

# BENTON CITY COUNCIL MEETING

MARCH 9, 2015

7:00 PM



AGENDA MEETING 6:15 PM



BENTON MUNICIPAL COMPLEX  
114 SOUTH EAST STREET  
COUNCIL CHAMBERS

**DAVID MATTINGLY, MAYOR**

**REGULAR SESSION**  
**March 9, 2015**  
**7:00 PM**  
**AGENDA**

- I. Call to Order** **Mayor Mattingly**
- II. Invocation**
- III. Pledge of Allegiance** **Alderwoman Reed**
- IV. Roll Call** **City Clerk**
- V. Approval of Minutes** **February 9, 2015**  
*Regular Meeting*
- VI. City of Distinction Award Presentation** **Nathan Rutledge**
- VII. January Youth of the Month** **Bret Stracener**  
*Mary Katherine Dawson*
- February Youth of the Month** **Max Brannon**  
*John Moritz*
- VIII. Employee of the Month** **Alderman Donnor**  
*Officer Zachary McAnally*
- IX. Service Awards** **Mayor Mattingly**  
*David Vick - 15 years*      *Eric Knapp - 15 years,*  
*Craig Hill - 15 years*      *Wade Goodwin - 15 years*
- X. RESOLUTION NO. 8 OF 2015** **Mayor Mattingly**  
*A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT; AND FOR OTHER PURPOSES*
- XI. COMMITTEE REPORTS & MOTIONS**
- 1. Finance Committee** **Alderman Ponder**
- A.) RESOLUTION NO. 9 OF 2015**  
*A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM SALINE COUNTY; AND FOR OTHER PURPOSES*
- 2. Community Services/Animal Control** **Alderwoman Reed**
- A.) RESOLUTION NO. 10 OF 2015**  
*A RESOLUTION RATIFYING AND CONFIRMING THE REAPPOINTMENT OF KAREN CROWSON AS COMMISSIONER TO THE CITY OF BENTON BOARD OF ADJUSTMENT; AND FOR OTHER PURPOSES*
- B.) RESOLUTION NO. 11 OF 2015**  
*A RESOLUTION RATIFYING AND CONFIRMING THE REAPPOINTMENT OF JIM VILLINES AS COMMISSIONER TO THE CITY OF BENTON BOARD OF ADJUSTMENT; AND FOR OTHER PURPOSES*

**C.) ORDINANCE NO. 14 OF 2015**

*AN ORDINANCE ESTABLISHING THE DEPARTMENT OF ECONOMIC DEVELOPMENT; SEPARATING THE DEPARTMENT OF COMMUNITY SERVICES AND ECONOMIC DEVELOPMENT INTO TWO DEPARTMENTS; CREATING THE BENTON BUSINESS DEVELOPMENT INITIATIVE; AUTHORIZING THE CREATION OF CITY TRADEMARKS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES*

**D.) ORDINANCE NO. 15 OF 2015**

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

**E.) RESOLUTION NO. 12 OF 2015**

*A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH YOUR AD TEAM; APPROPRIATING FUNDS FOR THIS PURPOSE; AND FOR OTHER PURPOSES*

- |           |                                                |                            |
|-----------|------------------------------------------------|----------------------------|
| <b>3.</b> | <b>Streets &amp; Drainage Committee</b>        | <b>Alderman Cunningham</b> |
| <b>4.</b> | <b>Personnel/Health &amp; Safety Committee</b> | <b>Alderman Donnor</b>     |

**A.) RESOLUTION NO. 13 OF 2015**

*A RESOLUTION RATIFYING AND CONFIRMING THE REAPPOINTMENT OF SAMUEL TATOM, JR. AS COMMISSIONER TO THE BENTON CIVIL SERVICE COMMISSION; AND FOR OTHER PURPOSES*

- |           |                                    |                          |
|-----------|------------------------------------|--------------------------|
| <b>5.</b> | <b>Parks Committee</b>             | <b>Alderman Lee</b>      |
| <b>6.</b> | <b>Public Utilities Commission</b> | <b>Alderman Herzfeld</b> |

**A.) RESOLUTION NO. 14 OF 2015**

*A RESOLUTION AUTHORIZING THE MANAGER OF THE SEWER DEPARTMENT TO MAKE CERTAIN SEWER CONNECTIONS OUTSIDE THE CORPORATE LIMITS OF THE CITY OF BENTON, ARKANSAS; AND FOR OTHER PURPOSES*

- |           |                             |                                     |
|-----------|-----------------------------|-------------------------------------|
| <b>7.</b> | <b>A &amp; P Commission</b> | <b>Aldermen Donnor &amp; Ponder</b> |
|-----------|-----------------------------|-------------------------------------|

**XII. Unfinished Business**

**XIII. New Business**

**XIV. Announcements**

**XV. Adjourn**

**MINUTES OF THE BENTON CITY COUNCIL**  
**Regular Session**  
**February 9, 2015**  
**Benton Municipal Complex**

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

The Mayor gave the invocation.

Alderman Cunningham led the pledge of allegiance.

Roll was called.

The following persons were in attendance:

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

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

The Mayor requested approval for the January 26, 2015 council meeting minutes. Alderman Ponder 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 replied in the affirmative. The minutes for the January 26, 2015 council meeting were approved with 10 affirmative votes.

The Mayor read a proclamation declaring February 15, 2015 through February 21, 2015 as "Benton Athletic Memorial Museum Wall of Fame Week" in the city. See attached.

The Mayor gave the State of the City address. See attached.

A 3-D fly over video of the Riverside Park Complex was shown to the public for the first time.

The next item on the agenda was Committee reports and motions. Alderman Ponder was recognized for the Finance Committee report. He stated that he had nothing to report.

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

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

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

**Alderman Lee was recognized for the Parks Committee report. He stated that he had nothing to report.**

**Alderman Herzfeld was recognized for the Public Utility Commission report. He stated that the commission met last Monday night. See attached report.**

**There was not any new or unfinished business.**

**The Mayor stated that BBDI, Benton Business Development Initiative is something that you will be hearing a lot about in the coming days. We will be aggressively marketing Benton. On July 4<sup>th</sup> we will be having a ground breaking ceremony for Riverside Park. Afterwards an Independence Day bash will take place with fireworks that evening.**

**Alderman Ponder made a motion to adjourn. Seconded by Alderman Baptist.**

**The meeting adjourned at 7:30 p.m.**

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**Cindy Stracener, City Clerk**

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**David Mattingly, Mayor**

# ~ Proclamation ~

WHEREAS, The Benton Athletic Memorial Museum Wall of Fame members have been ambassadors for the Benton High School Panthers and the City of Benton and have influenced the lives of hundreds of students and student athletes over the past nineteen years; and

WHEREAS, the citizens of Benton take great pride in those members successes and admire the highest standards they have upheld in their representation of self and family; and

WHEREAS, we wish to thank all who have contributed to preserving the memories of our great city and Benton High School through the "Benton Athletic Memorial Museum"

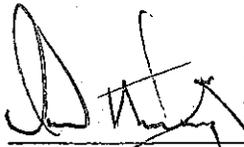
NOW, THEREFORE, I, DAVID MATTINGLY, by virtue of the authority vested in me as Mayor of the City of Benton, Arkansas, do hereby proclaim February 15, 2015 through February 21, 2015 as:

## "BENTON ATHLETIC MEMORIAL MUSEUM WALL OF FAME WEEK"

in the City of Benton and urge all our citizens to join me in recognizing the accomplishments of the inductees and encourage everyone to follow their example to improve our quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Benton, Arkansas to be affixed at City Hall this 9<sup>th</sup> day of February in the year of our Lord, two thousand and fifteen.



  
\_\_\_\_\_  
David Mattingly, Mayor  
City of Benton



# State of the City Address



City of Benton  
February 9, 2015  
Mayor David Mattingly

## **STATE OF THE CITY ADDRESS**

City of Benton  
February 9, 2015  
Mayor David Mattingly

Wow! Four years have come and gone, it doesn't seem possible. My second term began January 1, 2015, and I think I have finally figured out the main parts of my job description. It's not really that complex. In a recent presentation I gave at the CADC Conference, I had the opportunity to speak about "What is Leadership?" I emphasized in that presentation the following key components and reiterate today in this message how strongly I feel that if people are going to accept you in a leadership role, the following fundamental characteristics are essential.

- 1) You have to have a plan, and the strength to stand in front of a group of people and say, "Follow Me.!"
- 2) You either stand for something, or you stand for nothing; make that clear.
- 3) Tell the people what your plan is and get your message out.
- 4) Offer them a seat at the table.
- 5) Don't ask somebody to do something you won't do yourself.

Why do I tell you all this? What has this got to do with the state of your city today? With the support of this community, the city council and my staff, some important ballot initiatives were passed, which created opportunities to foster an environment where economic development is now flourishing in Benton.

Here is a snapshot of what we have accomplished during my first term in office. Repeating what I said last year: the Benton Event Center opened, Military Road expansion/renovation was completed, South Street saw improvements, the splash pad was installed at Tyndall Park, the dog park was built across from Sunset Lake, and equally as important, we launched a new City of Benton website. Additionally, the City of Benton was named "Volunteer Community of the Year" for the fifth time in the last six years, won a City of Distinction honor for our Riverside Park design, upgraded security measures at City Hall, and was one of the first cities to institute a document retention program, which complies with IRS, Federal, and State requirements.

At that time I told you to "hold on" because 2014 was going to be even more exciting. And guess what, it was! Here are a few of the improvements in your city in the past year. The Fairfield Inn & Suites by Marriott opened in September, site preparation work began on the Hurricane Creek Village Shopping Center at Exit 121 for a new Kroger Market Place, Academy Sports and exciting new restaurants. The Links at Longhills are beginning to see activity, the final design and street work is about to begin on the Riverside Park Complex, site preparation should be complete and building should begin late in the year. The City of Benton now has a Facebook page, and if you think that's something, look up [www.BentonProud.com](http://www.BentonProud.com) and see our new blog with great stories about our community and all the exciting things going on in your town. The City of Benton also signed up to be the lead agency on the Alcoa Road project to expand Alcoa Road to four lanes. That's a snapshot of what happened in 2014 and will continue throughout 2015!

Get ready to double down. In addition to what we've already said will happen this year, we've also committed over \$1.5 million dollars for street and drainage improvements, and new lighting at the Bernard Holland Baseball Complex. With the public safety tax kicking in, AWIN radios are being purchased for improved communication in the police department; the addition of six new police officers and six new fire fighters, along with the necessary equipment, acquisition of land for a new Fire/Police substation, and a new pumper truck, which will be ordered by mid-year have become a reality. With the passage of the alcohol ordinance, our city clerk will be issuing alcohol permits, and the activity for our Community Development Department can be seen clearly in the attached report showing the number of building permits issued in 2014. The Human Resources Department is working on introducing a new electronic time-in-attendance

system; and with their assistance, we were able to secure an agreement with the Municipal League that our workers' compensation and healthcare rates will not increase in 2015.

While all of this is going on, I am proud to say that once again all of the Department Heads, who provide the daily services to our city, deserve a thank you for the effectiveness in which they execute their job responsibilities. Additionally, I am pleased to announce we have once again operated with a balanced budget and demonstrated a strong commitment to fiscal responsibility in utilizing taxpayer money. All the departmental reports for the year 2014 are attached to this State of the City document.

If it sounds exciting, it has been! I feel honored not only to give this report, but to have been fortunate enough to be recognized as your leader. I look forward to us accomplishing many more things over the next four years – Be Benton Proud!

## **CITY of BENTON POLICE DEPARTMENT ANNUAL REPORT of ACTIVITIES 2014**

The Benton Police Department began 2014 to achieve ten goals. Those goals were substantially accomplished. In addition to these goals the following are reported:

- **Communications Improvements-** Dispatch equipment and software has been upgraded. Operators answered 56,259 calls for service in 2014, 42,863 calls were for the Benton Police Department.
- **Statistics** - Reporting of the NIBRS crime statistics showed **violent crime in the City of Benton, up +13.4% and property crime reports up +3.38%**. The NIBRS reporting covers all the crime categories, and showed **a total increase of crime in the City of Benton in 2014 by + 4.06% compared to 2013 totals.**
- **Training** -The Benton Police officers 8745 training hours. Supervisors received a total of 882 hours of supervision training.
- **Records** -The records division processed 32,909 reports (down -6% from 2013).We had a decrease in collections of -20.17% for a total of \$226,650.15 in 2014, compared to 2013.
- **Special Investigative Unit** - In 2013, the unit **seized \$6,284,474.00** in drugs from the streets of Benton. They arrested 190 persons on a total of 283 drug related charges. The unit seized 3 weapons, along with 5 vehicles for forfeiture.
- **Grants** - The Benton Police Department was successful in obtaining a number grant funding opportunities for updated computers and school security updates. Hummer all-terrain vehicles and other equipment obtained for department use in our mission through LESO program.

### **2015 GOALS and OBJECTIVES**

The Benton Police Department will seek to achieve 10 goals. These goals are as follows:

1. Continued enhanced solvability of crimes committed through pro-active investigation.
2. Continued enhanced supervision training for departmental supervisors.
3. Continued updating of departmental policy manual.
4. Continued enhanced First Aid Trauma training and equipment, and continued CPR certification for all officers.
5. Continued scheduled improvements as planned by the passage of the Public Safety Tax.
6. Implement improvements in patrol division operations
7. Continued effort in monthly enforcement and community policing projects.
8. Development of a citizen's committee for input on our operations and outreach.
9. Research and improve our physical standards.
10. Training improvements for patrol officers on legal aspects and evidence collection.

Respectfully Submitted,



Kirk R. Lane

Chief of Police

# 2014 STREET DEPARTMENT YEAR END REPORT

## CONTRACT PROJECTS

Military Road-----Lawn Care Services  
Benton Parkway-----Lawn Care Services  
South Street-----Lawn Care Services

## Resurface Contracts

Denise Street	Dogwood
Fernwood Street	Daffodil
North Summit	Azalea
North Shady	

## Resurface and Patch

\_1423.85\_ tons of hotmix asphalt was used for resurfacing streets and repairing potholes.  
\_223\_\_\_\_\_ utility cuts were repaired.

## Culvert Projects

Columbia @ Neely	Woodland	15" X 60'
Bird Street 15" X 30'	Saline Circle	
Chipley 15" X 30'	Longhills Village	
North Summit 15" X 29' RCP	North Sharron Rd 2-	30" X 40'
Kenwood @ North Olive	North Shady	

## Street Signs

\_239\_\_\_ signs were replaced due to poor condition, accidents, or vandalism.

## Street Markings

Repainted crosswalks, parkway, bike lane, and other street markings.

## Special Projects

South , Sharon, Wright and Nalley Streets- Improvements      South and River Streets- Handicapp ramps  
Northshore and Bird Streets- Box Culverts  
Overview Street- Curb Work

## Benton Animal Control 2014 Accomplishments

Benton Animal Control and Adoption Center made some substantial improvements to the shelter in 2014. The following are some of these accomplishments that were an easy fix: The breezeway between the office and kennels was converted into an intake room for weighing, assessing, and vaccinating all animals brought into the shelter. A cat quarantine room was made from one of the storage rooms in the kennels, and we were able to buy some updated cat cages through a grant.

Benton Animal Control was on the receiving end of some grants that benefitted the Center and the animal control officers. Grants received were;

1. \$3,806.00 GIF grant to purchase cat cages.
2. \$2,230 GIF grant to purchase ballistic vests for animal control officers.
3. \$1,600.00 NACA/Roy Marcum Ballistic Vest Grant for animal control officers.
4. \$3,333.00 ASPCA grant to purchase supplies and equipment for mobile adoption/rescue trailer.

Continuing education and training for Benton Animal Control Officers in 2014;

**Terry Parsons**, Benton Animal Control Manager received; National Animal Control certification through the *National Animal Control Training Association Training Academy*.

**Tony Donaldson**, Senior Animal Control Officer received; National Animal Cruelty Investigator certification from the; *University of Missouri Law Enforcement Training Institute*.

All Benton Animal Control officers were state certified for; Chemical capture of animals and Euthanization. Additionally all officers have been; Taser trained, & vaccinated against rabies.

Benton Animal Control stays actively involved in the community with adoption activities such as in 2014; ***Benton Senior Activity and Wellness Centers "Old Fashioned Day", Saline Striders Run with the Dogs, Mayor and Nancy Mattingly Veterans Day Dog Adoption Special, and Mayor and Nancy Mattingly Christmas Dog Adoption Special.***

Benton Animal Control was very successful in adoption effort in 2014. There were 665 dogs and cats adopted. Fifty seven percent of the adoptions were by Benton Animal Control and the remaining was by rescue groups throughout the United States.



**City of Benton, AR**  
The heart of Arkansas...

Benton Parks & Recreation  
2014 State of the City

Great things happened in 2014 for the City of Benton Parks and Recreation Department, most notably being the design and development of Riverside Park, a 90 acre regional park that was approved by voters in November of 2012. Over the next two years, the old airport site and surrounding areas will be transformed into a mecca for recreation and wellness with the addition of a Community Center building, an indoor pool, a new Boy's and Girl's Club Facility, a Senior Activity and Wellness Center, a soccer complex and a girls softball complex.

With the design and development ongoing, several pieces of property adjacent to the development were purchased in order to provide sufficient parking for the park as well as create access to the park via the service road and increased visibility from Interstate 30.

Additionally, the Parks Department purchased three parcels of land adjacent to Ralph Bunche Park for future park development. With the land acquisition in hand, the Parks Department applied for and was awarded an Outdoor Grants 50/50 Matching Grant for renovation of Ralph Bunche Park which when completed, will add much needed parking, add meeting and event space as well as improve the site lighting and day to day usability of the Park.

Land is not the only thing that the Parks Department was able to accrue in 2014, as the City of Benton was awarded Honorable Mention in the City of Distinction "Quality of Life" division for the Riverside Park Development. This yearly award is presented by Arkansas Business Magazine. Additionally, the Tyndall Park splashpad received the small project of the year award from the Arkansas Chapter of the American Public Works Association.

The Parks and Recreation Department purchased and installed the Active Network, a parks and recreation specific software which will streamline operations and allow for online registrations, membership services, expanded marketing and database management as well as improved financial tracking.

The Parks Committee approved the replacement of the antiquated field lighting at the Holland Park baseball fields. Installation of the light system will be complete by March 1, and when complete, will triple the light levels on the fields and will create a safer playing environment for the Benton youth baseball league and the numerous tournaments hosted at the park. Additionally, the Parks Department was awarded GIF grant funding that was used to resurface the Tyndall Park Tennis Courts as well as to repair the walking track at Tyndall Park.

2014 was a monumental one for the City of Benton, and all signs point to 2015 holding more of the same as we continue to be aggressive in providing quality facilities and recreation opportunities for the Citizens of Benton.

### City of Benton Fire Department 2014

The Benton Fire Department ended the year having responded to 2,848 incidents. These incidents include but are not limited to fires, medical emergencies, traumatic emergencies, automobile accidents, hazardous material incidents, public assist, etc. There was an estimated \$5,819,450 that was subject to loss by fire with the actual loss being estimated at \$672,055. We were also called upon to provide mutual aid to adjacent communities. The Benton Fire Department also sent a contingency of men to Vilonia on April 27<sup>th</sup> for Search and Rescue following the devastating Tornado. These men are assigned to Arkansas Task Force 1 to respond to emergencies such as this. We also answered a request from the City of Hot Springs Fire Department to assist in the Majestic Hotel Fire. Seven men were sent to assist for 12 hours and offer relief for those that had been on duty for an extended period of time.

In 2014 we had a combined total of 17,490 training hours. (14,614 company level, 1,280 Firefighter Standards, 1,368 Emergency Medical and 228 of Hazardous Materials). We also had five of our members complete Swift Water Rescue Training that was held at Rockport on the Ouachita River. This gives us a total of 10 people with this type of training with more to attend this year. In May, we will host a Core Rescue class that will be taught by the Arkansas Fire Academy that we have mandated that all rookie firefighters must attend (10). This is a foundation class to prepare them and others for more advanced training in the area of low and high angle, swift water, trench, etc. At this time the Assistant Chief coordinates all training.

In the spring, personnel of the Benton Fire Department conducted test of every fire hydrant in the city of Benton to ensure they are in good working order as set out by the American Waterworks Association. This was repeated again in the fall. Any hydrant found to be in need of repair or replacement was reported to the Benton Water Department. We would like to thank the Water Department for immediate attention given to the problems when found. The personnel also performed over 900 in-service business inspections to aid the occupant in identifying any fire or safety hazards. It also allows us to meet and become familiar with the local business owners and create good working relationships and update our records for contact information in case of emergencies. The checking of fire hydrants and business inspections are very important to our maintaining and reducing our ISO rating.

A program that we really enjoy is the School Fire Safety Program in which we reach approximately 4,000 children in our local elementary schools and fire station visits. The business community and civic organizations need to be commended for their generous donations to this program and cooperation of the staff of the Benton Public Schools. We also continue our Smoke Detector installation program which is free upon request. This is funded through the permitting fee from the sale of Fireworks during the July 4<sup>th</sup> holiday. We estimate that we reach approximately 5,000 citizens a year through these programs. There is a new category in the ISO rating manual that provides bonus points for Fire Prevention programs. This will aid our goal of lowering our rating.

In January of 2014 we placed into service our AWIN radio system that was purchased through a Federal Grant by Saline County. This new system will allow better communication for major emergencies. We retained our old system for redundancy purposes. The matching funds of this grant came from our ACT

833 insurance turn back money. We also placed into service a Tablet based computer aided dispatch system. Each vehicle is provided with an Android driven tablet which the address of the emergency appears on the screen and a navigational aid if needed. It also displays hydrants and other important information that is useful prior to our arrival.

As you may know, in the 2013 Public Safety Initiative a plan was made to build a combined Fire/Police station. Based on a study done several years ago and recent commercial development we started to look for property that would be suitable to build a fire station somewhere in the vicinity of Hwy 5 and Alcoa road intersection. With a great amount of assistance from our City Attorney we now own a 1.09 acre tract to build this station. It is located on Hwy 5 approximately one block west of the Alcoa road intersection. The design process has already begun. We also increased our certified staff from 54 to 60 personnel. This was also a part of the Public Safety Initiative plan. At this time we have 6 young men in training which will last 13 weeks.

At the present time a committee has been formed to come up with specifications for a new Pumper truck to be purchased to replace Engine 4, which is housed at Station 4 on Salt Creek road. We should take delivery later in the year. This also was made possible by the passage of the Public Safety initiative.

A major goal that we have set in the Benton Fire Department is to lower our ISO rating from the present rating of 3 to a rating of 2. In the last ISO survey in 2012 we identified those areas where we were deficient and set a plan in motion to correct those deficiencies. In September 2013 we placed a new pumper in service at the Central station to correct two deficiencies. A new 250,000 gallon water tank on the north side of Hurricane Lake will be brought on line later this spring, This will increase water pressure in areas north side of the interstate that were identified in the 2005 rating. In 2014 we increased our personnel by 6 to address one area of deficiency in staffing. In addressing these items of deficiency and utilizing bonus points for our Fire Prevention program we are very close to meeting that goal in 2015 while remaining fiscally responsible.

This report is regarding the state of the Community Development Department at the end of 2014. The mission of the Community Development Department is twofold:

- Community Development is focused on the management of growth.
- Economic Development is focused on the creation of growth.

Our goal is to establish the framework within which the public and private sector resources can be utilized to promote both community and economic development.

### **COMMUNITY DEVELOPMENT DEPARTMENT**

The Community Development Department's main focus is to ensure the citizens of Benton that the structures which are constructed in our area meet all state, federal and local codes - we do this by issuing permits and inspecting structures.

In the permit area, our people have done a total of 5,621 inspections in 2014; issued permits for 193 residential structures representing a total estimated retail value of \$33,912,848.00; and 7 commercial structures for a total estimated retail value of \$18,635,000.00.

Code Enforcement had 563 total inspections; 527 cases with violations; 36 violations/complaints reviewed with no violations issued. Code Enforcement had 14 citations/court appearances; 3 cases dismissed; 1 case pending.

7 demolitions (3 by the City 4 by the owner of the property) for 2014.

5 properties cleaned-up and liens placed in 2014.

### **Economic Development Department**

- Alcoa Road project – utility relocation to be completed by November 2015
- Riverside Park project – Street improvement and additions to begin in the spring of 2015
- Exit 121 – Construction is currently on schedule with a projected opening of late summer 2015
- Links at Longhills – Lindsey Management is now managing the property. Construction could begin before the end of 2015.

### **CITY CLERK**

The City Clerk has issued 190 new or modified business licenses for 2014. A few of the new businesses are: Saline County Crossfit, Fairfield Inn & Suites, Mo' Betta Gumbo, Twigs (florist), Kum & Go, McClain & Co. (retail), and Ma & Pa's Peddlers Market (flea market). Gardner Manufacturing Industries is the sole industrial applicant for the year.

## **ADMINISTRATIVE SERVICES**

For the fiscal year 2014, based on the unaudited financial statements, General Fund revenues are projected to exceed expenditures by \$415,500. Sales tax revenues decreased 1.4% \$(122,000) and other revenue increased .4% (\$42,000) for a total revenue change of - .6%. Expenses increase at a 2.1% rate driven almost entirely by the capital purchases of vehicles and other necessary public safety equipment.

There were numerous major capital purchases made in FY2014 including 6 police vehicles, land purchases for the Fire Department and Riverside Park, and AWIN Radios for our Police Department. Additional investment was made in building security and information technology improvements.

General, Street, and Parks fund balances increased from FY2013. Parks fund balance increased despite funding large projects such as purchase of land for parking lots at Riverside Park and new lighting for ball fields.

2014 Year End Report  
January 20, 2015  
Robert A. Edwards

We began the year searching for Deed and Titles. The titles to our vehicles were located, sorted and filed in the Administrative services section. They probably should be placed in a fire proof file cabinet.

We have been working on Deeds since February as time permits and have found numerous boxes of deeds in various locations and have started to sort them by actual Deeds, Right-of-Way and Easements. We obtained to fire proof file cabinets for storage of these legal documents.

Many deeds are in the name of the Board of Commissioners and require correction and/or transfer to the City of Benton.

Leases – continued to work on leases to City owned property.

We need a lease with the Gann Museum Board of Directors for the City owned Gann Museum.

We need a lease with CADC for the City owned Senior Adult Center.

We need a lease with CADC (SCAT) for the City owned 408 West Walnut Street.

We continued to ensure our I.T. services contract are current for our City computers and servers.

We made numerous phone calls and personal visits with the owners of Mo Betta Gumbo Restaurant who remodeled the building that was formerly Bo's Bar-Be-Cue and Mo Betta Gumbo opened for business November 6, 2014.

We assisted Tim and Toni Metcalf in the startup of their new business in Benton "Imaginations Created, LLC. They have leased space in Military Plaza near Sutherlands and opened in December 2014.

Palace Theater – Evaluated by structural engineer, but there was very limited access due to the wall-to-wall costumes belonging to the Royal Players. We will contact a structural engineer for in-depth evaluation once the Royal Players have removed their property from the building.

Other economic development initiatives include:

- establishing a Doctors Express on Military Road;
- building a CVS Pharmacy at Military Road and East Street;
- relocation of Kentucky Fried Chicken (KFC),
- a new Gas Station/Convenience store (Big Red Valero) on Edison Avenue;
- a new Dollar General store opened on Edison Avenue (we now have six)
- building a new Dollar General store at East Street and Edison Avenue;
- redevelopment of the Bowling Alley;
- redevelopment of the Harvest Foods building on North Market Street;
- a Liquor Store on Military Road ;
- and the possibility of a Wal-Mart Neighborhood Market in Benton.

Attended and represented Mayor at the monthly Metroplan board meetings since September.

2014 End of Year Report  
Prepared by  
Jerry Coston

Since I began working for the city a few months back I've been involved in several interesting projects. A list of my duties and accomplishments follows.

- Created the blog, BentonProud.com
- Filmed (with a little help on occasion) and edited 21 movies on a variety of subjects of interest to the city and posted them to the blog and/or website
- Wrote 9 articles that have been posted on the blog
- Taken over much of the maintenance of the city's web site.
- Researched and served on a committee to create an alcohol permitting process.
- Assisted the mayor on several "numerical matters" including a forensic review of Benton Utility's financial statements.
- Worked as part of BEDI to help begin to spread word of Benton to a wider audience.

In addition to these, I have also

- Met a ton of new people
- Made several new friends
- Learned much more about the city in which I live
- Had a wonderful time

Thanks for the opportunity.

## **2014 Year-End Report**

**Jim Handley**

I, in conjunction with the mayor and department heads, developed and implemented a Document Retention and Destruction policy and procedures program.

With the assistance of the mayor, additional physical security has been improved and continues to be improved. I have created a policy to further increase employee safety and a training program (not yet implemented) for employees that will increase their ability to deal with/respond to potential security risks.

I assisted Alderman Charles Cunningham in the study to best select street and drainage projects with funds available that would best serve the city's needs.

I have and continue to identify leases, contracts, etc the city is currently involved in and determine their validity and value to the city. Similarly, I have been reassigned the project of identifying and insuring proper titling of city property.

I also serve as a "buffer" between the mayor and citizens attempting to see the mayor unscheduled and/or in an adversarial manner.

## Public Utility Commission Meeting Summary of the February 2, 2015 Meeting

1.) Clay Ford, Saline County Attorney would like to address the Commission regarding an agreement they have reached with the landowner of tract 24 on the Alcoa Road Project. Mr. Ford said he was the attorney for Saline County and is here to talk about the property on Alcoa Road at 4511 Sleepy Village. The owners of that property are Ken and Elizabeth Burton. They are represented by Counsel independent of the County, so don't take anything said by him in regards to them. They are represented by counsel and are just here watching. They may not necessarily agree with what he says. As you all know the City of Benton, City of Bryant and the County are in the process of widening Alcoa Road. It's an 80 to 20 match and they are getting federal grants and everything else. The County and the cities are having to deal with properties in their jurisdiction. This property at 4511 Sleepy Village. He knows they are familiar with the area, but if you are heading from Benton towards the interstate, it is on the right, just past the church on the left where the new subdivision is going in on the left in the low spot before the Bryant school on your right. It is on the right and the front of the house faces Sleepy Village. If you are on Alcoa, you are looking at the side of the house. It is a log cabin style house. Currently, the house has Benton water and its sewer is a septic tank. As part of the Alcoa Road Project we are having to condemn part of their property to widen the road. Based on the amount of the acreage we have to take from the property to widen the road, their septic tank, because of the Department of Health regulations, their septic tank is no longer viable for that piece of property. As an alternative to that because they cannot live there absent sewer obviously, and the septic tank is not a viable option, the County has offered to them, with the City of Benton's blessing, we have given them a dollar amount to connect to City sewer. We had a plumber go out there and give us an estimate of the cost to connect by going under the road from their property to City sewer. If you are on the corner of their property, at the corner of Sleepy Village and Alcoa, the sewer is literally a stone's throw away. You can see the manhole. A motion was made and seconded to approve the request and take an ordinance to City Council for approval. A vote was taken and approval given.

2.) Presentation by Jonathan Buff on the renewal of the Center Point Contract for natural gas to the wastewater treatment plant. Mr. Buff reminded the commissioners that Centerpoint came to them about three years ago and told us we could save some money by buying our gas as a commodity. It would require us buying the gas, having the commodity and then we would have a distributor to distribute that to the City gate and then to ARKLA and ARKLA would then in turn deliver it to our gate. Sometime back in June or July we had gotten a letter saying that the upstream supplier was changing names from Centerpoint to enable Midstream Partners. They didn't require a change of anything at that time. The contract was for a 3 year period originally from July 1, 2012 to 2015 of this year, so to try to get ahead of the game Mr. Garza with Enable Midstream asked if we could go ahead and sign the documents. Mr. McKinney has the contracts that need to be signed. Everything pretty much stays the same as it was originally. All this will do is continue the contract and continue on a 1 year basis only now. It will automatically renew every year unless we send something in writing ahead of time that we want to change. Chairman Martin asked what we are paying now and Mr. Buff the average cost is about \$4.50 is what we paid this past year. Budget wise, we are running about \$70,000 to \$80,000 per gate. A motion was made and seconded to authorize the staff to finalize the 1 year contract with the different supplier. A vote was taken and approval given. Member Miller asked Mr. Buff if he would give them a report quarterly and Mr. Buff said he could do that.

3.)

Discussion on Bauxite Water Agreement. Mr. McKinney said last week he met the new Mayor of Bauxite. He said they had a major water leak over there and asked if they could get any discounts or anything. Mr. McKinney told them they were already getting a discount. He told him that he never got the letter from the previous mayor to extend it to the 5<sup>th</sup> year of the agreement. Technically, when you go back and look at the water contract ended December 3, 2014, which puts us back into the same deal we had before. He told him that he was going to prepare a document and back it to December 31<sup>st</sup> of last year and make it for 10 years, which was what we originally tried to offer them. He liked that idea so Mr. McKinney prepared it but has not sent it to them. If you have had a chance to look at it and are in favor of it, we would like to send this to them in the draft form. He will let them know that we can sit down and visit with them but it is pretty cut and dry. We kept the minimums the same as it was; we didn't change anything there. The only thing we changed was the term which is 10 years, continued with the \$1.92 1/2, although there will be a Cost of Service Study done this year. A motion as made and seconded that Mr. McKinney send the draft copy to Bauxite for their review and bring it back for the Commission's review and any changes you want to make. Mr. McKinney said traditionally, he would send it to Bauxite, Bauxite sends back their comments or whatever and once we have an agreement, we bring it back to the Commission and you would vote on the final. Member Miller seconded the motion. A vote was taken and approval given.

4.)

Discussion on signing Facility Study Agreement and paying \$75,000 to Energy for the Hurricane Lake Substation. Mr. McKinney said what this has to do with is an FSA which is a Facilities Study Agreement that Entergy requires for everyone who wants to hook onto their transmission lines. This is what we had to do for Benton West. It is \$75,000 that we have to pay and they are supposed to be getting me a copy of the FSA in the next week for us to sign. When they are done with the FSA we will know exactly what we will have to pay to Entergy. This is not the EPC. This is the just the Facility Study. We really have to have this done before we can move on. Chairman Martin asked if they are needing authorization to spend the \$75,000 on the study and Mr. McKinney said yes. Member Ferrell asked how long that study is good for and Mr. McKinney said there are two things that have to happen. One is we will have to go to MISO, which Entergy will lead the charge on that, and MISO will have to approve it. We are out 24 months on this, so they know it is not going to happen tomorrow. The FSA agreements are good for a long time, but he can't tell them how long but he can find out. Member Ferrell asked Mr. McKinney to check the time on that and Mr. McKinney said he will check but he knows it is a couple of years. We can probably even put a time in the study as to how long that study is good for. Member Ferrell asked if he had an idea of where the money is going to come from. Mr. McKinney said his suggestion is that it come from the Restricted Account. We could pay it out of the electric budget right now but if it runs short we will need to put that money back from the Restricted Account. It is however you want to run it. Chairman Martin asked if they had to do anything other than approve the money right now because it was not budgeted for and Mr. McKinney said that is correct. Member Ferrell asked for this to be deferred to the next meeting on February 17<sup>th</sup>. Chairman Martin told them they would defer it until the 17<sup>th</sup>.

5.)

Discussion and approval for signature on the WDS (Wholesale Distribution Services) Settlement Agreement. Mr. McKinney said they have come to an agreement through FERC for the WDS (Wholesale Distribution Service) which is the rate formula. The rate formula did not have a depreciation clause in it. Entergy said it did and we went back in forth over it. It finally got resolved and Entergy has agreed to

give us a base monthly charge of \$48,591. We were paying almost \$58,000 base prior to this agreement, so we are getting \$9,000 some odd dollars reduction from now on. If we were to drop one of the substations or a metering point from Entergy then it would have to be recalculated and it would go down again. They also agreed to pay us \$87,035 and they call that a black box refund. Basically it is where they overcharge us. North Little Rock, Osceola and Benton were the complainants. We all 3 settled on the same agreement other than it was based on your load and North Little Rock got a lot more money and Osceola got a lot less. There is an agreement that we are going to have to sign tomorrow morning. If you would give me the approval to sign this settlement I would appreciate it. Member Ferrell asked if that was a credit or a check and Mr. McKinney said it was a check. Member Miller made a motion to allow the General Manager to sign this agreement and Member Ferrell seconded the motion. A vote was taken and approval given.

6.)

Discussion and approval for signature on the new WDS (Wholesale Distribution Services) Agreement with Entergy. Mr. McKinney said item number 6 is the new agreement. The other one was a settlement and this is the agreement. You have a copy of that report and it is whole lot shorter than it used to be. It used to be 8 pages and now it is 2 because they took out the rate formula. Mr. McKinney read over the agreement and said it says this can't be changed unless the group goes in for a change, so it is pretty well locked in. It has already been signed by Kurt Castleberry from Entergy and this is what MISO is wanting to see is that we have signed this agreement. Member Ferrell made a motion to allow the General Manager to sign off on the Wholesale Distribution Service Agreement with Entergy. Member Best seconded the motion. A vote was taken and approval given. Chairman Martin asked how this over charge came to light and Mr. McKinney said two or three years ago he got a bill and it became clear that there were no ABC's and he could figure it out so he asked Entergy for a break down and they sent him a sheet. It had a bunch of stuff and one of the things that stuck in his mind was there was a concrete pad for the transformer at the Benton Substation that was put in in 1957 that we were still paying 1 1/2 % on that pad. So, 1957 to now is a lot of years. Mr. McKinney called up Dave Wilson, the attorney for AMPA, and he said there is a depreciation clause in that and we started looking and couldn't find it. As it turns out, Osceola and North Little Rock had the same agreements. When we went into MISO on December 19, 2013, we had to sign the WDS agreement. As you remember, he told the Commission he was not going to sign it because we were protesting it. They filed it unsigned with MISO which means we have to pay until its gets settled. That is kind of where the \$87,000 is coming from. This is the settlement because we didn't sign. That is how it all came about.

7.)

Discussion and approval of Work Order No. 36 for engineering services for the Willow Street Pump Station Improvements. Mr. Randy Hawkins said the Commission approved the concept of renovating this pump station in the budget for this year. We do have a lot of antiquated equipment that is really getting in bad shape. There are 2 out of 3 thirty foot shaft driven pumps that are operational right now. He supposes that stuff is about 1970's or 1980's and we are needing to do some upgrades there because of the hazards of those shaft drive pumps working down in the dry well while working on them. If they swarm, someone can be killed. We have a lot of wear and tear over the years and we are proposing to put in a wet well conversion out of that dry pit where the pumps are now. There are motors up on a higher level and of course the shaft driven pumps are down in the dry well. We are going to flood that to a wet well. We had planned to use the pumps from the Hurricane Lake upgrade that we are taking offline there. Mr. Byron Hicks of McClelland Engineers has had some other ideas sense and we may step down to some smaller pumps that would fit the line size and pump curves better. The bottom line is we

are wanting to get that done this year. Member Miller asked if tonight they were just asking for approval on the engineering and Mr. Hawkins said basically. A motion was made and seconded to move forward with the engineering on the Willow Street Pump Station improvement. A vote was taken and approval given.

8.)

Mr. McKinney said he had a couple of things that happened this afternoon that he wanted to bring them up to date on and one is House Bill 1082. This has to do with sewer billing. The entity that serves the sewer doesn't serve the water and is also outside the City limits. We have Centennial Valley and Heritage Heights and The Oaks that are 3 subdivisions that are outside of the City limits and are all under pre-annexation agreements. There is probably 300 to 400 customers. Mr. Hood said there is probably about 600 customers. Mr. McKinney said what they caught Andy Davis' eye and he modified the bill somewhat and we can live with these modifications except for one and Mrs. Cindy Hawkins, Billing Department Manager is in the process of writing a letter on why we can't do it. It basically states that when they are 25 days late that we will do all of this stuff. Right now we are 10 by ordinance. We are asking them to back it up to the 10 days. We can do the letters and door hangers or anything else they want. Tomorrow we are going to send that to Andy Davis and if he bites on that hopefully everyone else is ok with it.

9.)

On House Bill 1045 it is not going good and right now the way it states if you go into executive session you have to record the executive session and maintain security of that for 1 year. If that tape happens to get out to the public within that timeframe, you are held criminally liable. They have changed it and now they are saying the only way someone can see those tapes is through a subpoena. It does give the City Attorney the latitude to participate in those executive sessions, whereas up to now it really hasn't. That is a good thing that was in it. Member Miller asked if it restricts who can be a part of the executive sessions. Mr. McKinney said yes it has. Evidently, someplace there is someone that is not doing this right and they are punishing everyone for what a few do. Their way of checking this because nobody knows what is going on in the Executive Sessions, is to tape it. Member Ferrell asked who the sponsor of that bill is and Mr. McKinney said Andy Davis. He came and asked us what we liked and disliked. Member Ferrell asked if these bills were in committee and Mr. McKinney said they are. Member Ferrell asked if both of them are and Mr. McKinney said yes. Member Ferrell asked which committee and Mr. McKinney said he will check and send it to him in the morning. Member Best asked if we will know when they come up in committee and Mr. McKinney said he thinks he sent them the update that tells about all the House and Senate bills to them this afternoon. It says kill, watch or pass. He thinks it states right down below what it is in but he will make sure of that. Chairman Martin said it is probably the State Agencies and Mr. McKinney said yes. The bad thing is it bleeds over on us. Chairman Martin said he means the bills in the House State Agency Committee. Mr. McKinney said one was under Judicial something or other. He will give it to the Commission tomorrow morning. He will tell them that Senator Woods is the sponsor on the Senate side for that bill. Chairman Martin asked if there is a copy of the 1045 in one of these bills and Mr. McKinney said yes, he sent them all to the Commissioners. 1082 is the one Senator Woods is cosponsoring with Andy Davis. House Bill 1054 is Representative Bell. He did make a few revisions today but not enough for us to worry about. He will do this in the morning and send them the bill. You can get them on the statuses online.

10.)

Member Miller asked if we still own Lake Norrell or does someone else. Mr. McKinney said we own Lake Norrell. We had McClelland do a survey for us so we would know the elevations and could get that correct. Member Ferrell asked what the elevation was. Mr. McKinney said he thinks it was 422 feet but he will send that to them tomorrow. Mr. Houston has asked for a summary judgment. Some of the things he had to have in order to do that was the deeds and survey which he was given about 3 weeks ago. Member Best asked if it is 2 foot above the spillway and Mr. McKinney said it is either 2 1/2 or 3 above the spillway but he will send it to them tomorrow. This gentleman said where the problem lies is that there are no deeds to this property and therefore it is their property. McClelland took those deeds and surveyed them out to tell us where the lake was. He told Mr. McKinney not to worry about it.

11.)

Mr. Hawkins said they are set to start the McNeil Creek Sewer Improvement Project next Monday. We have all the easements recorded at the County Courthouse. Everything is going very well there and by July we should come under budget.

12.)

Mr. McKinney said today he received drawings of the new I-30 Expansion Project. It is 4.9 miles. It goes all the way to where I70 goes to a 4 lane. We have been invited to a meeting on the 10<sup>th</sup> and Mr. Hood, Mr. Hawkins and he will be going. It is at Garver's office in North Little Rock. They have asked us to present to them where our water, electric and sewer lines are as well as easements we have in place that have been given to us through the years. Member Ferrell said there are some things in the way and Mr. McKinney said that is correct. One of them that they are proposing in this thing, now it doesn't say it is a done deal, but the gentleman from Garver told him the project should start construction by June 2016 and they are proposing to redo Exit 116, which is Sevier Street. We have water lines, sewer lines and everything in there. They are redoing the whole thing. If you want to see the drawings they are in his office. He and Mr. Hood are going to sit down tomorrow at 9:00 AM and look at what we've got. It says if you are going to be requesting reimbursement, you must send us a letter. Member Ferrell made a motion to write a letter to the Highway Department advising them that are going to seek reimbursement on utilities and easements that fall within confines of the plan. Member Miller seconded the motion. A vote was taken and approval was given.

13.)

Chairman Martin reminded the Commissioners to let the staff know if you are going to go to the Chamber of Commerce Banquet on March 2<sup>nd</sup>, also today was the deadline to turn in your Financial Disclosure Forms if you have not done that you might want to jump on that quickly. Mr. McKinney said we have 2 tables reserved with 10 spots at each table that have already been paid for. There are 10 places for the Commissioners and 10 for staff and spouses. Chairman Martin said the City Clerk advised him today that it was due today.

14.)

Member Ferrell said he saw the Van Tassel Bond today for the Hurricane Lakes area. Mr. McKinney said we have been working with Mr. David Vondran, the City Engineer. We told Mr. Van Tassel that until they got the problems fixed that we weren't going to do it. He is making a concentrated effort here in the last week to 10 days. He has most of the sewer done but there are 2 spots where there is a 12 inch water line in the street, which we don't do anymore. So he has put a bond up for \$26,000 or so. We need to look at that and make sure it is enough before we accept it. He is not going to move that at this time. He has some acreage right on the lake that he wants to develop and when they do that they are going to move the road and when they move the road they will move the water line. Member Livers asked if we had accepted that bond and Mr. McKinney said no, we haven't seen it yet. Mr. David Vondran, City Attorney said they presented a quit claim deed to his office today to deed the property toward Plumb

Stations over to the City. He is making sure that those match the plat. Mr. McKinney said he thinks their plan was to have it to you in the next week or 2.

15.)

Member Best asked if they were complete on Hurricane Lake Pump Stations and Mr. Hawkins said 11 Worth Avenue there is one that he has verified the location with the county and sent all the information to Mr. Brent Houston to prepare a Quit Claim Deed and he has offered his services to Michael Rodgers in order to get it signed. It will need to be done before May 11<sup>th</sup> of this year or it will be auctioned. Mr. McKinney said he will contact him tomorrow.

16.)

Mr. McKinney said the appraisals on Highway 5 are completed and we have made offers to those people on that. They have been given until this Wednesday to respond, so if they don't respond or come to some agreement then we will file Eminent Domain. It has already been approved by the City Council.

17.)

Member Ferrell asked about the tank at Hurricane Lake. Mr. Hood said they still have a stop work order until we get better weather to paint it. Everything is in place but they are still waiting on a little bit of piping. When we get better weather they will be painting. Member Best asked if we are about 60 days out from filling it and Mr. McKinney said he thinks we have until April but we have to have consistent weather above 60 degrees. Member Miller said that tank will provide fire flows for a portion of Hurricane Lake like we talked about and Mr. McKinney said it satisfies the promise made by the Commission. Mr. Steve DiCicco said we will no longer need that meter there off of North Lake after that and Mr. McKinney said that is correct. We will leave it there but we won't need it.

RESOLUTION NO. 8 OF 2015

**A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT; AND FOR OTHER PURPOSES**

WHEREAS, the City of Benton, Arkansas desires to expand the number of firefighters within the City; and

WHEREAS, the City Council has determined that it is in the City's best interests to apply for a "Staffing for Adequate Fire and Emergency Response" (SAFER) grant for assistance in hiring up to nine (9) new fulltime fire fighters; and

WHEREAS, this governing body of the city understands as a condition of the grant being awarded it will have to enter into a binding agreement which obligates it to maintain staffing levels within the fire department and to incur no layoffs during a two (2) year period following the grant cycle.

NOW THEREFORE, BE IT RESOLVED as requested by the City of Benton, the Mayor or his designee is hereby authorized to make an application for a SAFER grant for up to nine (9) new fire fighters.

PASSED AND APPROVED this the \_\_\_\_\_ day of March, 2015.

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

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

RESOLUTION NO. 9 OF 2015

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY  
FROM SALINE COUNTY; AND FOR OTHER PURPOSES

WHEREAS, Saline County owns real property which presently houses the county road department and which is adjacent to real property owned by the City of Benton at what will become Riverside Park; and

WHEREAS, the voters of the city in 2013 approved the issuance of bonds along with a sale tax to fund city park improvements; and

WHEREAS, the design of the park encompasses the real property owned by the county; and

WHEREAS, Saline County has stated it will sell the property at public auction at a minimum bid price of \$1,589,375.00; and

WHEREAS, the terms of the sale are included within an order of the county court which is attached hereto as Exhibit "1"; and

WHEREAS, the City Council desires to acquire from Saline County the herein described real estate which will be designated as city park property.

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

SECTION 1: The City Council of Benton does hereby authorize the mayor to bid at the time of auction the minimum selling price for the herein described real property. The purchase will be subject to the terms and conditions set forth in the order of the county court. The Mayor is also authorized to pay the minimum purchase price for the property if the City is the successful bidder. The funds for this purchase are hereby deemed appropriated. Once acquired, the property shall be designated as park property within the City.

PASSED AND APPROVED this the \_\_\_\_\_ day of March, 2015.

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

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

IN THE COUNTY COURT OF SALINE COUNTY, ARKANSAS

COURT ORDER - M- 2015-\_\_\_\_\_

IN THE MATTER OF THE SALE  
OF CERTAIN COUNTY  
REAL PROPERTY –  
SALINE COUNTY SURPLUS PROPERTY

**ORDER**

ON THIS THE \_\_\_\_\_ DAY OF FEBRUARY, 2015, comes Saline County Judge Jeff Arey, stating that Saline County, Arkansas, is in possession of certain county surplus real property, containing 10.53 acres more or less described to wit:

SEE EXHIBIT "A" ATTACHED HERETO.

Whereas, pursuant to A.C.A. § 14-16-106(a) if it is determined by the county judge that county real property is surplus, the property may be sold at public auction to the highest bidder.

Whereas, Saline County intends to auction the real property identified in "Exhibit A" as surplus property at public auction, subject to the following:

- a. That the real property identified in Exhibit "A" is currently being used as the location for the Saline County Road Department.
- b. That the Saline County Road Department is planning on relocating to another location.
- c. That the buyer of the real property identified in Exhibit "A" will take possession and receive the deed to the property within thirty (30) days of the completion of the building of the Saline County Road Department's new location;
- d. That there will be a reserve price for the real property identified in Exhibit "A" in the amount of ONE MILLION FIVE HUNDRED EIGHTY NINE THOUSAND THREE HUNDRED SEVENTY FIVE AND 00/100 (\$1,589,375.00);

- e. That the real property shall be used exclusively for public park purposes;
- f. That fifty percent (50%) of the sale price for the real property identified in Exhibit "A" shall be paid at the time of the sale by cashier's check, made payable to Saline County, Arkansas, in the amount of SEVEN HUNDRED NINETY FOUR THOUSAND SIX HUNDRED EIGHTY SEVEN AND 50/100 (\$794,687.50); and
- g. That the remaining fifty percent (50%) of the purchase price, in the amount of \$794,687.50, shall be payable within thirty (30) days of the completion of the building of the Saline County Road Department and simultaneously with the deed transfer.

Saline County reserves the right to reject any and all bids and to withdraw from the sale of the real property identified in "Exhibit A." Therefore, it is ordered that the real property described above and identified in "Exhibit A" is surplus property; and it be sold at public auction to the high bidder.

IT IS SO ORDERED THIS \_\_\_\_\_ DAY OF FEBRUARY, 2015.

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Jeff Arey, Saline County Judge

All that part of the Northeast Quarter of the Northeast Quarter of Section 16, Township 2 South, Range 15 West, Saline County, Arkansas, described as follows:

Commencing at the Northeast corner of the Northeast Quarter of the Northeast Quarter of Section 16, Township 2 South, Range 15 West; thence North 87 deg. 46 min. 03 sec. West, along the North line of the Northeast Quarter of the Northeast Quarter, 573.27 feet; thence South 06 deg. 26 min. 57 sec. West, leaving said North line, 176.82 feet to the point of beginning; thence South 84 deg. 01 min. 20 sec. East, 224.26 feet; thence South 01 deg. 06 min. 14 sec. East, 1147.44 feet; thence North 85 deg. 21 min. 08 sec. West, 190.71 feet; thence North 89 deg. 32 min. 53 sec. West, 245.49 feet, more or less, to the Southeast corner of Deed Book 2008, Page 39558; thence North 02 deg. 02 min. 20 sec. East, along the East line of Deed Book 2008, Page 39558, 362.54 feet, more or less, to the Southeast corner of Riverview Subdivision; thence North 02 deg. 17 min. 38 sec. East, along the East line of Riverview Subdivision, 793.22 feet; thence South 88 deg. 21 min. 32 sec. East to the point of beginning.

*Exhibit "A"*

**RESOLUTION NO. 10 OF 2015**

**A RESOLUTION RATIFYING AND CONFIRMING THE REAPPOINTMENT OF  
KAREN CROWSON AS COMMISSIONER TO THE CITY OF BENTON BOARD  
OF ADJUSTMENT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Benton created the City of Benton Board of Adjustment by Ordinance 22 of 1992; and

**WHEREAS**, the City Council desires to reappoint KAREN CROWSON to the term of office she currently serves until its expected expiration date of January 1, 2018;

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

**SECTION 1:** Karen Crowson is hereby confirmed as a member of the City of Benton Board of Adjustment.

PASSED AND APPROVED this the \_\_\_\_ day of March, 2015.

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David J. Mattingly, Mayor

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Cindy Stracener, City Clerk

**RESOLUTION NO. 11 OF 2015**

**A RESOLUTION RATIFYING AND CONFIRMING THE REAPPOINTMENT OF  
JIM VILLINES AS COMMISSIONER TO THE CITY OF BENTON BOARD OF  
ADJUSTMENT; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Benton created the City of Board of Adjustment by Ordinance 22 of 1992; and

**WHEREAS**, the City Council desires to reappoint JIM VILLINES to the term of office he currently serves, until it's expected expiration date of January 1, 2018;

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

**SECTION 1:** Jim Villines is hereby confirmed as a member of the City of Benton Board of Adjustment.

PASSED AND APPROVED this the \_\_\_\_ day of March, 2015.

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David J. Mattingly, Mayor

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Cindy Stracener, City Clerk

**ORDINANCE NO. 14 OF 2015**

**AN ORDINANCE ESTABLISHING THE DEPARTMENT OF ECONOMIC DEVELOPMENT; SEPARATING THE DEPARTMENT OF COMMUNITY SERVICES AND ECONOMIC DEVELOPMENT INTO TWO DEPARTMENTS; CREATING THE BENTON BUSINESS DEVELOPMENT INITIATIVE; AUTHORIZING THE CREATION OF CITY TRADEMARKS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City of Benton previously maintained the Department of Community and Economic Development; and

WHEREAS, the City has determined that it is in the city's best interest to establish a separate department for the purpose of promoting and recruiting businesses and employers to the city; and

WHEREAS, the City has determined that the city should likewise promote the expansion of existing businesses within the city; and

WHEREAS, it has also been determined that the development of these interests are important to the long term needs of the city of Benton and its citizens through expansion of the local economy and job creation; and

WHEREAS, the City has determined that the Department of Community and Economic Development should be divided into two departments in order to properly focus on these economic interests within the city; and

WHEREAS, the promotion of the City of Benton for these purposes shall be known as the Benton Business Development Initiative.

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

SECTION 1. The Department of Community and Economic Development shall be divided into two departments, which shall be known as the Department of Community Development and the Department of Economic Development. The Department of Community Development shall retain the responsibilities of issuing permits, code enforcement and all technical and other administrative duties not specifically assigned to the Department of Economic Development herein.

SECTION 2. Each department shall have a department head which shall be appointed by the mayor as set forth in ACA. § 14-42-110.

SECTION 3. The Department of Economic Development shall be responsible for the economic development and economic promotion of the City of Benton. This

shall include promoting the expansion of existing businesses as well as recruiting new businesses and employers to the city, whether industrial, commercial, service or retail.

SECTION 4. The Department of Economic Development shall have all powers authorized by state law to fulfill its duties and responsibilities. These powers shall include, but are not limited to, developing and implementing a marketing strategy for the city; contacting prospective employers and businesses for the purpose of recruiting them to the city; working with the Arkansas Economic Development Commission to secure incentives for businesses locating to the City of Benton; obtaining community input and advice; obtaining any necessary logos and trademarks for the city; applying for grants, which will support the goals of this initiative; and any other power reasonably necessary for implementing the Benton Business Development Initiative (BBDI).

SECTION 5. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 6. Due to necessity of economic development within the city, there is an immediate need to adopt this ordinance. Therefore, an emergency exists, and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

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

DESIGNATED FOR PUBLICATION

**ORDINANCE NO. 15 OF 2015**

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

WHEREAS, an application for zoning was filed with the Planning and Zoning Commission of the City of Benton, Arkansas by Mike Welch, Paula Welch, Randy Rodewald and Sandra Rodewald, requesting that the land hereinafter described be zoned to CH - Highway Commercial; and

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

WHEREAS, the City Council of the City of Benton, Arkansas desires to zone the following property as CH-Highway Commercial

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

SECTION 1. The following described property is hereby rezoned from R1-7.5 to CH-Highway Commercial:

ALL THAT PART OF THE SE¼ OF THE SE¼ OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 14 WEST, SALINE COUNTY, ARKANSAS MORE FULLY DESCRIBED AS FOLLOWS: Commencing at the Southeast corner of Section 30 and run thence North, along the East line, for 258 feet to the point of beginning; run thence North, along the East line thereof, for 207 feet; run thence West for 660 feet; run thence South for 207 feet; run thence East for 660 feet to the point of beginning. Subject to an easement for utilities over the South 15 feet thereof. Together with an easement for utilities over a strip of land 15 feet in width, being 15 feet South of the South line of the above described property.

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

PASSED AND APPROVED, this \_\_\_\_ day of March, 2015.

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

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

P & Z Vote 6 - 0

DESIGNATED FOR PUBLICATION

**Zoning/Conditional Use Check List**

X

Cover Memo (~~from Jim Towe~~) Bill Staggs

X

Application

X

Zoning Fee (\$30)

X

Posting of Sign (15 days before meeting)

X

Proof of Publication (15 days before meeting)

X

Site Specific Rezone We Need Good Site Plan

X

Vicinity Map

X

Notification of people within 300 feet, (15 days before)

X

Green Card or Return Receipt

N/A

E-mail from Benton Utilities (J Barnett)

X

E-mail from Fire Department (B Armstrong)

X

E-mail from Water Dept. D Hood)

X

E-mail from Wastewater (J Buff)



# CITY OF BENTON

Community Development

P.O. Box 607  
Benton, Arkansas 72018

## MEMO

TO : Planning & Zoning Commissioners

FROM: Bill Staggs

MEETING: February 10, 2015

RE: Re-Zone of 6948 Alcoa Road  
Requested by Mike Welch

Staff has reviewed the proposed Re-Zone request and recommends approval. All requirements have been met for this Re-Zone request from R1-7.5 to CH. Required documentation is attached and fees have been received.

Staff Use:  
DATE SUBMITTED 01-23-15  
DATE OF NEXT MEETING 02-10-15  
AD MUST RUN NOT LATER THAN 01-26-15

Application and Procedural Requirements for Rezone Permit

Applicant's Name MIKE WELCH, RANDY ROEWALD

Address of Subject Property 6948 ALCOA RD.

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

SEE ATTACHED

Assessor's Parcel Number of Subject Property 805-05032-000

Zoning District of Subject Property R1-7.5 to CH

Proposed Use Property has always been used for commercial purposes

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

I hereby certify that I am the owner of the property identified in this application; or, that I am the authorized agent of Mike Welch, Randy Rowald, who is the owner of said property; or that I am the employee or agent of \_\_\_\_\_, which is a public utility company or other agency with the powers of eminent domain, and that I am authorized to act in their behalf, and that this application, to the best of my knowledge and belief, is true and correct.

Signed [Signature]

Mailing Address 6948 ALCOA RD  
BENTON AR 72015

Phone Number 501 778 9065

Subscribed and certified to me this 23 day of January, 2015.

[Signature]  
Community Development Dept Representative

FILED  
NOTARY PUBLIC &  
CLERK  
1996 SEP 10 AM 8 18  
BY MLA

**WARRANTY DEED**

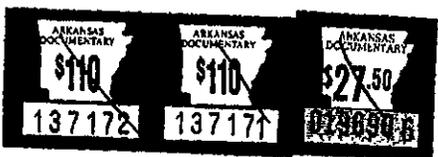
THIS WARRANTY DEED, dated August 30th 1996, is from HIDDEN SPACES LLC, a Colorado limited liability company ("Grantor"), to Mike Welch and Paula Welch, husband and wife and Randy Rodewald and Sandra Rodewald, husband and wife ("Grantees").

For \$75,000.00 dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby sells and conveys to Grantees all of Grantor's right, title and interest in and to the real property described on the attached Exhibit A, together with all appurtenances thereto, and warrants title to the same, free and clear of all liens, taxes, assessments and encumbrances whatsoever except as described on the attached Exhibit B.

1996 32396

To have and to hold the same unto Grantees, their heirs, personal representatives and assigns forever.

Executed as of the date first written above.



HIDDEN SPACES LLC, a Colorado limited liability company

By: [Signature]  
Michael J. Powell, Manager

**ACKNOWLEDGMENT**

STATE OF ARKANSAS )  
                                  )SS  
COUNTY OF SALINE )

On this 30th day of August, 1996, before me, a Notary Public, duly commissioned qualified and acting, within and for the said County and State, appeared in person the within named MICHAEL J. POWELL to me personally well known, who stated that he was the Manager of the HIDDEN SPACES LLC, a Colorado limited liability company, and was duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said limited liability company, and further stated and acknowledged that he had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 30th day of August, 1996.



My Commission Expires  
June 27, 2001

[Signature]  
**HARRY ALLEN** Notary Public

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument. Exempt or no consideration paid if none shown.

GRANTEE OR AGENT: Jessica Miller  
GRANTEES'S ADDRESS: 3709 W. 7th  
Little Rock, AR 72205



**EXHIBIT A TO  
WARRANTY DEED FROM HIDDEN SPACES LLC TO  
MIKE WELCH AND PAULA WELCH AND  
RANDY RODEWALD AND SANDRA RODEWALD**

All that part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 1 South, Range 14 West, Saline County, Arkansas, more fully described as follows:

Commencing at the Southeast corner of Section 30 and run thence North along the East line for 258 feet to the point of beginning; run thence North, along the east line thereof for 207 feet; run thence West for 660 feet; run thence South for 207 feet; run thence East for 660 feet to the point beginning. Subject to an easement for utilities over the South 15 feet thereof. Together with an easement for utilities over a strip of land 15 feet in width, being 15 feet South of the South line of the above described property.

1986 32397

PF0170

①

DATE 01-23 20 15

N<sup>o</sup> 36062 CITY OF BENTON, ARKANSAS  
GENERAL FUND

RECEIVED OF Brian Butler \$ 30.00

FOR Rezone application of 6948 Alcoa Rd

check # 3007

P. M. Raulo

RECEIVED BY:

# Proof of Publication

STATE OF ARKANSAS

County of Saline

I, Maribel Buech, do solemnly swear that I am Legal Advertising Clerk for The Saline Courier, a daily newspaper printed in said county, and that I was such at the date of publication hereinafter stated, and that said newspaper had a bona fide circulation in such county at said dates, and has been regularly published in said county since the year 1876 before the date of the first publication of the advertisement hereto annexed, and that said advertisement was published in said newspaper 1 times for 1 issues, the first insertion therein having been made on 1-27-2015, and the last insertion on 1-27-2015.

Billed Account Thuffman Butter, PLLC

Ad Number 63106

Maribel Buech  
Legal Advertising Clerk

Sworn to and subscribed before me on 1-27-15

Julie Allbritton  
Notary Public

### FEE FOR PRINTING

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

JULIE ALLBRITTON  
SALINE COUNTY  
NOTARY PUBLIC - ARKANSAS  
My Commission Expires February 23, 2022  
Commission No. 12386497

**Legal Notices**

**PUBLIC NOTICE**

Notice is hereby given that a hearing will be held by the Planning and Zoning Commission of the City of Benton, Arkansas on the 10th day of February, 2015 at 6:00 p.m. at Benton City Hall, Benton Arkansas for a Rezoning Petition for the following property located at 6948 Alcoa Road, Benton, Arkansas 72015

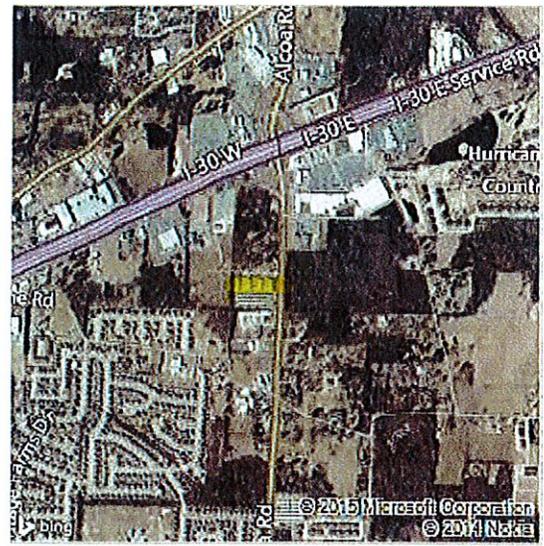
ALL THAT PART OF THE SE1/4 OF THE SE1/4 OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 14 WEST, SALINE COUNTY, ARKANSAS MORE FULLY DESCRIBED AS FOLLOWS: Commencing at the Southeast corner of Section 30 and run thence North, along the East line, for 258 feet to the point of beginning; run thence North, along the East line thereof, for 207 feet; run thence West for 660 feet; run thence South for 207 feet; run thence East for 660 feet to the point of beginning. Subject to an easement for utilities over the South 15 feet thereof. Together with an easement for utilities over a strip of land 15 feet in width, being 15 feet South of the South line of the above described property.

Said property is proposed to be rezoned from its current zoning as R-1-7.5 to Highway Commercial (CH)



My Notes

On the go? Use [m.bing.com](http://m.bing.com) to find maps, directions, businesses, and more



5

RESOLUTION NO. 12 OF 2015

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH YOUR AD TEAM; APPROPRIATING FUNDS FOR THIS PURPOSE; AND FOR OTHER PURPOSES

WHEREAS, the City Council desires to begin its own marketing campaign of the City of Benton to prospective employers and businesses in order to expand the local economy which will be of benefit to the citizens; and

WHEREAS, the City advertised for proposals for professional advertising and marketing services for this purpose; and

WHEREAS, the City desires to enter into a contract with Your Ad Team to begin a plan of marketing the City of Benton for these purposes

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 Your Ad Team for the purpose of marketing and advertising the City of Benton to prospective employers and businesses.

SECTION 2: The total funding for the contract in the amount of \$50,000.00 is hereby deemed appropriated.

PASSED AND APPROVED this the \_\_\_\_\_ day of March, 2015.

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

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

**RESOLUTION NO. 13 OF 2015**

**A RESOLUTION RATIFYING AND CONFIRMING THE REAPPOINTMENT  
OF SAMUEL TATOM, JR. AS COMMISSIONER TO THE BENTON CIVIL  
SERVICE COMMISSION; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Benton created the City of Benton Civil Service Commission by Ordinance 26 of 1981; and

**WHEREAS**, the City Council desires to reappoint SAMUEL TATOM, JR. to fill the term of office he currently serves until its expected expiration date of April 1, 2021;

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

**SECTION 1:** Samuel Tatom, Jr. is hereby confirmed as a member of the City of Benton Civil Service Commission. His term of office will expire April 1, 2021.

PASSED AND APPROVED this the \_\_\_\_ day of March, 2015.

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

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

RESOLUTION NO. 14 OF 2015

A RESOLUTION AUTHORIZING THE MANAGER OF THE SEWER DEPARTMENT TO MAKE CERTAIN SEWER CONNECTIONS OUTSIDE THE CORPORATE LIMITS OF THE CITY OF BENTON, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Benton, Arkansas has authorized, in Ordinance 68 of 2005 and in Ordinance 8 of 2008, that sewer connections may be made outside the corporate limits of the City; and

WHEREAS, the General Manager of the utility department has requested that certain sewer connections be authorized by the City Council in order to assist with the extension of sewer service along Alcoa Road.

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

SECTION 1: Pursuant to Ordinance 8 of 2008 the Manager of the Sewer Department is hereby authorized to connect sewer to the following properties along Alcoa Road, which is located outside the corporate limits of the City of Benton, Arkansas:

- 1) 4511 Sleepy Village

PASSED AND APPROVED this the \_\_\_\_\_ day of March, 2015.

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

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