mayor called for a voice vote on the approval of the minutes. All aldermen present replied in the affirmative. The minutes for the April 25, 2016 council meeting were approved with 9 affirmative and 1 absent vote.

John Richey was recognized for 20 years of service with the city.

The next item on the agenda was committee reports and motions. It was decided in the agenda meeting to move Ordinance 23 of 2016 – An Ordinance Rezoning Certain Land in the City of Benton, Saline County, Arkansas up on the agenda. Alderman Reed asked for the first reading of Ordinance 23 of 2016. Seconded by Alderman Cunningham. The ordinance was read by the city clerk. This request is to rezone 810 N East Street from R1-7.5 to CN a commercial neighborhood zone. The Mayor asked for any comments. None. Alderman Reed made a motion to suspend the rules for the second and third readings of Ordinance 23 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 absent, and Alderman Terrell yes. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Reed made a motion to adopt Ordinance 23 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 absent, and Alderman Terrell yes. Ordinance 23 of 2016 was adopted with 9 affirmative and 1 absent vote. Alderman Reed 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 yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Terrell yes. The emergency clause was approved with 9 affirmative and 1 absent vote.

The council returned to the original agenda schedule.

Alderman Ponder was recognized for the Finance Committee report. Alderman Ponder asked for the first reading of Ordinance 20 of 2016 – An Ordinance Amending the 2016 Budget for the 911 Operations of the City as Adopted in Ordinance 64 of 2015; Appropriating Funds for Certain Communications Upgrades; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Donnor. The ordinance was read by the city clerk. The Mayor asked for any comments. None. Alderman Ponder made a motion to suspend the rules. Seconded by Alderman Donnor. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Terrell yes. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Ponder made a motion to adopt Ordinance 20 of 2016 on its second and third readings. 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 yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Terrell yes. Ordinance 20 of 2016 was adopted with 9 affirmative and 1 absent vote. Alderman Ponder made a motion to adopt the emergency clause for Ordinance 20 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 absent, and Alderman Terrell yes. The emergency clause was approved with 9 affirmative and 1 absent vote.

Alderman Ponder made a motion to adopt Resolution 30 of 2016 – A Resolution Recognizing the Services of Lt. Michael Treasitti to the Citizens of Benton and Awarding Him His Badge and Service Weapon in Recognition of Those Services. Seconded by Alderman Baptist. The resolution was read by the city clerk. The Mayor asked for any comments. None. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Terrell yes. Resolution 30 of 2016 was adopted with 9 affirmative and 1 absent vote.

Alderman Ponder made a motion to adopt Resolution 31 of 2016 – A Resolution Declaring Certain Property as Surplus Property at Auction. Seconded by Alderman Herzfeld. The resolution was read by the city clerk. The Mayor asked for any comments. None. The

surplus property consists of vehicles, computer desks, monitor towers and a file divider and organizer. 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 absent, and Alderman Terrell yes. Resolution 31 of 2016 was adopted with 9 affirmative and 1 absent vote.

Alderman Ponder made a motion to adopt Resolution 32 of 2016 – A Resolution Authorizing the City To Enter into a Contract with the Benton School District for the Placement of the School Resource Officers; and For Other Purposes. Seconded by Alderman Herzfeld. The resolution was read by the city clerk. The Mayor asked for any comments. None. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Terrell yes. Resolution 32 of 2016 was adopted with 9 affirmative and 1 absent vote.

Alderman Ponder made a motion to adopt Resolution 33 of 2016 – A Resolution Transferring Funds from the Safety and Stability Fund to the General Fund; and For Other Purposes. Seconded by Alderman Herzfeld. The resolution was read by the city clerk. The Mayor asked for comments. None. This was to assist in the payment to the PUC for utilities for the GBT project, The Shoppes of Benton. 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 absent, and Alderman Terrell yes. Resolution 33 of 2016 was adopted with 9 affirmative and 1 absent vote.

Alderman Reed was recognized for a report from the Community Service/Animal Control Committee. Alderman Reed asked for the first reading of Ordinance 21 of 2016 – An Ordinance Rezoning Certain Land in the City of Benton, Saline County, Arkansas; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Cunningham. The ordinance was read by the city clerk. The rezone was requested by LNP Properties for property located along both sides of South Main Street between Vine Street and Elm Street. The request was to change the zoning from R1-7.5 single family to RM-3.75 multifamily to build duplexes. 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 Murphy. 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 absent, and Alderman Terrell yes. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Reed made a motion to adopt Ordinance 21 of 2016 on its second and third readings. 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 yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Terrell yes. Ordinance 21 of 2016 was adopted with 9 affirmative votes and 1 absent. Alderman Reed made a motion to adopt the emergency clause. 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 absent, and Alderman Terrell yes. The emergency clause was approved with 9 affirmative votes and 1 absent.

Alderman Reed asked for the first reading of Ordinance 22 of 2016 – An Ordinance Rezoning Certain Land in the City of Benton, Saline County, Arkansas; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Donnor. The ordinance was read by the city clerk. The rezone was requested by LNP Properties for property located at 310 and 314 South Fourth Street. The request was to change the zoning from R1-7.5 single family to RM-3.75 multifamily to build duplexes. 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 Baptist. 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 absent, and Alderman Terrell yes. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Reed made a motion to adopt Ordinance 22 of 2016 on its second and third readings. 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 yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee absent, and Alderman Terrell yes. Ordinance 22 of 2016 was adopted with 9 affirmative votes and 1 absent. Alderman Reed made a motion to adopt the emergency clause. Seconded by Alderman Baptist. 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 absent, and Alderman Terrell yes. The emergency clause was approved with 9 affirmative votes and 1 absent.

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

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

There was not a report from the Parks Committee.

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

Alderman Ponder was recognized for the Advertising and Promotion Commission report. He gave the clerk minutes from the April 21, 2016 commission meeting. See attached.

Alderman Ponder asked for the first reading of Ordinance 24 of 2016 – An Ordinance Amending Ordinance 3 of 2016 Which Established Operating Procedures for Portable Food Trucks; Declaring an Emergency, and For Other Purposes. Seconded by Alderman Donnor. The ordinance was read by the city clerk. This eliminates the \$100 fee. The Mayor asked for any comments. None. Alderman Ponder made a motion to suspend the rules. Seconded by Alderman Donnor. 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 absent, and Alderman Terrell

yes. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Ponder made a motion to adopt Ordinance 24 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 absent, and Alderman Terrell yes. Ordinance 24 of 2016 was adopted with 9 affirmative votes and 1 absent. Alderman Ponder made a motion to adopt the emergency clause. 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 absent, and Alderman Terrell yes. The emergency clause was approved with 9 affirmative votes and 1 absent.

There was not any unfinished, new or old business.

The Mayor stated that a Fallen Officers Memorial Service will be held this Wednesday. The city has completed the mitigation credit application in order to secure mitigation credits for Alcoa Road wetlands that will be affected by the building of the four lanes. We are waiting on the Corp of Engineers to send the 404 permit back to the Highway Department at which time we are hoping in about two weeks we receive authorization to go out for bids. The Ralph Bunche Park rededication is this Friday. This past Friday night the city hosted the Relay for Life at CW Lewis.

The meeting adjourned at 7:29 pm.

Cindy Stracener, City Clerk

David Mattingly, Mayor

BENTON ADVERTISING & PROMOTION COMMISSION

Minutes

April 21, 2016

I. CALL TO ORDER

Chairman Mark Fikes called the regularly scheduled meeting of the Benton Advertising & Promotion Commission to order on April 21, 2016 at 4:05 pm in the boardroom of the Benton Area Chamber of Commerce.

II. ROLL CALL

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

III. MINUTES

Luke Moody made a motion to approve the minutes of the regular March meeting. Jerry Ponder seconded. Motion carried.

IV. REPORT FROM NIKKI CHUMLEY, BENTON EVENT CENTER

We have had several health conferences and meetings this month. There were 500 in attendance at the Razorback Fish Fry. The Easter Service was well-received. We are still having most of our renters to go ahead and rent for next year.

V. OLD BUSINESS

Jerry Ponder discussed the revised rules regarding the A & P Policies. Luke Moody made the motion to approve these; Bill Donnor seconded. They will now go before the City Council for approval.

VI. NEW BUSINESS

None

VII. FUNDING REQUESTS

The commissioners reviewed the Saline County Quilters' Guild request. Jerry Ponder made the motion to award them \$500 to be used for advertising for the event. Motion was seconded by Bill Donnor. Motion carried

A Request for Funding for Amplify was presented to the commissioners (first reading). Matt Brumley presented a review of last year's event and also showed

a video that is being used for advertising for the 2016 event. Chairman Mark Fikes reminded the commissioners that the first item that has to be considered is the promotion of Benton. One new issue this year will be the collection of A&P tax for trailers that are in attendance at the event.

Jerry Beaty has received a wrap-up about the recent Spring in Saline. Two invoices have been presented for payment. Attendance for the event was reported at 2100 which includes paid and free attendees.

VIII. ADMINISTRATIVE

Jerry Ponder reported that there are two businesses in arrears; both of these are from last year. Tara, our Collection Agent, is working with both of these at this time.

IX. FINANCIAL REPORTS

Mark Fikes asked Gary James to share the financial reports. The A & P Commission had a net income of \$2,930.69 for the month. Net Income for the event center in March was \$37,320.01. Of this, the sales tax revenue was \$9,550.34 and rental income was \$27,757.86. Expenses for the event center in March totaled \$18,686.34, resulting in net income of \$18,633.67. Without the sales tax revenue, the net income would be \$10,083.33.

X. OTHER BUSINESS

Discussion was held about the first payoff payment for the bond. The first payment can be made August 1, 2017. At this time, figures indicate this payment could be \$1 million dollars which would make a significant reduction in the interest cost.

XI. ADJOURNMENT

The meeting was adjourned on the motion of Bill Donnor at 4:40.

Mark Files
Chairman

Jerry Beaty
Recording Secretary

RESOLUTION NO. 34 OF 2016

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

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

WHEREAS, the City Council desires to declare this equipment as surplus and to authorize it to be sold to Emergency Vehicle Specialists, who buys and sells this type of equipment, for the prices stated in Exhibit "1".

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

SECTION 1: The equipment listed on the attached document, Exhibit "1" is hereby declared surplus and shall be sold to Emergency Vehicle Specialists for the prices stated therein.

SECTION 2: All proceeds from the sale shall be deposited into the General Fund, 750.67.13.19 (Supplies-Safety) and shall be used for the purchase of new safety equipment for the fire department.

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

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

BENTON FIRE DEPARTMENT
SCOTT Air Pak 2.2 - NFPA 2002
(Inventory - 04/21/2016)

<u>SCBA #</u>	<u>1st Stage Reducer #</u>	<u>Flow Test - Latest</u>	<u>Model</u>	<u>PASS Device?</u>
01	NL012805322SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
02	NL012805322SM1	06/27/2012	Scott - 2.2 / NFPA 2002	YES
03	NL00722SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
04	NL010503622SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
05	NL012000222SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
06	NM010300622SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
07	NL010506422SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
08	NL012901022SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
09	NL010505422SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
10	NL010502222SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
11	NL012101122SM1	06/27/2012	Scott - 2.2 / NFPA 2002	YES
12	NL012805822SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
13	NL012822SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
14	NL02900222SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
15	NL012901022SM1	06/27/2012	Scott - 2.2 / NFPA 2002	YES
16	NL010502422SM1	06/27/2012	Scott - 2.2 / NFPA 2002	YES
17	NL010505722SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
18	NL012805522SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
19	NL012805522SM2	06/25/2012	Scott - 2.2 / NFPA 2002	YES
20	NL010106722SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
21	NL010505922SM1	06/27/2012	Scott - 2.2 / NFPA 2002	YES
22	NL012900522SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
23	NL010106822SM2	06/27/2012	Scott - 2.2 / NFPA 2002	YES
24	NL010506122SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
25	NL0102SM1	06/27/2012	Scott - 2.2 / NFPA 2002	YES
26	NL010505422SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
27	NL010505822SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
28	NJ032600922BB1	06/25/2012	Scott - 2.2 / NFPA 2002	NO
29	NJ032509722BB2	06/25/2012	Scott - 2.2 / NFPA 2002	NO
30	NF03110222BB1	06/25/2012	Scott - 2.2 / NFPA 2002	NO
31	NF030514022BB2	06/25/2012	Scott - 2.2 / NFPA 2002	NO
32	NJ032504722BB1	06/26/2012	Scott - 2.2 / NFPA 2002	NO
33	NJ032602322BB2	06/25/2012	Scott - 2.2 / NFPA 2002	NO
34	NJ032507822BB2	06/25/2012	Scott - 2.2 / NFPA 2002	NO
35	NJ032507922BB2	06/25/2012	Scott - 2.2 / NFPA 2002	NO
36	NF030513822BB2	06/25/2012	Scott - 2.2 / NFPA 2002	NO
37	NK030601122BB1	06/26/2012	Scott - 2.2 / NFPA 2002	NO
38	NL011200SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
39	NL01205422SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES

**BENTON FIRE DEPARTMENT
SCOTT 2216 CYLINDERS
04/21/2016**

Bottle #	SERIAL #	Manufacturer	Hydro - Original	Model	Cylinder Type
01	ALT602-42627	Luxfer	May-01	Scott - 2.2 / 30min.	Carbon-Wrapped
02	ALT602-42781	Luxfer	May-01	Scott - 2.2 / 30min.	Carbon-Wrapped
03	ALT602-46221	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
04	ALT602-46430	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
86	ALT602-46893	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
05	ALT602-46970	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
06	ALT602-46973	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
07	ALT602-46975	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
08	ALT602-46976	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
83	ALT602-46977	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
09	ALT602-46978	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
10	ALT602-46979	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
11	ALT602-46980	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
12	ALT602-46982	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
13	ALT602-46985	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
14	ALT602-46986	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
15	ALT602-46988	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
16	ALT602-46991	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
17	ALT602-46992	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
18	ALT602-46995	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
19	ALT602-46997	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
20	ALT602-46999	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
21	ALT602-47000	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
22	ALT602-47007	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
23	ALT602-47008	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
24	ALT602-47073	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
25	ALT602-47091	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
26	ALT602-47101	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
27	ALT602-47105	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
28	ALT602-47120	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
29	ALT602-47126	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
30	ALT602-47134	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
31	ALT602-47141	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
32	ALT602-47148	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
33	ALT602-47150	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
34	ALT602-47153	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
35	ALT602-47160	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
36	ALT602-47163	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
37	ALT602-47164	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
38	ALT602-47321	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
39	ALT602-47341	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
40	ALT602-47347	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
79	ALT602-47349	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
41	ALT602-47357	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
42	ALT602-47362	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
43	ALT602-47364	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
44	ALT602-47366	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped

BENTON FIRE DEPARTMENT
SCOTT Air Pak 2.2 - NFPA 2002
(Inventory - 04/21/2016)

SCBA #	1st Stage Reducer #	Flow Test - Latest	Model	PASS Device?
01	NL012805322SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
02	NL012805322SM1	06/27/2012	Scott - 2.2 / NFPA 2002	YES
03	NL00722SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
04	NL010503622SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
05	NL012000222SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
06	NM010300622SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
07	NL010506422SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
08	NL012901022SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
09	NL010505422SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
10	NL010502222SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
11	NL012101122SM1	06/27/2012	Scott - 2.2 / NFPA 2002	YES
12	NL012805822SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
13	NL012822SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
14	NL02900222SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
15	NL012901022SM1	06/27/2012	Scott - 2.2 / NFPA 2002	YES
16	NL010502422SM1	06/27/2012	Scott - 2.2 / NFPA 2002	YES
17	NL010505722SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
18	NL012805522SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
19	NL012805522SM2	06/25/2012	Scott - 2.2 / NFPA 2002	YES
20	NL010106722SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
21	NL010505922SM1	06/27/2012	Scott - 2.2 / NFPA 2002	YES
22	NL012900522SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
23	NL010106822SM2	06/27/2012	Scott - 2.2 / NFPA 2002	YES
24	NL010506122SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
25	NL0102SM1	06/27/2012	Scott - 2.2 / NFPA 2002	YES
26	NL010505422SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
27	NL010505822SM1	06/26/2012	Scott - 2.2 / NFPA 2002	YES
28	NJ032600922BB1	06/25/2012	Scott - 2.2 / NFPA 2002	NO
29	NJ032509722BB2	06/25/2012	Scott - 2.2 / NFPA 2002	NO
30	NF03110222BB1	06/25/2012	Scott - 2.2 / NFPA 2002	NO
31	NF030514022BB2	06/25/2012	Scott - 2.2 / NFPA 2002	NO
32	NJ032504722BB1	06/26/2012	Scott - 2.2 / NFPA 2002	NO
33	NJ032602322BB2	06/25/2012	Scott - 2.2 / NFPA 2002	NO
34	NJ032507822BB2	06/25/2012	Scott - 2.2 / NFPA 2002	NO
35	NJ032507922BB2	06/25/2012	Scott - 2.2 / NFPA 2002	NO
36	NF030513822BB2	06/25/2012	Scott - 2.2 / NFPA 2002	NO
37	NK030601122BB1	06/26/2012	Scott - 2.2 / NFPA 2002	NO
38	NL011200SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES
39	NL01205422SM2	06/26/2012	Scott - 2.2 / NFPA 2002	YES

**BENTON FIRE DEPARTMENT
SCOTT 2216 CYLINDERS
04/21/2016**

<u>Bottle #</u>	<u>SERIAL #</u>	<u>Manufacturer</u>	<u>Hydro - Original</u>	<u>Model</u>	<u>Cylinder Type</u>
45	ALT602-47380	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
77	ALT602-47438	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
46	ALT602-47480	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
47	ALT602-47482	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
48	ALT602-47483	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
49	ALT602-47485	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
50	ALT602-47506	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
55	ALT602-56568	Luxfer	October-01	Scott - 2.2 / 30min.	Carbon-Wrapped
51	ALT602-47894	Luxfer	November-01	Scott - 2.2 / 30min.	Carbon-Wrapped
76	ALT602-47907	Luxfer	November-01	Scott - 2.2 / 30min.	Carbon-Wrapped
52	ALT602-47922	Luxfer	November-01	Scott - 2.2 / 30min.	Carbon-Wrapped
53	ALT602-47928	Luxfer	November-01	Scott - 2.2 / 30min.	Carbon-Wrapped
54	ALT602-48063	Luxfer	November-01	Scott - 2.2 / 30min.	Carbon-Wrapped
85	IJ29428	Luxfer	July-03	Scott - 2.2 / 30min.	Carbon-Wrapped
92	IJ61658	Luxfer	August-03	Scott - 2.2 / 30min.	Carbon-Wrapped
95	IJ63388	Luxfer	August-03	Scott - 2.2 / 30min.	Carbon-Wrapped
82	IJ63793	Luxfer	August-03	Scott - 2.2 / 30min.	Carbon-Wrapped
87	IJ63828	Luxfer	August-03	Scott - 2.2 / 30min.	Carbon-Wrapped
94	IJ63908	Luxfer	August-03	Scott - 2.2 / 30min.	Carbon-Wrapped
91	IJ63914	Luxfer	August-03	Scott - 2.2 / 30min.	Carbon-Wrapped
74	IJ63924	Luxfer	August-03	Scott - 2.2 / 30min.	Carbon-Wrapped
75	IJ63930	Luxfer	August-03	Scott - 2.2 / 30min.	Carbon-Wrapped
93	IJ64256	Luxfer	August-03	Scott - 2.2 / 30min.	Carbon-Wrapped
56	IJ171198	Luxfer	April-08	Scott - 2.2 / 30min.	Carbon-Wrapped
57	IJ171322	Luxfer	April-08	Scott - 2.2 / 30min.	Carbon-Wrapped
58	IJ171450	Luxfer	April-08	Scott - 2.2 / 30min.	Carbon-Wrapped
59	IJ171467	Luxfer	April-08	Scott - 2.2 / 30min.	Carbon-Wrapped
60	IJ172340	Luxfer	April-08	Scott - 2.2 / 30min.	Carbon-Wrapped
61	IJ172341	Luxfer	April-08	Scott - 2.2 / 30min.	Carbon-Wrapped
62	IJ172348	Luxfer	April-08	Scott - 2.2 / 30min.	Carbon-Wrapped
80	IJ172349	Luxfer	April-08	Scott - 2.2 / 30min.	Carbon-Wrapped
63	IJ172353	Luxfer	April-08	Scott - 2.2 / 30min.	Carbon-Wrapped
64	IJ172354	Luxfer	April-08	Scott - 2.2 / 30min.	Carbon-Wrapped
65	IJ174808	Luxfer	September-08	Scott - 2.2 / 30min.	Carbon-Wrapped
84	IJ175028	Luxfer	September-08	Scott - 2.2 / 30min.	Carbon-Wrapped
90	IJ175072	Luxfer	September-08	Scott - 2.2 / 30min.	Carbon-Wrapped
66	IJ175140	Luxfer	September-08	Scott - 2.2 / 30min.	Carbon-Wrapped
67	IJ175822	Luxfer	September-08	Scott - 2.2 / 30min.	Carbon-Wrapped
68	IJ179739	Luxfer	March-09	Scott - 2.2 / 30min.	Carbon-Wrapped
R-11 68	IJ179739	Luxfer	March-09	Scott - 2.2 / 30min.	Carbon-Wrapped
78	IJ179775	Luxfer	March-09	Scott - 2.2 / 30min.	Carbon-Wrapped
R-11 81	IJ179776	Luxfer	March-09	Scott - 2.2 / 30min.	Carbon-Wrapped
88	IJ179845	Luxfer	March-09	Scott - 2.2 / 30min.	Carbon-Wrapped
89	IJ175834	Luxfer	August-09	Scott - 2.2 / 30min.	Carbon-Wrapped
69	IJ199624	Luxfer	September-10	Scott - 2.2 / 30min.	Carbon-Wrapped
70	IJ199650	Luxfer	September-10	Scott - 2.2 / 30min.	Carbon-Wrapped
71	IJ328332	Luxfer	October-10	Scott - 2.2 / 30min.	Carbon-Wrapped
72	IJ328445	Luxfer	October-10	Scott - 2.2 / 30min.	Carbon-Wrapped
73	IJ328639	Luxfer	October-10	Scott - 2.2 / 30min.	Carbon-Wrapped



EMERGENCY VEHICLE SPECIALISTS

CONWAY, AR

OLIVE BRANCH, MS

MEMPHIS, TN

SALES QUOTE

Toll Free: 800-233-5053

Fax: 501-327-3208

www.evsmidsouth.com

BILL TO:	Benton FD	SHIP TO:	
Telephone:		Attention:	Bill Ford
Fax:			

Salesperson:	Date:	Payment	Quote Number
Topf, W	4/29/2016	Net 30	
Ship Complete:	Freight:		Customer Purchase Order
Yes	To Be Added On Order		

QTY.	PART NUMBER / DESCRIPTION	UNIT \$	TOTAL \$
		\$ -	\$ -
29	Credit for used 2216 SCBA w/ pass, cylinder, mask and voice amp	\$ 175.00	\$ 5,075.00
		\$ -	\$ -
10	Credit for used 2216 airpaks w/o pass device	\$ 42.50	\$ 425.00
		\$ -	\$ -
1	Credit for used Bauer compressor and (7) cascade cylinders	\$ 1,500.00	\$ 1,500.00
	(4) 3000psi, (3) 4500 psi	\$ -	\$ -
1	Credit for 73 used 2216 cylinders	\$ 500.00	\$ 500.00
		\$ -	\$ -
	Total trade to include: Bauer compressor serial # 24866	\$ -	\$ -
	(3)-4500 psi and (4)- 3000psi DOT cylinders,	\$ -	\$ -
	(39) Scott 2002 NFPA SCBA's, (73) Scott 2216 cylinders,	\$ -	\$ -
	(73) Scott facepieces (various models), and (31) Scott voice amps	\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
	If accepted, EVS will either remit payment to	\$ -	\$ -
	City of Benton, credit their account the amount below or,	\$ -	\$ -
	trade a new Bullard LDX Thermal Imager bundle- value \$8,320.43	\$ -	\$ -
	whichever is preferred by the department	\$ -	\$ -
	Sub Total		\$ 7,500.00
	FREIGHT:		\$ -
	TAX:		\$ -
	TOTAL:		\$ 7,500.00

QUOTED BY:

Will Topf

Will Topf

cell (870) 656-4170

wtopf@gwevs.com

A



Diesel Services, Inc.

Company

Benton Fire Department

220 S. Main
Benton, AR 72015
501-776-5960 FAX 501-776-5963

May 2, 2016

As you may know we received a Federal grant last year to purchase 40 new Self Contained Breathing Apparatus and Compressor to replace the outdated equipment that we were currently using. As of this date we have received and placed into service the new equipment which leaves us with all the old outdated equipment. EVS of Conway, Arkansas has offered to buy back the old equipment and has submitted a quote. I would like to pursue this and have the funds placed back into my budget for the purpose of purchasing more safety equipment that is needed. Attached you will find the quote submitted by EVS and an itemized list of what we are selling.

Thank You,
Chief Ford



RESOLUTION NO. 35 OF 2016

A RESOLUTION AUTHORIZING THE MAYOR AND THE CHIEF OF POLICE TO APPLY FOR GRANT FUNDING THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; AND FOR OTHER PURPOSES

WHEREAS, the Chief of Police, Kirk Lane, is requesting that the City Council authorize the City to apply for a grant with the Edward Byrne Memorial Justice Assistance Grant Program for the purpose of securing funding for certain purchases of computers and any related equipment for the police department; and

WHEREAS, the City Council wishes to authorize the Mayor to apply for such grant funding.

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

SECTION 1: The City Council does hereby authorize the Mayor and the Chief of Police to make an application with the Edward Byrne Memorial Justice Assistance Grant Program for the purposes stated herein.

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

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. 36 OF 2016

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH DORIS BAILEY FOR THE LEASE OF REAL PROPERTY LOCATED AT 205 EAST SOUTH STREET, SUITE 2 IN BENTON; AND FOR OTHER PURPOSES

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

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

SECTION 1: The Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Benton, a contract with Doris Bailey for the lease of office space located at 205 East South Street, Suite 2, Benton, Arkansas. This contract is attached hereto as Exhibit "1". The mayor is also authorized to pay the monthly lease payments when due.

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

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

LEASE AGREEMENT

This agreement made and entered into this day 2 of MAY 2016
by and between CITY OF BENTON are hereinafter
called lessees, and Stinson and Doris Bailey hereinafter called lessors.

1. Lessors for consideration, purposes and covenants hereinafter
set out to do hereby, let lease and demise unto lessees for the period of 1
year, the following property in Benton, Saline County, Arkansas to wit:
205 E. South Street ^{STE 2}. To have and to hold same unto said
lessees for and during the time aforesaid upon the terms and conditions
herein expressed.

2. Lessees agree to pay \$850⁰⁰ per month payable between
the 1st and 5th day of each and every month during
the time hereof; the payment shall be as follows; \$850⁰⁰ cash
per month for rent.

3. It is understood and agreed that the term of this lease shall be
from MAY 2, 2016 ^{MAY 2016} until APRIL 28, 2017

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

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

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

LESSORS;

Doris Bailey

LESSEES;

ORDINANCE NO. 25 OF 2016

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

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

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

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

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

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

(b) All users of the System shall be charged monthly, for OM&R, \$3.50 for the first 2,000 gallons or portion thereof of average monthly water consumption and \$4.90 per 1,000 gallons or portion thereof of average monthly water consumption thereafter. Determination of water consumption by residential customers shall be based upon the average monthly water consumption of the customer for the preceding months of October, November, December, January, February and March. A re-computation of the average monthly water consumption of all residential customers, in the manner specified above, shall be made in May in each year for the forthcoming yearly rate to be charged. In the case of residential customers who do not have an established usage for the six months stated above, a monthly charge of \$30.00 shall be made until a six-month winter time frame is established. All commercial and industrial customers will be billed on actual water consumption or as determined pursuant to Section 5 (d) unless a levelized bill is requested and approved by the utilities manager based on a 12 month average.

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

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

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

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

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

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

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

User Charge Methodology

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

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

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

Symbols and Definitions:

C_s = A surcharge for wastewaters of excessive strength

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

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

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

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

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

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

V_u = Volume contribution from a user per unit of time

*Maximum limit for average domestic waste.

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

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

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

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

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

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

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

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

<u>Year</u>		<u>Rate</u>
2016	Beginning June 1 the User Rate per 1,000 gallons of wastewater will be	\$4.90
2017	Beginning January 1 the User Rate per 1,000 gallons of wastewater will be	\$5.00
2018	Beginning January 1 the User Rate per 1,000 gallons of wastewater will be	\$5.10
2019	Beginning January 1 the User Rate per 1,000 gallons of wastewater will be	\$5.20

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 the month following the effective date of this Ordinance.

Section 10. In as much as it is necessary to modify the rates of the city of Benton to adequately provide for the sewer system revenue, which is essential to the public health, safety

and welfare, an emergency is hereby declared and this Ordinance and be of full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2016.

APPROVED:

David Mattingly, Mayor

ATTEST:

Cindy Stracener, City Clerk

DESIGNATED FOR PUBLICATION