

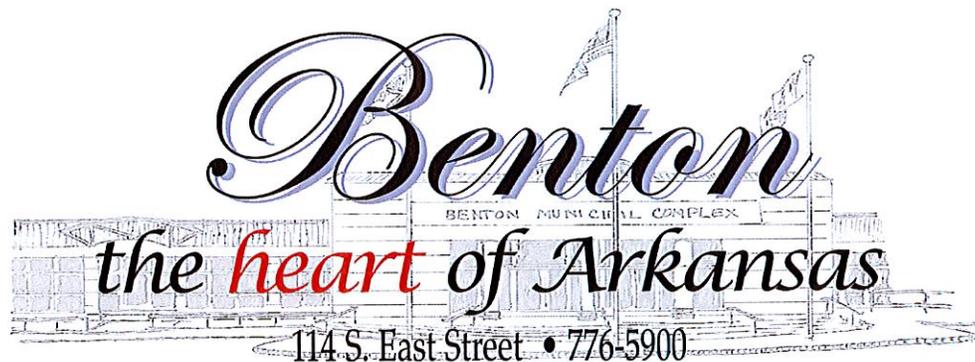
BENTON CITY COUNCIL MEETING

MARCH 23, 2015

7:00 PM



AGENDA MEETING 6:15 PM



BENTON MUNICIPAL COMPLEX
114 SOUTH EAST STREET
COUNCIL CHAMBERS

DAVID MATTINGLY, MAYOR

REGULAR SESSION
March 23, 2015
7:00 PM
AGENDA

- | | | |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| I. | Call to Order | Mayor Mattingly |
| II. | Invocation | |
| III. | Pledge of Allegiance | Alderman Donnor |
| IV. | Roll Call | City Clerk |
| V. | Approval of Minutes | March 9, 2015
<i>Regular Meeting</i> |
| VI. | Service Awards
<i>Joey Bedsole, 10 years</i>
<i>Billy Holt, 15 years</i> | Mayor Mattingly |
| VII. | Proclamation
<i>March 2015 "March for Meals Month"</i> | Mayor Mattingly |
| VIII. | Employee of the Year Presentation
<i>Officer Eli Fowlkes</i> | Alderman Donnor |
| IX. | ORDINANCE NO. 16 of 2015
<i>AN ORDINANCE DESIGNATING THE DISTRICT COURT CLERK AS THE OFFICIAL RESPONSIBLE FOR THE COLLECTION OF FINES ASSESSED IN DISTRICT COURT FOR THE CITY OF BENTON, ARKANSAS</i> | Mayor Mattingly |
| X. | ORDINANCE NO. 17 OF 2015
<i>AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO WINDSTREAM COMMUNICATIONS, LLC.; WINDSTREAM NORLIGHT, LLC.; WINDSTREAM NUVOX, LLC. MCLEOD, USA, LLC.; PAETEC COMMUNICATIONS, LLC. AND THEIR SUCCESSORS AND ASSIGNS A NON-EXCLUSIVE FRANCHISE TO OPERATE IN THE CITY OF BENTON; ESTABLISHING FRANCHISE FEES TO BE PAID; AUTHORIZING THE ACCEPTANCE OF PAST DUE FRANCHISE FEES; REPEALING ORDINANCE 6 OF 2015; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | Mayor Mattingly |
| XI. | ORDINANCE NO. 18 OF 2015
<i>AN ORDINANCE AMENDING THE 2015 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 75 OF 2014; APPROPRIATING FUNDS FOR THE OPERATIONS OF THE CITY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | Mayor Mattingly |
| XII. | COMMITTEE REPORTS & MOTIONS | |
| | 1. Finance Committee | Alderman Ponder |
| | A.) RESOLUTION NO. 15 OF 2015
<i>A RESOLUTION AUTHORIZING THE OFFERING OF CAPITAL IMPROVEMENT REVENUE BONDS TO FINANCE PARK AND RECREATIONAL IMPROVEMENTS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.</i> | |

B.) RESOLUTION NO. 16 OF 2015

A RESOLUTION AUTHORIZING THE OFFERING OF SALES AND USE TAX BONDS TO FINANCE PARK AND RECREATIONAL IMPROVEMENTS; AND PRESCRIBING OTHER MATTERS RELATING THERETO

C.) RESOLUTUION NO. 17 OF 2015

A RESOLUTION AUTHORIZING THE PURCHASE OF A PUMPER TRUCK AND RELATED EQUIPMENT FOR THE FIRE DEPARTMENT FROM SUNBELT FIRE, INC; APPROPRIATING FUNDS FOR THIS PURCHASE; AND FOR OTHER PURPOSES

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

A.) ORDINANCE NO. 19 OF 2015

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

B.) RESOLUTION NO. 18 OF 2015

A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE CLOSING OF A UTILITY EASEMENT LOCATED ALONG THE WEST LOT LINE OF LOT 64, HURRICANE LAKE ESTATES WESTSHORE ADDITION PHASE 3 (6587 WESTMINSTER DRIVE).

- 3. Streets & Drainage Committee Alderman Cunningham**

A.) RESOLUTION NO. 19 OF 2015

A RESOLUTION AMENDING RESOLUTION NO. 23 OF 2009 AND RESOLUTION 10 OF 2012; AND FOR OTHER PURPOSES

- 4. Personnel/Health & Safety Committee Alderman Donnor**

- 5. Parks Committee Alderman Lee**

A.) RESOLUTION NO. 20 OF 2015

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

- 6. Public Utilities Commission Alderman Herzfeld**

- 7. A & P Commission Aldermen Donnor & Ponder**

XIII. Unfinished Business

XIV. New Business

XV. Announcements

XVI. Adjourn

MINUTES OF THE BENTON CITY COUNCIL
Regular Session
March 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 Reed 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 Jim Gardner	Alderman James Herzfeld
Alderman Steve Lee	Alderman Lori Terrell
Cindy Stracener, City Clerk	Brent Houston, City Attorney
David Mattingly, Mayor	

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

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

The city was presented with a city of distinction award from Nathan Rutledge, Crews & Associates for a quality of life award for the Riverside Park Project.

Mary Katherine Dawson was recognized as the January Youth of the Month. John Mortiz was recognized as the February Youth of the Month.

Officer Zachary McAnally was recognized as the employee of the month.

David Vick, Eric Knapp, Craig Hill and Wade Goodwin were each recognized for 15 years of service with the Fire Department. They all started work on the same day.

The next item on the agenda was Resolution 8 of 2015 – A Resolution Authorizing the City to Apply for a Staffing for Adequate Fire and Emergency Response Grant; and For Other Purposes. Alderman Donnor made a motion to approved Resolution 8 of 2015. Seconded by Alderman Ponder. The resolution was read by the city clerk. The Mayor asked for any questions. 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 Gardner yes, Alderman Herzfeld yes,

Alderman Lee yes, and Alderman Terrell yes. Resolution 8 of 2015 was approved with 10 affirmative votes.

The next item on the agenda was Committee reports and motions. Alderman Ponder was recognized for the Finance Committee report. Alderman Ponder made a motion to adopt Resolution 9 of 2015 – A Resolution Authorizing the Purchase of Real Property from Saline County; and For Other Purposes. Seconded by Alderman Baptist. The resolution was read by the city clerk. The property is for the Riverside Park project. The Mayor asked for any comments or questions. 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 Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 9 of 2015 was approved with 10 affirmative votes. Alderman Ponder stated that a Finance Committee meeting will be held this Thursday at 6:00 pm.

Alderman Reed was recognized for a report from the Community Service/Animal Control Committee. Alderman Reed made motion to approve Resolution 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. Seconded by Alderman Donnor. The resolution was read by the city clerk. The Mayor asked for any comments. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 10 of 2015 was approved with 10 affirmative votes.

Alderman Reed made a motion to adopt Resolution 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. Seconded by Alderman Gardner. The resolution was read by the city clerk. The Mayor asked for any comments. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 11 of 2015 was approved with 10 affirmative votes.

Alderman Reed asked for the first reading of Ordinance 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. Seconded by Alderman Lee. The ordinance was read by the city clerk. The Mayor asked for any comments. Alderman Reed made a motion to suspend the rules for the second and third readings. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called on the motion to suspend. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend the rules was approved with 10 affirmative votes. Alderman Reed made a motion to adopt Ordinance 14 of 2015 on its second and third readings. Seconded by Alderman Lee. The ordinance was read by title only. The Mayor asked that the roll be called. Roll called

resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 14 of 2015 was adopted with 10 affirmative votes. Alderman Reed made a motion to approve the emergency clause. Seconded by Alderman Lee. The Mayor asked that the roll be called for the emergency clause. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was approved with 10 affirmative votes.

Alderman Reed asked for the first reading of Ordinance 15 of 2015 – An Ordinance Rezoning Certain Land in the City of Benton, Saline County Arkansas, Declaring an Emergency, and For Other Purposes. Seconded by Alderman Donnor. The ordinance was read by the city clerk. The Mayor asked for any comments. This rezone is for property located at 6948 Alcoa Road from R1-7.5 to CH highway commercial. The Mayor asked for any comments. None. Alderman Reed made motion to suspend the rules for the second and third readings of Ordinance 15 of 2015. Seconded by Alderman Terrell. 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 Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend the rules was approved with 10 affirmative votes. Alderman Reed made a motion to adopt Ordinance 15 of 2015 on its second and third readings. Seconded by Alderman Donnor. The ordinance was read by title only. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 15 of 2015 was adopted with 10 affirmative votes. Alderman Reed made a motion to approve the emergency clause. Seconded by Alderman Murphy. 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 Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was approved with 10 affirmative votes.

Alderman Reed made a motion to adopt Resolution 12 of 2015 – A Resolution Authorizing the Execution of an Agreement with Your Ad Team; Appropriating Funds for this Purpose; and For Other Purposes. Seconded by Alderman Gardner. The resolution was read by the city clerk. The Mayor asked for any comments. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 12 of 2015 was adopted with 10 affirmative votes.

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. Alderman Donnor made a motion to approve Resolution 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. Seconded by Alderman Ponder. The

resolution was read by the city clerk. The Mayor asked for any comments. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 13 of 2015 was approved with 10 affirmative votes.

Alderman Lee was recognized for the Parks Committee report. He stated that the committee met on February 24, 2015. The committee approved the low bid of \$28,816 for a sprayer. We approved the Mayor continuing on toward the acquisition of land for Riverside Park, which was taken care of with Resolution 9 of 2015 tonight.

Alderman Herzfeld was recognized for the Public Utility Commission report. Alderman Herzfeld made a motion to approve Resolution 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. Seconded by Alderman Lee. Alderman Herzfeld stated that when the city takes property on Alcoa Road for the widening then it leaves this property less than what is required for a septic tank, thus they are requesting to be hooked on to the city sewer. The resolution was read by the city clerk. The Mayor asked for any comments. The property owner asked how this was going to be hooked up. Randy Hawkins stated that two offers were made one in which the landowners would run a 4 inch service line from their house to the manhole which is on the west side of Alcoa. They would have to encase the line under Alcoa Road and would be a service line and their responsibility to maintain. Another option is to put in an 8 inch sewer main with a manhole on the east side of the property on their side of Alcoa Road, it would go under the street to the same manhole that I spoke of earlier. They would simply tie their sewer service line onto the manhole on their side and Benton Utilities would be responsible for the maintenance under Alcoa Road under these conditions because it is classified as a sewer main. Those two options are available. The owner stated so the manhole is on our side of the property. Mr. Houston stated that there are two options that have been extended by the city in this case. After speaking with the attorney today, I am not sure which option is going to be exercised. But either one the city is not paying for this line that will be paid for by the county or the property owner but the city is not going to be responsible for the installation and the connections. We are simply authorizing the connection to be made. Alderman Lee stated that I think her question is will the manhole be in the right a way or on her property. Mr. Hawkins stated that he was not sure and was hesitate to answer that question. The owner asked would the manhole have to be authorized at a later date. Mr. Houston stated that all this council has the authority to do is to make the connection. All other issues will have to be handled at the Utility Commission level. The Mayor asked that the roll be called for Resolution 14 of 2015. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 14 of 2015 was approved with 10 affirmative votes.

Alderman Herzfeld gave his PUC report. See attached.

Alderman Ponder was recognized for the Advertising and Promotion Commission's report. He gave that report. See attached.

The Mayor stated the study that reviewed all the pay grades and job descriptions has been finalized and the Personnel Committee will meet and discuss it in the next couple of weeks. Lockdown training for city hall was held last week. A bid package for Alcoa Road will need to be completed by the end of September. Utility work is underway and we have received our first invoice for Alcoa Road.

The meeting adjourned at 7:49 p.m.

Cindy Stracener, City Clerk

David Mattingly, Mayor

Public Utility Commission Meeting Summary of the February 17, 2015 Meeting

All members were in attendance with the exception of Member Livers who came in right before the meeting adjourned.

The first item on the agenda is a presentation by Blair Johanson on the new wage study he recently conducted. Mr. Johanson said this is going to be a summary of the market pay and benefits study we did for the Utility. On the market pay, we are looking at your average pay against the market for like type positions, and you will see that we compared with other utilities and municipalities that have utilities. We are anywhere from about 26% behind Central Arkansas Water to about 3.3% to the positive compared to Sherwood with a mean of about 10% behind the market and about 8.42 on the median. That is just looking strictly at based pay comparisons and then they were asked to go ahead and compare benefits, because when you look at benefits and compensation you want to consider both of those when you are looking at the market. When we look at you being behind the market pay at about 10% and you are above the market on benefits by about 4% on the cost share, then you will see we are about 6% behind the market. Their recommendation is they adjust the employee pay structure, not the employee pay, by 6% on your 2012 range structure. It has been a while since you adjusted the range structure and a 6% adjustment would bring you current to the market. That is your minimum midpoint max structure and would get you to the market and be able to live with that for a couple of years out until the market adjusts over time. That is going to be our recommendation from a range structure that you move that by about 6%. A motion was made and seconded to adopt the recommendation to have 6% applied to compensation packages. A vote was taken and approval given.

Presentation by Michael Collier on the December financial statements. Mr. Collier was not in attendance and Mr. McKinney presented the financial statement. Mr. McKinney said if you look at the December 2014 report that is before you, we ended up for the month of December \$123,464.00 expenses over revenues. For 4 out of the 5 last months, we had revenues over expenses. We ended out the year \$1,025,868.00 revenues over expenses. We came out just about where we thought we would and if you look at the original budget, we budgeted where we were going to be \$523,000 revenues over expenses, which is almost double for the year. We had a very mild and wet summer. Water sales were off and electric sales were way

down about 8 or 9% according to Mr. Jeff Barnett, Electric Department Manager. Mr. Collier prepared this for them and he thinks this all of the reports that you want. Chairman Martin asked if the Piggott and Mauldin contributions are in there on the revenue side and Mr. McKinney said they were. All monies received are in there, including the money we got from Constellation back at the beginning of the year. That is probably why we have the extra \$500,000. Chairman Martin said if you take that out of the \$1,000,000, you are back where we estimated where we budgeted to be. Mr. McKinney said it is pretty close. A motion was made and seconded to accept the financial report for the year ending. A vote was taken and approval given. Chairman Ferrell asked if they had a lot of response on the comptroller position. Mr. McKinney said they are going to discuss that later.

Discussion on recent Moody's rating. Mr. McKinney said they received an alarming memo from a gentlemen at Moody's and they wanted to know why we busted out of our agreement specifically with the cost share ratio that we have to maintain for the bonds which is 1.5 million or so. When he got that email, it bothered him so he called Stephens Inc. and Shepp Russell from Friday, Eldredge and Clark Law Firm and sent them the email and immediately, with their help, started checking everything out. The bottom line is we had to supply a lot of data and a lot of information to Moody's and the nice thing is that they came back on February 12th and Moody's Investors Service said that Benton Utilities has a rating of A1.

Discussion and approval of agreement with Benton School District to install one antenna on the water tower. Mr. McKinney said they had talked to the City Attorney on this and basically what they are asking for is they want to attach an antenna on the top of the water tower. The problem they are having is with the school buses not being able to communicate. They need to be able to communicate with the school buses. Mr. DiCicco, Water Department Manager asked if this was the new tank. Mr. McKinney said it doesn't say what water tower but they have to go through Mr. DiCicco to put it up. They are saying also that this will continue and either party can stop it within 30 days of written notice. Mr. DiCicco said he was wondering if it was the Carpenter Street Tank because when they took down that array of cell phone towers they left the framework up there and he told them to leave it because he thought it might be beneficial to us someday. Member Ferrell asked if this is just one antenna and Mr. McKinney said it was and they have agreed in writing that if it causes it any problems they will remove it within 30 days of

receiving notification. A motion was made to allow the General Manager to sign the agreement once the insurance verification is complete. A vote was taken and approval given.

Approval to sign the agreement for Scott Lovell to perform audit activities for the year 2014. Mr. McKinney said Mr. Scott Lovell sent him the agreement between Benton Utilities and Yoakum and Lovell to do the Utilities audit. In the past we had a finance officer. It was determined that the utility needs to put it in the minutes that it is approved and give authorization to sign so that Mr. Lovell can perform their duties. They are doing the audit now, but they need the paperwork to back it up. That is what you have before you there. One question that was asked was how much it is going to cost. If you look at the history on these it is pretty close. Member Martin said since it historically uses Benton Municipal Light and Water Works can we add a clause on the closing statement signature dba Benton Public Utilities? Mr. McKinney said he would ask Mr. Lovell but he thinks that it should be Benton Utilities. Member Martin said at least doing business as Benton Utilities. A motion was made and seconded that gave Mr. McKinney authorization to sign the agreement. A vote was taken and approval given.

Discussion and possible approval to sign Facilities Study Agreement with Entergy Arkansas and to pay the \$75,000 for the study. Mr. McKinney said at the last meeting he did not have the Facility Study agreement that Member Ferrell had requested. Basically it is \$75,000 that we have to pay for the Facility Study and if they don't use it all they will give it back to us. Member Ferrell said there was a question on how long the study was good for once it is done and Mr. McKinney said it's at least 3 years at least because they are telling us it is going to take them 120 days to do due diligence so we are 4 months before we can do anything and that includes engineering. He will check on the length of the time before the expiration date. Mr. McKinney said this is pretty much like the one we signed on Benton West the only difference is on the other one it was 60 days and now it is 120 days for due diligence it is \$75,000 instead of \$70,000 and that is about it. Chairman Martin asked if the language pretty much the same as the last one and Mr. McKinney said yes other than the three or four things he told them about. We don't really have much say about it if we want to hook onto their transmission line. Member Martin asked if Mr. McKinney was going to validate the shelf line on the study and Mr. McKinney said he would before he signed it. A motion was made and seconded to

authorize Mr. McKinney to sign the agreement. A vote was taken with Chairman Martin, Member Best and Member Miller voting yes and Member Ferrell voting no.

Mr. McKinney asked Ms. Mollie Wright to come and give a presentation on the new utility website. Ms. Wright showed the Commission the website in the test environment and went through the website. She explained each link and how it worked. Member Ferrell asked Ms. Wright what percent does she think the developer is complete and Ms. Wright said she sent them a lot of changes last week and those changes are not active. She is going to say they are at least 2 days out. Ms. Wright said when it goes live you will go to www.bentonutilities.com to get to it. Mr. McKinney said he hopes this meets their request on getting information out. Member Ferrell asked if there was a link to the city and Mr. McKinney said yes, there is a link to the city and vice versa.

Mr. McKinney then said he had some information on the Bauxite Water Contract. He said Mayor Russell of Bauxite came to him and he has given him a copy of the draft contract and he also asked for a copy of the prior contract. I told him that we really didn't make any changes we just cleaned up the agreement and made it for ten years. I made it for ten and he seemed reasonable about it. He said next week hopefully the Bauxite Council will vote on it and then we can get that moving.

The next thing is they are shooting for a date for a meeting with the plumbers. Every date they come up with gets shot down for one reason or another. They have selected 30 plumbers to invite to the luncheon. We are also going to have Mr. Bill Staggs from Community Development attend because there is so much interaction. This really all has to do with cutting out into the street what we are going to do. Do we take care of it and just charge them a fee for it or what there are lots of ways to look at it and we will be doing that. We will look at it and keep you aware of how we are doing that.

Chairman Martin asked Mrs. Kirk if she had an update on the position of Comptroller. Mrs. Kirk said for the position of Comptroller we received 11 applications and she forwarded electronic copies to Mr. McKinney this afternoon. We probably have 4 to 5 out of that group that they could we could scrutinize that

hold the experience and qualifications that we need. For the Risk Manager position they had 5 applications and she saw 1 out of those that looked like they had some experience and expertise in what we are looking for. The other 4 are pretty questionable she is not sure that they could do it certainly that is up to you. She and Mr. McKinney would get together and go over those but they did need to decide what they wanted to do as far as the interview process. Who do we want do we want to establish an interview panel to meet with these folks after we have done some background checking? Mr. McKinney said he and Mrs. Kirk had always been on the interview process and in the past they have always tried to have two commissioners in there with them and that was the interview committee and they would like to try that again but you have to tell us who those people are going to be. A decision was made to have the Chairman appoint two commissioners to be on this committee.

Chairman Martin said they are going to need an executive session in regard to the Johanson report and how they are going to deal with it. Before they leave they need to figure out what they are going to do in regard to that session and when they are going to do it. We need to start planning to have that session and it will need to be done pretty quickly. Mr. McKinney said he thinks they are going to give them a little time. Member Ferrell said they had to get the information together first. Mr. McKinney said probably a month and Mrs. Kirk said it wouldn't take that long as far as looking at the pay structure and doing an increase. Mr. McKinney said we are not doing across the board and Mrs. Kirk said they are just looking at the pay scale adjustment and Mr. McKinney said he had already done that. Chairman Martin asked Mrs. Kirk if she could get one done in a week to ten days and Mrs. Kirk said yes. Mr. McKinney said an executive session at the next meeting and Chairman Martin said personally he thinks it is going to take longer than a regular meeting to address some of this and they need to weigh in on some of the things they have heard tonight. The sooner they get onto the issues the better they will be. Mr. McKinney said he thinks they need to set up a work session and then go into an executive session because it is going to take so long you don't want to tie up the regular meeting. Chairman Martin said that is what he was saying. Mr. McKinney said you can set a meeting up for one item and that is to deal with these rates and then you can go into exec session for that and the only thing is when you are done you have to come out and say what you are going to do. Chairman Martin

said he understood that. Mrs. Wilson said it wouldn't be a work session it would be a special meeting. Member Best said if you had a meeting and didn't have a large agenda they could do it at a regular meeting. Mr. McKinney asked what they wanted to do. Chairman Martin asked each of the commissioners when they were free and a date was set for Tuesday, February 24th at 5:00 p.m.

Public Utility Commission Meeting Summary of the March 2, 2015 Meeting

The first item on the agenda was Stephens, Inc. wants to address the Commissioners about bond refinancing. Mr. McKinney said Mr. Jack Trumper and Mr. Mark McBride, President of Stephens, Inc. came to him and indicated they had some ideas on bond refinancing and how we might possibly be able to reduce the interest rate, refinance bonds and reduce our costs by a considerable amount. He has been signing papers and sending them back and forth to give them the right to do this tonight and asked to present this because what he is going to talk about is time sensitive. Mr. Mark McBride, President of Stephens, Inc. handed out papers & said he wanted to give them information and walk them through this. This is on a report regarding an outstanding issue that the Utility System has. One of the things they do for all of their clients is they try to monitor the market and existing issues as they have done for them. One of the things they try to do is watch the bond market and when they deal with bond issues, there is a period in time when bonds cannot be called. It's an optional call date; all bonds have them. Benton's bonds have them as well. The IRS makes a provision that on 1 occasion on each bond issue that is outstanding where funding in advance of the call date can take place. He wanted to describe to them this evening and walk them through their existing date and talk to them about one specific bond issue they have actually followed for over 2 years. Mr. McBride went through the information he had given them and explained the options for refinancing the bonds. Member Best said he would make the motion to adopt this as stated on page 10 of the documents that Mr. McBride has passed out. A vote was taken and unanimous approval was given. Mr. McKinney asked if they are going to sign this and Mr. McBride said it doesn't need to be signed for his purposes. They can put this into the minutes and that is fine, just a Board action is all they need.

Each of the department heads gave a Point Presentation on what their department accomplished in 2014 and what they plan for 2015.

1. RANDY HAWKINS - WASTEWATER ASST MGR.
2. JONATHAN BUFF - WASTE WATER MGR
3. JEFF BARNETT - ELECTRIC MGR
4. STEVE DICICCO - WATER MGR
5. DEWAYNE HOOD - WATER ASST MGR.
6. TERRY MCKINNEY - GM

BENTON ADVERTISING & PROMOTION COMMISSION

Minutes

February 19, 2015

I. CALL TO ORDER

Chairman Mark Fikes called the regularly scheduled meeting of the Benton Advertising & Promotion Commission to order at 4:00 pm in the board room of the Benton Area Chamber of Commerce

II. ROLL CALL

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

III. MINUTES

Luke Moody made the motion to approve the minutes of the January 15, 2015 meeting. Elgin Hamner IV seconded. Motion carried.

IV. REPORT FROM EVENT CENTER

Nikki Chumley highlighted several events that have been held at the Event Center during the last month. Among these are the Duck, Duck Goose Consignment Sale, Memphis Flea Market, and the Martin Luther King Commission event. She said that only two events had to be rescheduled to the weather. Gracepoint Church will be moving to a permanent location at the end of the month.

V. OLD BUSINESS

Eric Davis from Scruggs Ridge and Co. PA was in attendance. He reported that the sales tax has been paid. The next item will be to recreate January records. Old A & P records will be returned to Jim Handley as soon as the accounting firm and the Chamber have completed going through all of these to make sure what they will need to do the accounting for A & P.

VI. NEW BUSINESS

A. Carpet Cleaner

Steve Jordan discussed the possibility of purchasing a carpet cleaner for use at the Event Center. At this point, he rents one of the machines from Wal-Mart or Home Depot. Since these clean with a detergent, spots return with traffic on them. He has received an estimate from Mullins Carpet Cleaning for cleaning the facility. The price quoted was \$1000 per ballroom. A disadvantage to having it done commercially would also be the fact that the building would have to be cleaned at a 2-3 day down time since no traffic could be on the carpet during the process. The cleaner he is recommending uses a dry cleaning solution. The machine has been tested in the building. It was used on a large spot in the lobby before Christmas and the spot has not returned. Bill Donnor made the motion

that the carpet cleaner with supplies be purchased. Elgin Hamner IV seconded. Motion carried.

B. Use of Building as Emergency Building

City Attorney Brent Houston advised the commissioners that this would not be possible because of the outstanding bonds. He felt the building is restricted to being used for events and conventions as specified on the ballot.

C. Chart of Events

More information is needed so the item was tabled.

VII. FUNDING REQUEST

A. Wally Hall -- requested that their funding request be put on the March agenda

B. Amplify – Matt Brumley spoke to this funding request. The event has been moved to August 28-29 due to the 2015 date of the Salt Bowl. He indicated that the event has a \$253,000 budget. He requested \$15,000 funding from the A & P. Vote will be taken at the March meeting.

C. City Attorney Brent Houston discussed with the commissioners how funding must be handled. All funding has to be specified and used for “certain services.” A blanket amount cannot be given. In the case of for profit events, an ad can be purchased.

VIII. ADMINISTRATIVE

There was no current Delinquency Report. Mark Fikes explained that he had spoken with A C Paxton about handling the delinquencies. He is working with Maretta at the city. AC would provide the service free for two months until he can fully understand the process. He will then present a bid. Luke Moody made the motion for A & P to accept AC Paxton’s offer. Bill Donnor seconded. Motion carried. City Attorney Brent Houston offered to have the hearings at his office.

IX. FINANCIAL REPORTS

A. Financial reports for December 2014 were presented by the city

B. Bill Donnor, City Attorney Houston, and Mark Fikes will look at the collection process and make a recommendation at the next meeting.

X. OTHER BUSINESS

None.

XI. ADJOURNMENT

Luke Moody made the motion to adjourn.

Mark Fikes, Chairman

Jerry Beaty, Recording Secretary



Benton Senior Wellness and Activity Center March for Meals Proclamation

WHEREAS, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older; and

WHEREAS, Central Arkansas Development Council, in recognizing the importance of the Older Americans Act Senior Nutrition Program, and to raise awareness about senior hunger in Saline County, established the Benton Senior Activity Center on February 10, 1975; and

WHEREAS, the 2015 observance of the March for Meals campaign provides an opportunity to support Senior Nutrition Programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger; and

WHEREAS, the Benton Senior Wellness and Activity Center has served our community admirably for 40 years; and

WHEREAS, volunteer drivers for Meals on Wheels programs in Benton are the backbone of the program and they not only deliver nutritious meals to homebound seniors and individuals with disabilities, but also caring concern and attention to their welfare; and

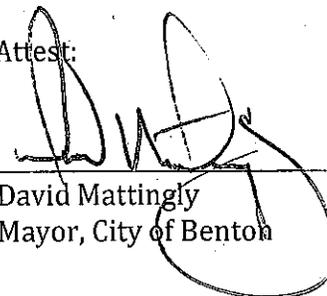
WHEREAS, the Benton Senior Wellness and Activity Center provides nutritious meals to seniors in Saline County, helping them to avoid premature or unnecessary hospitalization and institutionalization and combating loneliness and isolation; and

WHEREAS, the Benton Senior Wellness and Activity Center deserves recognition for the contributions they have made and will continue to make to our local community.

NOW THEREFORE, I David Mattingly, acting under my authority as Mayor of the City of Benton, Arkansas, do hereby proclaim March 2015 as "MARCH FOR MEALS MONTH" in the City of Benton and urge every citizen to take time this month to honor our Senior Nutrition Programs, the seniors they serve and the volunteers who care for them. Our recognition of and involvement in the national 2015 March for Meals campaign can enrich our entire community and help end senior hunger in America—*so no senior goes hungry*®.



Attest:


David Mattingly
Mayor, City of Benton

ORDINANCE NO. 16 OF 2015

CITY OF BENTON, SALINE COUNTY, ARKANSAS

**AN ORDINANCE DESIGNATING THE DISTRICT COURT CLERK AS THE OFFICIAL
RESPONSIBLE FOR THE COLLECTION OF FINES ASSESSED IN DISTRICT COURT
FOR THE CITY OF BENTON, ARKANSAS**

WHEREAS, Ark. Code Ann. §16-13-709 provides that the city must designate the official primarily responsible for the collection of fines assessed in district court for the City of Benton, Arkansas; and

WHEREAS, the City Council finds it is appropriate to designate the District Court Clerk of the City of Benton as the official responsible for the collection of fines assessed in District Court for the City of Benton, Arkansas.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Benton, as follows:

Section 1. The Benton District Court Clerk is hereby designated as the person primarily responsible for the collection of fines assessed in District Court for the City of Benton, Arkansas.

Section 2. All ordinances previously enacted in conflict with this ordinance are hereby repealed.

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

APPROVED:

Mayor

ATTEST:

Recorder/City Clerk

DESIGNATED FOR PUBLICATION

ORDINANCE NO. 17 OF 2015

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO WINDSTREAM COMMUNICATIONS, LLC.; WINDSTREAM NORLIGHT, LLC.; WINDSTREAM NUVOX, LLC. MCLEOD, USA, LLC.; PAETEC COMMUNICATIONS, LLC. AND THEIR SUCCESSORS AND ASSIGNS A NON-EXCLUSIVE FRANCHISE TO OPERATE IN THE CITY OF BENTON; ESTABLISHING FRANCHISE FEES TO BE PAID; AUTHORIZING THE ACCEPTANCE OF PAST DUE FRANCHISE FEES; REPEALING ORDINANCE 6 OF 2015; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

Whereas, the City Council of the City of Benton, Arkansas desires to grant a non-exclusive franchise to the Windstream corporation and its subsidiaries (collectively "Windstream") to operate and maintain a telecommunications system within the City of Benton; and

WHEREAS, it has been determined that Windstream has operated in the city without the benefit of a franchise agreement and owes the city funds for these operations; and

WHEREAS, the City and Windstream have come to terms on a franchise agreements as well as on the settlement of the past due amounts.

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

SECTION ONE. Windstream is hereby granted a non-exclusive franchise to operate a telephone communication system within the City of Benton subject to the terms and conditions of the franchise agreements. Copies of the franchise agreements are attached hereto, marked as Exhibits "A", "B", "C", "D", and "E" respectively and are incorporated now by reference as if stated word for word. The mayor and the city clerk are hereby authorized and directed to execute the documents on behalf of the city.

SECTION TWO. In addition thereto, the City does hereby establish a franchise fee of five percent (5%) as more clearly described within Exhibits "A", "B", "C", "D", and "E".

SECTION THREE. The Mayor is authorized to accept on behalf of the city the sum of \$62,257.54 for franchise payments due from Windstream for the period of December 2012 through June 2014.

SECTION FOUR. Ordinance 6 of 2015 is hereby repealed.

SECTION FIVE. Because of the need to expand the telecommunication infrastructure within the city, which will be of benefit to the local community, an emergency is hereby declared and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this ____ day of _____, 2015.

DAVID J. MATTINGLY, Mayor

ATTEST:

CINDY STRACENER, City Clerk

DESIGNATED FOR PUBLICATION

ORDINANCE NO. 18 OF 2015

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

WHEREAS, the City of Benton, Arkansas has received from Windstream, Inc. the sum of \$62,257.54 for franchise payments due for the period of December 2012 through June 2014; and

WHEREAS, this amount reflects an adjustment from a lower amount previously reported by Windstream to the city; and

WHEREAS, the City Council passed Ordinance 75 of 2014 adopting the City's budget for 2015 which needs to be amended to show both the receipt and the appropriation of these funds in the general fund.

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

SECTION 1: Pursuant to the authority granted in A.C.A. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2015 City of Benton Budget as adopted in Ordinance 75 of 2014. The revised expenditures for the operations of the city are attached hereto as Exhibit "1" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget and to accept funds from Windstream and to appropriate money in the general fund. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

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

David Mattingly, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



FY2015 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2015. This submittal includes a revision for the General Fund.

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

Section 2 is a detailed explanation of the amended Receipts that make up this Fiscal Year 2015 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2015

General Fund

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$14,531,152	\$42,987	\$14,574,139
Personnel	\$10,553,317	-0-	\$10,553,317
Operations & Maintenance	\$2,508,374	-0-	\$2,508,374
Capital Items	\$1,614,201	-0-	\$1,614,201

Section 2: Receipts - Fiscal Year 2015

General Fund

Receipts

This budget amendment authorizes recognizing an increase in franchise taxes in the amount of <\$42,987.00> 600.010.10.00. (total \$62,257.54 less prior \$19,271.31)

ORDINANCE NO. 10 OF 2015

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

WHEREAS, the City of Benton, Arkansas has received from Windstream, Inc. the sum of \$19,271.31 for franchise payments due for the period of December 2012 through June 2014; and

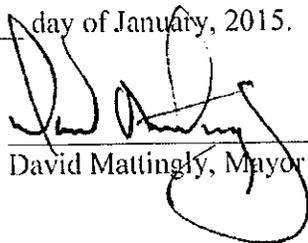
WHEREAS, the City Council passed ordinance 75 of 2014 adopting the City's budget for 2015 which needs to be amended to show both the receipt and the appropriation of these funds in the general fund.

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

SECTION 1: Pursuant to the authority granted in A.C.A. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2015 City of Benton Budget as adopted in Ordinance 75 of 2014. The revised expenditures for the operations of the city are attached hereto as Exhibit "1" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget and to accept funds from Windstream and to appropriate money in the general fund. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this the 26 day of January, 2015.



David Mattingly, Mayor



Cindy Straeener, City Clerk

NOT DESIGNATED FOR PUBLICATION



FY2015 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2015. This submittal includes a revision for the General Fund.

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

Section 2 is a detailed explanation of the amended Receipts that make up this Fiscal Year 2015 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2015

General Fund

	Beg. Approved Amt.	Amendment	End Revised Amt
Receipts	\$14,511,881	\$19,271	\$14,531,152
Personnel	\$10,553,317	-0-	\$10,553,317
Operations & Maintenance	\$2,508,374	-0-	\$2,508,374
Capital Items	\$1,614,201	-0-	\$1,614,201

Section 2: Receipts - Fiscal Year 2015

General Fund

Receipts

This budget amendment authorizes recognizing an increase in franchise taxes in the amount of <\$19,271.00> 600.010.10.00.

RESOLUTION NO. 15 OF 2015

A RESOLUTION AUTHORIZING THE OFFERING OF CAPITAL IMPROVEMENT REVENUE BONDS TO FINANCE PARK AND RECREATIONAL IMPROVEMENTS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Benton, Arkansas (the "City") is undertaking the acquisition, construction and equipping of the Riverside Park Complex which is an expansion of Bernard W. Holland Park (the "Improvements"); and

WHEREAS, the City desires to raise approximately \$6,000,000 to pay costs of the Improvements; and

WHEREAS, the City proposes to issue its Capital Improvement Revenue Bonds, Series 2015 (the "Bonds") to finance costs of the Improvements; and

WHEREAS, the Bonds will be secured by collections of the City's franchise fees; and

WHEREAS, the City has determined to sell the Bonds on a negotiated basis to Stephens Inc. as underwriter (the "Underwriter");

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

Section 1. The offering of the Bonds by the Underwriter is hereby authorized in a principal amount sufficient to provide approximately \$6,000,000 to pay costs of the Improvements, to fund a debt service reserve and to pay the costs of issuing the Bonds.

Section 2. The officials of the City are authorized to cooperate with the Underwriter and Friday, Eldredge & Clark, LLP, as Bond Counsel, in the preparation of a preliminary official statement and bond ordinance and are further authorized to execute such writings and take such actions as may be appropriate to the offering of the Bonds.

Section 3. As the issuance of the Bonds is, under Arkansas law, subject to the approval of the City Council, by ordinance, any sale of the Bonds will be subject to the approval of the City Council.

This Resolution passed this _____ day of _____, 2015.

APPROVED:

ATTEST:

By: _____
Mayor

City Clerk

(SEAL)

CERTIFICATE

The undersigned, City Clerk of the City of Benton, Arkansas (the "City"), hereby certifies that the foregoing is a true and compared copy of a resolution passed at a regular session of the City Council of the City, held at the regular meeting place of the City Council at _____ o'clock p.m. on the _____ day of _____, 2015.

City Clerk

(SEAL)

RESOLUTION NO. 16 OF 2015

A RESOLUTION AUTHORIZING THE OFFERING OF SALES
AND USE TAX BONDS TO FINANCE PARK AND
RECREATIONAL IMPROVEMENTS; AND PRESCRIBING
OTHER MATTERS RELATING THERETO

WHEREAS, at the special election held November 12, 2013 in the City of Benton, Arkansas (the "City"), a majority of the electors voting on the questions approved the issuance of bonds in the maximum principal amount of \$39,600,000 to finance all or a portion of the costs of expanding and improving the Bernard W. Holland Park, which shall include, particularly, without limitation, the acquisition, construction, equipping and furnishing of a community center, an aquatic center, a senior adult center, a youth activity center, a dog park, basketball courts, baseball fields, softball fields, soccer fields, walking trails, necessary land acquisition, and parking, landscaping, signage, drainage, lighting, concession, road and utility improvements therefor (collectively, the "Improvements"); and

WHEREAS, the City has heretofore issued its \$37,720,000 Sales and Use Tax Bonds, Series 2014 in order to finance a portion of the costs of the Improvements; and

WHEREAS, the City proposes to issue capital improvement bonds designated as "City of Benton, Arkansas Sales and Use Tax Bonds, Series 2015" (the "Bonds") in the aggregate principal amount of \$1,335,000 to finance a portion of the costs of the Improvements; and

WHEREAS, the City has determined to sell the Bonds on a negotiated basis to Stephens Inc. as underwriter (the "Underwriter");

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

Section 1. The offering of the Bonds by the Underwriter is hereby authorized in a principal amount sufficient to provide funds for the Improvements, to fund a debt service reserve and to pay costs of issuing the Bonds.

Section 2. The officials of the City are authorized to cooperate with the Underwriter and Friday, Eldredge & Clark, LLP, as Bond Counsel, in the preparation of a preliminary official statement and bond ordinance and are further authorized to execute such writings and take such actions as may be appropriate to the offering of the Bonds.

Section 3. As the issuance of the Bonds is, under Arkansas law, subject to the approval of the City Council, by ordinance, any sale of the Bonds will be subject to the approval of the City Council.

This Resolution passed this _____ day of _____, 2015.

APPROVED:

ATTEST:

By: _____
Mayor

City Clerk

(SEAL)

CERTIFICATE

The undersigned, City Clerk of the City of Benton, Arkansas (the "City"), hereby certifies that the foregoing is a true and compared copy of a resolution passed at a regular session of the City Council of the City, held at the regular meeting place of the City Council at _____ o'clock p.m. on the _____ day of _____, 2015.

City Clerk

(SEAL)

RESOLUTION NO. 17 OF 2015

A RESOLUTION AUTHORIZING THE PURCHASE OF A PUMPER TRUCK AND RELATED EQUIPMENT FOR THE FIRE DEPARTMENT FROM SUNBELT FIRE, INC; APPROPRIATING FUNDS FOR THIS PURCHASE; AND FOR OTHER PURPOSES

WHEREAS, the City Council desires to purchase a new pumper truck for the fire department; and

WHEREAS, the City utilized a government purchasing cooperative known as the Houston Galveston Council of Governments, which conducts competitive bidding for government purchases, which was used for this purchase; and

WHEREAS, the lowest contract price for the truck and associated equipment was with Sunbelt Fire, Inc.; and

WHEREAS, the City wishes to enter into a purchase agreement for the pumper truck and equipment as identified in Exhibit "1" of this Resolution.

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 Sunbelt Fire, Inc. for the purpose of purchasing the truck and equipment identified in Exhibit 1 of this Resolution.

SECTION 2: The total funding for the purchase in the amount of \$453,764.00 is hereby deemed appropriated.

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

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

SunbeltFire

Serving you is our calling.



facebook.com/SunbeltFire



youtube.com/thesunbeltfire

8050 McGowin Drive • Fairhope, AL 36532 • Office: 800.642.8484 • Fax: 251.928.9933 • www.sunbeltfire.com

Benton Fire Department

March 12, 2015

We are pleased to submit our Proposal for your consideration on the following, complete in strict accordance with the attached truck and equipment configuration, and with technical specifications available upon request:

One (1) or more E-ONE Custom Pumper on a Custom Typhoon Chassis	\$ 399,500.00
Equipment for this vehicle	\$ 54,264.00
Total:	\$ 453,764.00

The price quoted is valid for contracts issued on the Houston-Galveston Area Council (H-GAC) purchasing schedule.

A factory trained instructor shall deliver the unit and familiarize department personnel. Proper manuals and third party test approval certificate where applicable shall be furnished.

Delivery shall be 270 days after receipt of order, F.O.B., Benton, Arkansas.

Delivery is subject to delays due to war, fire, labor disputes, strikes, acts of God, government regulations, failure of suppliers to deliver, chassis shortage in the case of commercial chassis, accidents, and other causes beyond our control.

This quotation is good for 60 days. The pricing provided is exclusive of all Federal, State and Local taxes and any other fees which may apply unless specifically noted herein.

The vehicle proposed will be constructed at Emergency One, Inc. of Ocala, Florida. Sunbelt Fire, Inc. is the authorized dealer for Emergency One in this area. Service and parts are available through Sunbelt Fire, Inc., in Fairhope, Alabama, and from the Emergency One factory in Ocala, Florida.

Respectfully submitted,

Chip Crooms

Territory Manager
Sunbelt Fire, Inc.



QUOTATION

Sunbelt Fire, Inc.

Benton Fire Department
Benton, AR

Exp. Date: 03/14/2015
Quote No: 10525-0001
EQUIP: EQUIP

SUNBELT EQUIPMENT FOR E-ONE TRUCKS

02/12/2015

Page 1

PART NO	DESCRIPTION	QTY	EACH	EXTENDED
	== SUNBELT EQUIPMENT FOR E-ONE TRUCKS - 0.000 ==	1	0.00	0.00
90-06-1150	Pike Pole, FlameFighter, PP03D, 3', Fiberglass, D-Handle	1	52.00	52.00
90-06-1250	Pike Pole, FlameFighter PP04D, 4', Fiberglass, D-Handle	1	56.00	56.00
90-06-2250	Pike Pole, FlameFighter PP08, 8', Fiberglass	2	59.00	118.00
90-06-8000	Pike Pole Mounting, Clip Mnt (2)	1	98.00	98.00
90-11-1200	Wheel Chock, Zico AC-32, w/Horizontal Bkt (2)	1	334.00	334.00
90-12-1300	Extinguisher, CO2, Amerex 331, 15#, w/B810 Bkt	1	349.00	349.00
90-12-2300	Extinguisher, Dry Chem, Amerex A411, 20ABC, w/810 Bkt	1	250.00	250.00
90-12-5100	Extinguisher, Water, Amerex 240, Pressurized 2.5G, w/810 Bkt	1	220.00	220.00
90-13-3150	Axe, FlameFighter FFAF6LB, 6# Flat Head, Fiberglass Handle (1)	2	61.00	122.00
90-13-4150	Axe, FlameFighter PHAF6LB, 6# Pick Head, Fiberglass Handle (1)	2	61.00	122.00
90-13-5400	Axe Mounting Bracket, Set	4	196.00	784.00
90-14-1125	Crowbar, FlameFighter, PB-36, 36"	2	37.00	74.00
90-14-1700	Crowbar Bracket Set, South Park, CHR55Z01C, Chrome	2	85.00	170.00
90-14-2100	Hooligan Tool, Paratech, 22-000600, 30" w/bkts	1	299.00	299.00
90-15-1100	Fire Broom, Akron FB-15 w/60" Wood Handle	1	43.00	43.00
90-15-1350	Fire Rake, FlameFighter FR w/60" Wood handle	1	53.00	53.00
90-21-5310	Hose, North American, Poly Tuff 800, 1.75"x50', White, DJ, 1.5" cplgs	17	100.00	1700.00
90-21-5510	Hose, North American, Poly Tuff 800, 2.5"x50', White, DJ	7	127.00	889.00
90-22-1110	Hose, North American, HF-400 LDH, 4" x 100', 4" Stz cplgs, HF4X100YRS	12	506.00	6072.00
90-22-1310	Hose, North American, HF-400 LDH 4" x 25', 4" Stz cplgs HF4X25YRS	1	241.00	241.00
90-22-6400	Hose, Booster, 800#, 1" x (1)100'	2	548.00	1096.00
90-23-1100	Hose Clamp, Akron, 05880001, w/bckt	1	549.00	549.00
90-23-1300	Hose Clamp, Hebert, LDH, HC-6 Screw Type	1	346.00	346.00
90-23-1400	Hose Clamp, Hebert, C-BKT Bracket	1	88.00	88.00
90-23-2100	Hose Roller, TFT, A3820	1	173.00	173.00
90-23-5200	Hose Strap, Elkhart, 632	2	51.00	102.00
90-24-4300	Spanner Set, Red Head, 148-3, Spanner/Hydrant	5	151.00	755.00
90-24-6100	Spanner Set, TFT, A3810, 4 Spanners, Bkt	1	128.00	128.00
90-24-7100	Sprinkler Stop, Akron 10780001	2	47.00	94.00
90-25-2100	PPV Fan, SuperVac, 718G4-B	1	1585.00	1585.00
90-27-3250	Sledgehammer, FlameFighter SH10, 10#, w/o brckts	1	55.00	55.00
90-30-3400	Tool Mnt, PAC 1004, Handlelok, Clamp, Adj .125"-1.75"	3	63.00	189.00
90-51-1200	Elbow, TFT, AH1SP-NL, 3"Fx4"Stz	1	136.00	136.00
90-51-1400	Elbow, TFT, AH1HSP-NR, 4.5"Fx4"Stz	1	169.00	169.00

PART NO	DESCRIPTION	QTY	EACH	EXTENDED
90-51-2900	Elbow, Red Head, 2.5" BR-E-25, 30 deg, Chromed Brass, RL Female to Male	3	10.00	30.00
90-51-3800	Cap, TFT, A01SP, 4" Stz	3	47.00	141.00
90-52-2300	Adapter, Red Head, #37, 2.5"FM x 1.5"M Rgd, LW	3	43.00	129.00
90-52-4300	Adapter, Red Head, #35, 2.5" DFM, Swl, LW	2	47.00	94.00
90-52-5200	Adapter, Red Head, #36, 2.5"DM, LW	2	37.00	74.00
90-52-8000	Adapter, Red Head, S-54RL, 2.5" FM r/ lug x 4" Storz	1	153.00	153.00
90-67-1200	Nozzle, TFT, B-BH, 1" Ultimatic 125, Automatic	1	585.00	585.00
90-67-4100	Nozzle, TFT, FQS125BC, 1.5", QuadraCup, Dual Gal, Shutoff	5	516.00	2580.00
90-67-8300	Nozzle, TFT, H-2VPGI, 2.5", Handline, Grip, Auto	2	791.00	1582.00
90-67-8400	Nozzle, TFT, H2VPP, Playpipe, 2.5" w/Detent Flow Control	2	519.00	1038.00
90-68-6100	Tips, TFT, FS-3STACK, 1.5", Base Triple Stacked	2	210.00	420.00
90-72-5100	Eductor, TFT, UE-095-NF, 1.5", 95 GPM	1	501.00	501.00
90-74-1100	Nozzle Mounting, 03730001, Tri-Loc, 1.5"	6	123.00	738.00
90-74-1200	Nozzle Mounting, 03730002, Tri-Loc, 2.5"	6	128.00	768.00
90-74-4100	Screwbase, Akron, 0350, 2.5"	6	61.00	366.00
90-75-1100	Valve, TFT, AC5ANJ-NJ, 2.5", Hydrant	1	307.00	307.00
90-75-3300	Shutoff, TFT, F140FP, 1.5", Pistol Grip	1	260.00	260.00
90-75-3301	Tip, 3/4" straight bore	1	150.00	150.00
90-76-2800	Siamese, TFT, AY9SP-NJ, gtd, 4"Stz S x (2) 2.5"F NH S	1	1081.00	1081.00
90-76-5100	Wye, TFT, AYNJ-NF, 2.5"x(2)1.5"M, Gated	1	301.00	301.00
90-77-3100	Intake vlv, w/30 S dtnt el, TFT, AX1-SP-NX, 4"Stz rgd x 6"F NH S LH	2	1426.00	2852.00
90-83-1400	Deck Gun, TFT, CrossFire, XFC-52 Pkg	1	3552.00	3552.00
90-85-8310	Piercing Nozzle, TFT New-Force Transformer, PA1 Kit	1	695.00	695.00
94-07-8600	Handlight, Streamlite, Survivor	3	251.00	753.00
95-95-0001	Amkus tools - Chip has quotation	1	15135.00	15135.00
95-95-0002	Radio Install, Customer Supplied	2	550.00	1100.00
95-95-0003	Indian Packs, Collapsible	2	139.00	278.00
95-95-0004	K tool kit with shove knife	1	126.00	126.00
95-95-0005	Circle D 164G-3P/500Q light	2	482.00	964.00
	Total			54,264.00

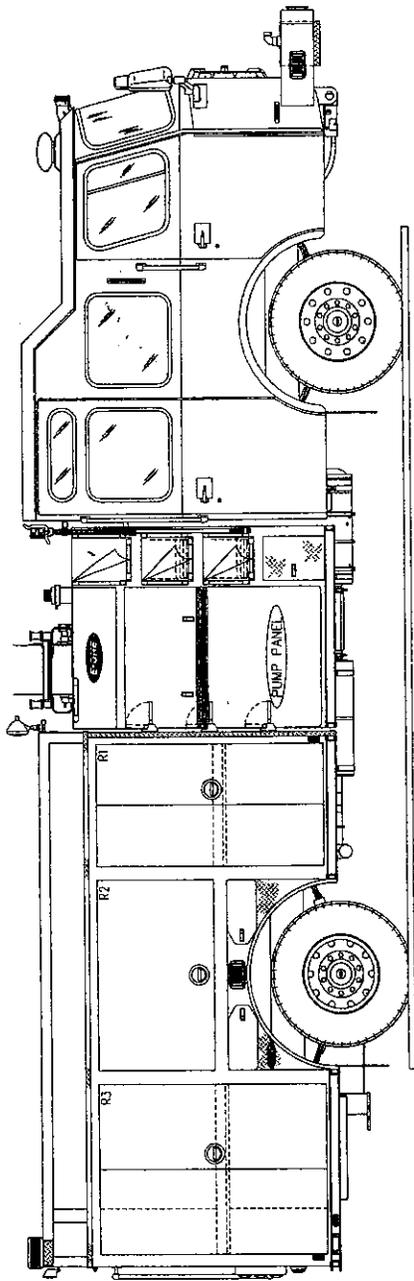
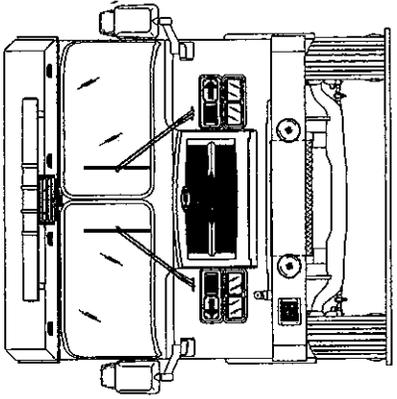
3-11-15



BENTON FIRE DEPARTMENT
BENTON, AR
QUOTE 70792
CUSTOM 36 RESCUE PUMPER
E-ONE TYPHOON X MEDIUM CAB 4X2 CHASSIS

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DATE	BY	APP'D

3-11-15



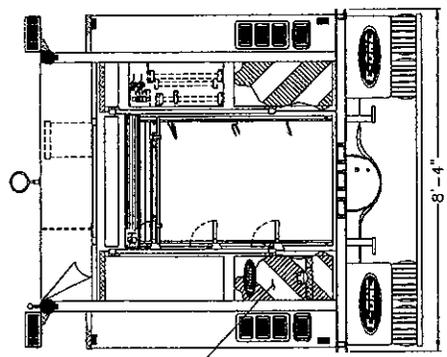
BENTON FIRE DEPARTMENT BENTON, AR

QUOTE 70792
CUSTOM 36 RESCUE PUMPER
E-ONE TYPHOON X MEDIUM CAB 4X2 CHASSIS

COMP.	HOSE LOAD:		INTERIOR DIMENSION	NFAA CAPACITY
	OPENING	INTERIOR DIMENSION		
L1	36W 68H	36W 68H	260	260
L2	36W 68H	36W 68H	260	260
L3	36W 68H	36W 68H	260	260
B1	36W 51H	36W 67H	260	260

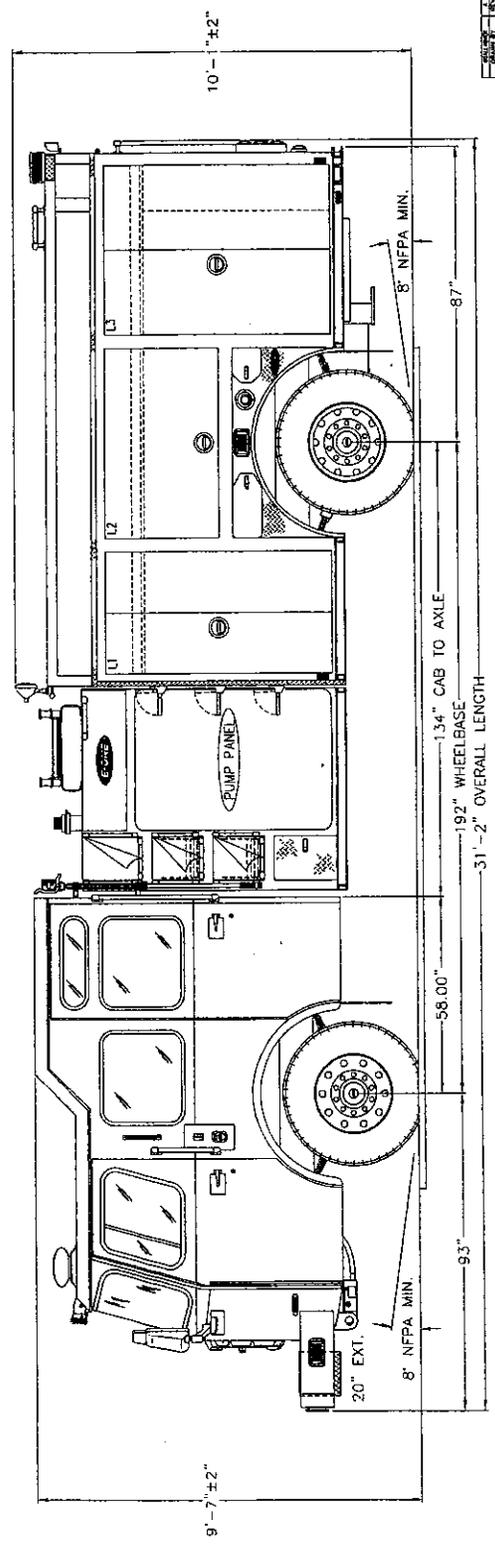
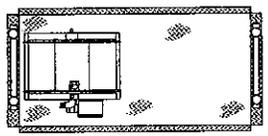
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CHEVRON "A" STYLE
6" SCOTCHLITE
STRIPING

BASED HEIGHT
(FOR REFERENCE ONLY)
TO TAILBOARD: 72"
TO GROUND: 95"



9'-7" ±2"

10'-1" ±2"

20" EXT.

8" NFAA MIN.

56.00"

134" CAB TO AXLE

192" WHEELBASE

31'-2" OVERALL LENGTH

87"

8" NFAA MIN.

SCALE: 1/4" = 1'-0"
DATE: 03/11/15
DRAWN BY: [Name]
CHECKED BY: [Name]

ORDINANCE NO. 19 OF 2015

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

WHEREAS, an application for zoning was filed with the Planning Commission of the City of Benton, Arkansas by Saline County, Arkansas, requesting that the lands hereinafter described be zoned to a Light Industrial zoning of (LI); and

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

WHEREAS, the City Council of the City of Benton, Arkansas desires to zone the following property as Light Industrial (LI).

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 Mining (M) to Light Industrial (LI):

The land referred to herein below is situated in the County of Saline, State of Arkansas, and is described as follows:

That part of the SW1/4 of the NE1/4 of Section 5, Township 2 South, Range 14 West, Saline County, Arkansas, described as follows: Commencing at the Northeast corner of the SW1/4 of the NE1/4; thence S 02°11'11" W along the East line of the SW1/4 of the NE1/4 for 38.14 feet to a point on the South right of way line of Cynamide Road; thence N 81°05'34" W along the South right of way line of Cynamide Road for 25.17 feet to the point of beginning; thence S 02°11'11" W leaving said South right of way line of Cynamide Road 774.15 feet; thence N 89°05'01" W 823.21 feet; thence N 02°11'11" E 790.58 feet to a point on the South right of way line of Cynamide Road, said point being 3.39 feet South of the North line of SW1/4 of the NE1/4; thence along said South right of way of Cynamide Road the following courses: N 89°55'30" E 534.69 feet; thence Easterly along said right of way line 250.73 feet along a curve concave Southerly having a radius of 1276.21 feet said curve having a chord direction of S 84°26'48" E and a chord length of 250.33 feet; thence S 81°05'34" E 39.11 feet to the point of beginning, containing 15.00 acres, more or less.

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

PASSED AND APPROVED, this ____ day of March, 2015

APPROVED:

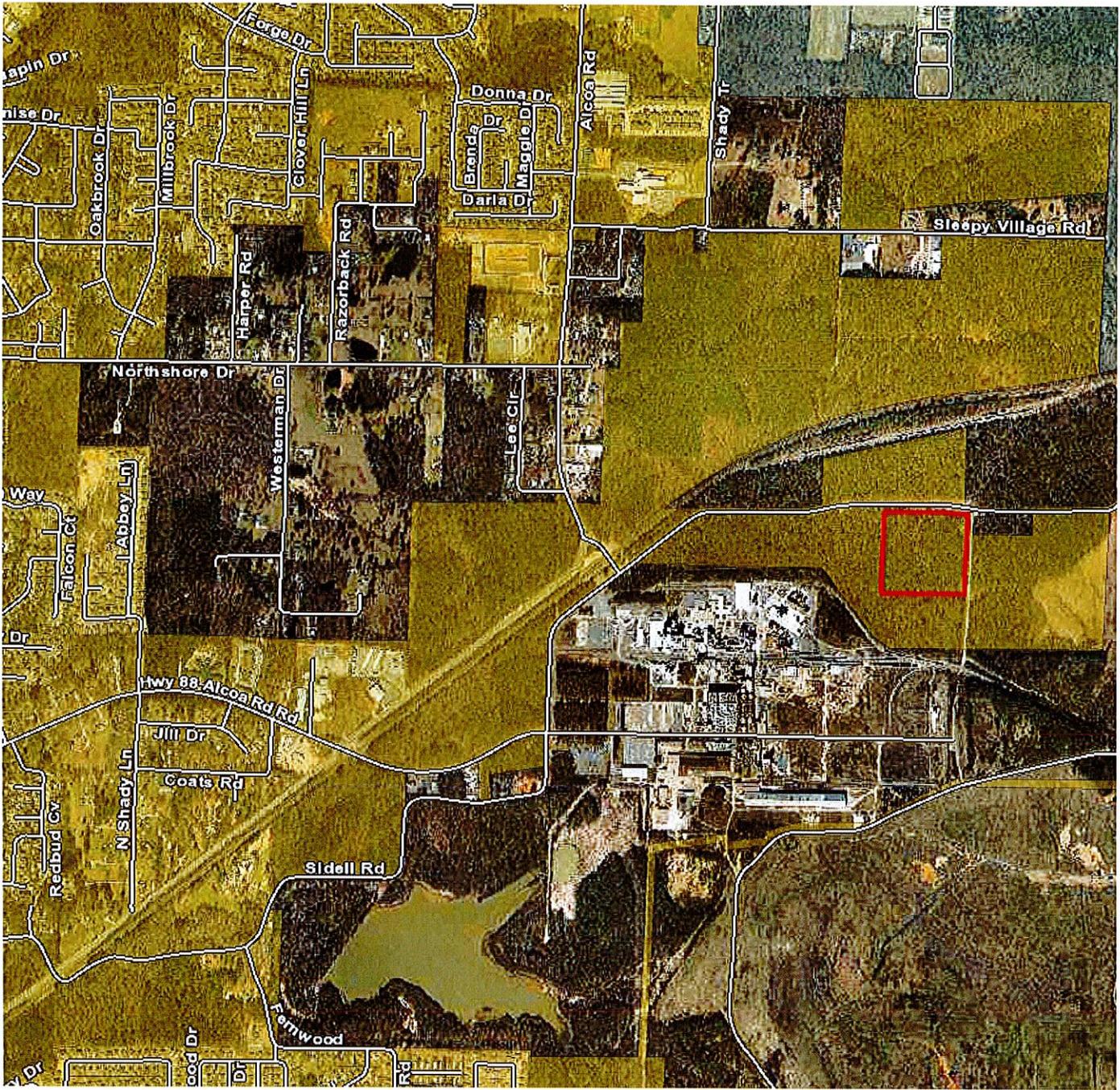
David Mattingly, Mayor

ATTEST:

Cindy Stracener, City Clerk

P&Z Vote 7 - 0

DESIGNATED FOR PUBLICATION



REZONE – 6325 CYNAMIDE ROAD

FROM M (MINING) TO LI (LIGHT INDUSTRIAL)

REQUESTED BY SALINE COUNTY ROAD DEPARTMENT

Proof of Publication

STATE OF ARKANSAS
County of Saline

I, Maribel Beech, 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 02-03-2015, and the last insertion on 02-03-2015.

Billed Account Saline County Judge

Ad Number 63226

Maribel Beech
Legal Advertising Clerk

Sworn to and subscribed before me on 2-3-15

Julie Allbritton
Notary Public

FEE FOR PRINTING

\$ 114.10 Cost of Notice

\$ 2.60 Cost of Proof

\$ 116.70 Total

JULIE ALLBRITTON
SALINE COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires February 22, 2022
Commission No. 12386497

Legal Notices

NOTICE

NOTICE is hereby given that a hearing will be held by the Planning Commission of the City of Benton, AR on the 10th day of March, 2015, at 6:00 p.m. at 114 South East Street on the petition of Saline County, Arkansas for rezoning from "mining" to "light industrial" for the property located at 6325 Cynamide Road, Benton, AR 72015 on the following lands to wit:

The land referred to herein below is situated in the County of Saline, State of Arkansas, and is described as follows:

That part of the SW1/4 of the NE1/4 of Section 5, Township 2 South, Range 14 West, Saline County, Arkansas, described as follows: Commencing at the Northeast corner of the SW1/4 of the NE1/4; thence S 02°11'11" W along the East line of the SW1/4 of the NE1/4 for 38.14 feet to a point on the South right of way line of Cynamide Road; thence N 81°05'34" W 823.21 feet; thence N 02°11'11" E 790.58 feet to a point on the South right of way line of Cynamide Road, said point being 3.39 feet South of the North line of SW1/4 of the NE1/4; thence along said South right of way of Cynamide Road the following courses: N 89°55'30" E 534.69 feet; thence Easterly along said right of way line 250.73 feet along a curve concave Southerly having a radius of 1276.21 feet said curve having a chord direction of S 84°26'48" E and a chord length of 250.33 feet; thence S 81°05'34" E 39.11 feet to the point of beginning, containing 15.00 acres, more or less. In the City of Benton, Saline County, Arkansas.

The Petitioner is Saline County, Arkansas, c/o Clay Ford, Saline County Attorney, 200 N. Main St., Benton, Arkansas 72015, ph. 501-303-1555.



City of Benton, Arkansas
Resolution No. 18 of 2015

A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE CLOSING OF A UTILITY EASEMENT LOCATED ALONG THE WEST LOT LINE OF LOT 64, HURRICANE LAKE ESTATES WESTSHORE ADDITION PHASE 3 (6587 WESTMINSTER DRIVE).

WHEREAS, a petition has been filed with the City Council of the City of Benton, Arkansas by William R. and Sharon K. David to abandon the utility easement located along the west property line of Lot 64, Hurricane Lake Estates Westshore Addition Phase 3 within the corporate limits of the City of Benton, Arkansas; and

WHEREAS, upon the filing of the petition with the City, the City shall set a date and time for a hearing before the City Council for consideration of the petition.

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

1. That the City Council shall hear said petition at its regular meeting to be held at the City of Benton Council Chambers, 114 South East Street, Benton, Arkansas, on **April 13th, 2015, at 7:00 p.m.**
2. That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and in the manner prescribed by law.

PASSED this _____ day of March, 2015.

Approved:

Mayor David Mattingly

Attest:

Cindy Stracener
City Clerk

RESOLUTION NO. 19 OF 2015

**A RESOLUTION AMENDING RESOLUTION NO. 23 OF 2009
AND RESOLUTION NO. 10 OF 2012; AND FOR OTHER PURPOSES**

WHEREAS, the Benton City Council passed Resolution No. 23 of 2009 on April 13, 2009 authorizing certain expenditures by the City Engineer for drainage projects within the city; and

WHEREAS, the Benton City Council thereafter amended Resolution No. 23 of 2009 in Resolution No. 10 of 2012 as it pertains to the authority of the Mayor with respect certain projects within the city; and

WHEREAS, the Mayor needs to proceed with work on certain drainage and storm-water related drainage issues which exist within the City and these resolutions need to be amended with restate the approval process for these projects.

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

SECTION 1. Section 1 of Resolution No. 23 of 2009 as amended by Resolution No. 10 of 2012 is hereby amended to read as follows: "The Mayor or his designee is hereby authorized to spend up to \$10,000.00 per drainage project from funds appropriated for that purpose without the prior approval of the project from the Drainage Committee in emergency situations. In non-emergency situations, the Mayor shall seek the approval of the Drainage Committee before undertaking a drainage project. The authority given to the Mayor shall include the execution on behalf of the City of all necessary contracts and other related documents for the completion of the work after review by the City Attorney. Once a project is undertaken, at the next Drainage Committee meeting, the Mayor shall report the project being undertaken by the city, the name of the person or entity who is performing the work on the project, the quotes obtained in compliance with the city's purchasing ordinance and the estimated final cost."

PASSED AND APPROVED this _____ day of March, 2015.

ATTEST:

DAVID MATTINGLY, Mayor

CINDY STRACENER, City Clerk

RESOLUTION NO 20 OF 2015

**A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTON TO
TO UTILIZE FEDERAL-AID IN SEEKING RECREATIONAL TRAIL FUNDS IN
DEVELOPING A WALKING TRAIL THROUGH RIVERSIDE PARK**

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY Benton City Council THAT:

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

SECTION II: The Mayor and City Clerk are hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

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

THIS RESOLUTION adopted this _____ day of March, 2015.

Mayor David Mattingly

ATTEST: _____
City Clerk