

# BENTON CITY COUNCIL MEETING

APRIL 27, 2015

7:00 PM



AGENDA MEETING 6:15 PM



BENTON MUNICIPAL COMPLEX  
114 SOUTH EAST STREET  
COUNCIL CHAMBERS

**DAVID MATTINGLY, MAYOR**

**REGULAR SESSION**  
**April 27, 2015**  
**7:00 PM**  
**AGENDA**

- |              |  |   |
|--------------|--|---|
| <b>I.</b>    | <b>Call to Order</b>   | <b>Mayor Mattingly</b>                          |
| <b>II.</b>   | <b>Invocation</b>  |   |
| <b>III.</b>  | <b>Pledge of Allegiance</b>  | <b>Alderman Gardner</b>                         |
| <b>IV.</b>   | <b>Roll Call</b>   | <b>City Clerk</b>                               |
| <b>V.</b>    | <b>Approval of Minutes</b>   | <b>April 13, 2015</b><br><i>Public Hearing</i>  |
| <b>VI.</b>   | <b>Approval of Minutes</b>   | <b>April 13, 2015</b><br><i>Regular Meeting</i> |
| <b>VII.</b>  | <b>MYAC Youth of the Month</b><br><i>Tia Brazell – April 2015</i>  | <b>Abby Clay</b>                                |
| <b>VIII.</b> | <b>Employee of the Month</b><br><i>Lt. Terry Fuller – March 2015</i>   | <b>Alderman Donnor</b>                          |
| <b>IX.</b>   | <b>Proclamation</b><br><i>Paint the Town Purple – Relay for Life</i>   | <b>Mayor Mattingly</b>                          |
| <b>X.</b>    | <b>Proclamation</b><br><i>Kiwanis International Day</i>  | <b>Mayor Mattingly</b>                          |
| <b>XI.</b>   | <b>COMMITTEE REPORTS &amp; MOTIONS</b>   |   |
|              | <b>1. Finance Committee</b>  | <b>Alderman Ponder</b>                          |
|              | <b>A.) ORDINANCE NO. 24 OF 2015</b><br><i>AN ORDINANCE AUTHORIZING THE ISSUANCE OF SALES AND USE TAX BONDS FOR THE PURPOSE OF FINANCING A PORTION OF THE COST OF CAPITAL IMPROVEMENTS; PLEDGING A PORTION OF SALES AND USE TAXES AGGREGATING 2% TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.</i> |   |
|              | <b>2. Community Services/Animal Control</b>  | <b>Alderwoman Reed</b>                          |
|              | <b>A.) ORDINANCE NO. 25 OF 2015</b><br><i>AN ORDINANCE REZONING CERTAIN LAND IN THE CITY OF BENTON, SALINE COUNTY, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i>  |   |
|              | <b>B.) RESOLUTION NO. 22 OF 2015</b><br><i>A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH GANN HOUSE RENOVATIONS, LLC; AND FOR OTHER PURPOSES</i>   |   |

3. **Streets & Drainage Committee** **Alderman Cunningham**  
**A.) RESOLUTION NO. 23 OF 2015**  
*A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTON TO UTILIZE STATE AID STREET MONIES FOR THE FOLLOWING CITY PROJECT*
4. **Personnel/Health & Safety Committee** **Alderman Donnor**  
**A.) ORDINANCE NO. 26 OF 2015**  
*AN ORDINANCE ADOPTING THE CITY OF BENTON COMPENSATION PROGRAM DATED APRIL 1, 2015; ADJUSTING THE PAY RATES FOR CERTAIN EMPLOYEES; REPEALING ORDINANCE 41 OF 2005 AND ORDINANCE 82 OF 2007 AS AMENDED; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES*
5. **Parks Committee** **Alderman Lee**  
**A.) RESOLUTION NO. 24 OF 2015**  
*A RESOLUTION AUTHORIZING EXEMPTING THE SALINE COUNTY RELAY FOR LIFE ACTIVITIES FROM ORDINANCE 29 OF 2007; AND FOR OTHER PURPOSES*
6. **Public Utilities Commission** **Alderman Herzfeld**  
**A.) RESOLUTION NO. 25 OF 2015**  
*A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE BENTON SCHOOL DISTRICT; AND FOR OTHER PURPOSES*
7. **A & P Commission** **Aldermen Donnor & Ponder**
- XII. **Unfinished Business**
- XIII. **New Business**
- XIV. **Old Business**  
**A.) ORDINANCE NO. 27 OF 2015** **Mayor Mattingly**  
*AN ORDINANCE ANNEXING CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF BENTON, SALINE COUNTY, ARKANSAS*
- XV. **Announcements**
- XVI. **Adjourn**

~ PROCLAMATION ~

**WHEREAS**, Citizens of Benton have the chance to celebrate cancer survivors and remember loved ones who have lost the fight to cancer during Relay for Life; and

**WHEREAS**, it is an American Cancer Society fun-filled late night event designed to celebrate survivors and raise money for research, advocacy, education and patient services programs of the cancer society; and

**WHEREAS**, teams walk or run around the walking trail at C.W. Lewis Stadium in the City of Benton beginning Friday, May 1, 2015 at 7:00 P.M. and ending Saturday, May 2, 2015 at 2:00 A.M., trying to keep at least one team member on the track at all times; and

**WHEREAS**, there will be a variety of games, food and entertainment for the entire family with all proceeds benefiting the American Society; and

**WHEREAS**, it is a late night event that symbolizes the fact that cancer never sleeps, but as the dawn breaks it brings a new day, just as fund-raisers, like the relay, bring hope to cancer programs; and

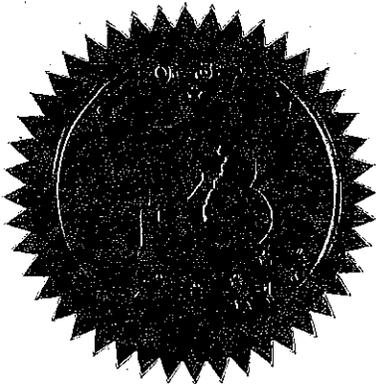
**WHEREAS**, after sunset at the event, luminaries decorated with names of those who have battled cancer, are lit and left glowing throughout the evening to remind everyone of the importance of their contributions.

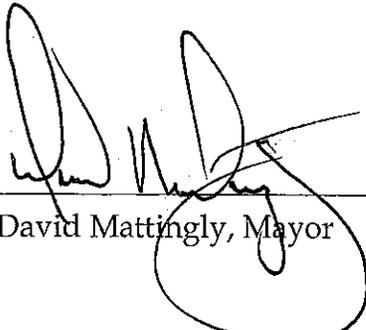
**NOW THEREFORE, I, DAVID MATTINGLY**, acting under my authority as Mayor of the City of Benton, Arkansas do hereby proclaim Sunday, April 26, 2015 - Saturday, May 2, 2015 as

**"PAINT THE TOWN PURPLE WEEK"**

in the City of Benton and urge all citizens to recognize and participate in the event.

**IN WITNESS HEREOF**, I have hereunto set my hand and caused the Seal of the City of Benton, Arkansas, to be affixed at City Hall this 27<sup>th</sup> day of April in the year of our Lord, two thousand and fifteen.



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

## PROCLAMATION

Whereas, Kiwanis International is one of the largest service organizations in the world with more than 600,000 members of all ages and abilities in more than 80 nations; and

Whereas, the members of the Golden K Kiwanis Club of Benton are devoted to improving the world, one child and one community at a time by seeking value to the human and spiritual, rather than the material things of life; and

Whereas, In addition to improving lives, Kiwanis club members promote the development of community leaders, positive role models, intercultural understanding and cooperation, and opportunities for fellowship, personal growth, professional development and community service; and

Whereas, the first Kiwanis club started its service in Detroit, Michigan, in 1915; and

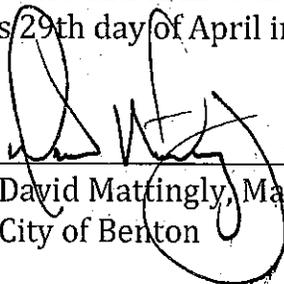
Whereas, Kiwanis International celebrates its Centennial Anniversary of the founding of the first Kiwanis club; and

Whereas, the service provided by the Golden K Kiwanis Club of Benton will continue to have a positive impact on our community and citizens; and

Now Therefore, I, David Mattingly, acting under my authority as Mayor of the City of Benton, Arkansas, do hereby **proclaim Wednesday, April 29, 2015, as Kiwanis International Day**, in the City of Benton, and hereby call upon all citizens of Benton thereof to render support to the members of this organization and to make themselves aware of Kiwanis International, whose members this day are providing meaningful service to our homes, schools and community.

IN WITNESS HEREOF, I have hereunto set my hand and caused the Seal of the City of Benton, Arkansas to be affixed at City Hall this 29th day of April in the year of our Lord, two thousand and fifteen.



  
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David Mattingly, Mayor  
City of Benton

**Public Hearing Minutes  
City of Benton  
April 13, 2015  
Benton Municipal Complex**

**The Mayor called the public hearing to order at 6:47 p.m. He stated that the purpose of the hearing is to give the public the opportunity to speak pro or con for the capital improvement revenue bonds described as franchise bonds in the amount of \$6.650 million. The ordinance authorizing these bond – Ordinance 21 of 2015 – An Ordinance Authorizing the Issuance and Sale of Capital Improvement Revenue Bonds, Series 2015; Providing for the Payment of the Principal Of and Interest on the Bonds; Prescribing Other Matters Relating Thereto; Declaring an Emergency is on the agenda for tonight. The Mayor asked if there was anyone who wanted to speak to this issue. No one came forward to speak for or against.**

**The Mayor closed the public hearing for the bond issue at 6:48 p.m.**

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

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**David Mattingly, Mayor**

**MINUTES OF THE BENTON CITY COUNCIL**  
**Regular Session**  
**April 13, 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 Ponder led the pledge of allegiance.**

**Roll was called.**

**The following persons were in attendance:**

<b>Alderman Kerry Murphy</b>	<b>Alderman Charles Cunningham</b>
<b>Alderman Evelyn Reed</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 eight (8) council members were present. Alderman Frank Baptist and Alderman Bill Donnor were absent. A quorum was declared.**

**The Mayor requested approval for the March 23, 2015 council meeting minutes. Alderman Lee made a motion to approve the minutes. Seconded by Alderman Herzfeld. The Mayor called for a voice vote on the approval of the minutes. All aldermen present replied in the affirmative. The minutes for the March 23, 2015 council meeting were approved with 8 affirmative votes and 2 absent votes.**

**The Mayor requested approval for the April 2, 2015 special called meeting minutes. Alderman Cunningham made a motion to approve the minutes. Seconded by Alderman Lee. The Mayor called for a voice vote for the approval of the minutes. All aldermen present replied in the affirmative. The minutes for the April 2, 2015 special called meeting were approved with 8 affirmative and 2 absent votes.**

**Battalion Chief Bryan Ware, Fire Marshal Bruce Armstrong, Captain Randy Wright, Engineer Eric Knapp, Firefighter Ty Foreman, Firefighter Jeremy Perry, and Firefighter Michael Gass were recognized by Chief Ford for their exceptional heroism in the rescue efforts for a fire that they responded to on February 9, 2015. The Mayor presented each with a plaque.**

**Craig Vidrine was recognized for 15 years of service with the city. James Melson and Matt Sanders were each recognized for 10 years of service with the city.**

**Kathy Kirk was recognized as the February employee of the month.**

**Hope Ernhart was recognized by the Mayor's Youth Advisory Council as the March youth of the month.**

**A proclamation declaring April as “Child Abuse Prevention Month” was read by the city clerk. See attached.**

**The next item on the agenda was a public hearing to abandon an easement. The Mayor stated that there has been a request for the city to abandon a portion of a utility easement. Terry McKinney, PUC Director was recognized. Mr. McKinney stated that the public hearing was for vacating an easement. Mr. and Mrs. William David, 6587 Westminster, lot 64, Westshore Subdivision Phase 3 in Hurricane Lake Estates requested that the city vacate a portion of the easement behind their house at the back of their property. There is a 10ft easement and they have asked us to vacate 4 ft. It was looked at and determined that we do not have an objection. The Public Utility Commission voted last week to vacate. Mr. McKinney asked if anyone had anything that they wanted to say for or against this. No one stepped forward to speak for or against this abandonment of a portion of the easement.**

**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 suspend the rules for the consideration of Ordinance 21 of 2015 – An Ordinance Authorizing the Issuance and Sale of Capital Improvement Revenue Bonds, Series 2015; Providing for the Payment of the Principal Of and Interest on the Bonds; Prescribing Other Matters Relating Thereto; and Declaring an Emergency and have the ordinance read by title only. Seconded by Alderman Murphy. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to read by title only was approved with 8 affirmative and 2 absent votes. Alderman Ponder asked for the first reading of Ordinance 21 of 2015 by title only. Seconded by Alderman Murphy. The ordinance was read by title only. The Mayor asked for any comments. None. Alderman Ponder made a motion to suspend the rules for the second and third readings of Ordinance 21 of 2015 by title only. Seconded by Alderman Cunningham. The Mayor asked that the roll be called on the motion to suspend. Roll called resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend the rules was approved with 8 affirmative and 2 absent votes. Alderman Ponder made a motion to adopt Ordinance 21 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 absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 21 of 2015 was adopted with 8 affirmative and 2 absent votes. Alderman Ponder made a motion to adopt the emergency clause. Seconded by Alderman Cunningham. The Mayor asked that the roll be called for the emergency clause. Roll called resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was approved with 8 affirmative and 2 absent votes.**

Jack Truemper, Stephens, Inc. was recognized. He stated that the bond sale was held this morning for the capital improvement bonds that have been discussed. We sold \$6,455,000 worth of bonds; we are netting the city \$6 million. Our all inclusive interest rate was a 3.95%. Benton's bonds have always been very well received in the marketplace and this was no exception.

Alderman Reed was recognized for a report from the Community Service/Animal Control Committee. Alderman Reed asked for the first reading of Ordinance 22 of 2015 – An Ordinance Making Unlawful the Practice of Feeding Stray Dogs and Stray Cats on Public Property and on the Real Property of Other People Without Consent; Prescribing Penalties for the Enforcement of this Ordinance; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Cunningham. The ordinance was read by the city clerk. Mr. Houston stated that in section 6 where it states the first violation of this ordinance instead of offense it should be ordinance as well as the second time it is stated. We need to strike offense in both of these cases and add the term ordinance. The Mayor asked for any comments. Thomas Hansen stated that he appreciated the creation of this ordinance to try and correct the problem that we have for stray dogs and cats. In my neighborhood we have a problem with the definition of stray dogs and stray cats. The decision of people in the neighborhood to feed these animals does not solely impact them. When neighbors feed these animals it encumbers all of us. We do not wish to have stray animals on our property. When I have strays making their way onto my property and doing what animals do on the property that endangers the health and safety of my family. This ordinance is a great step toward helping to address the issue but I would like to see the ordinance go further because the act of allowing the stray animals to be feed on a person's own property encumbers everyone else who lives in that neighborhood who then has to deal with the issue of all of these animals. Animals know where food is and will show up in greater numbers and this puts a bigger burden on all of us. Janice Dopin was recognized. She stated that she appreciated that the ordinance still allows people to feed on their own property or with permission but I think it needs to go one step forward. As far as the cats are concerned they need to be altered. If they are altered they will not travel, fight and will stay in their own little environment or colony and they won't continue to breed. I would like this to be considered later on which will address the feral problem, also when you alter them you give them rabies shots. This will give a protective barrier between the humans and any rabid animal. Alderman Reed made a motion to suspend the rules for the second and third readings of Ordinance 22 of 2015. Seconded by Alderman Lee. The Mayor asked that the roll be called on the motion to suspend. Roll called resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend was approved with 8 affirmative and 2 absent votes. Alderman Reed made a motion to adopt Ordinance 22 of 2015 on its second and third readings. Seconded by Alderman Cunningham. The ordinance was read by title only. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 22 of 2015 was adopted with 8 affirmative and 2 absent votes. Alderman Reed made a motion to adopt the emergency clause. Seconded by Alderman Lee. The Mayor asked that the roll be called for the emergency clause. Roll called resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman

**Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was adopted with 8 affirmative and 2 absent votes. The Mayor declared Ordinance 22 of 2015 adopted along with the emergency clause.**

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

**Alderman Terrell was recognized for the Personnel/Health & Safety Committee report. Alderman Terrell made a motion to approve Resolution 21 of 2015 – A Resolution Ratifying and Confirming the Appointment of Winifred Stamps as Commissioner to the Benton Civil Service Commission; and For Other Purposes. Seconded by Alderman Gardner. The resolution was read by the city clerk. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 21 of 2015 was approved with 8 affirmative and 2 absent votes.**

**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. Alderman Herzfeld asked for the first reading of Ordinance 23 of 2015 – An Ordinance Abandoning the City's Partial Interest in a Certain Utility Easement Located within the City; Authorizing the Mayor to Execute Documents Necessary to Partially Abandon the Easement; Declaring an Emergency and For Other Purposes. Seconded by Alderman Ponder. The ordinance was read by the city clerk. A public hearing was held tonight for this abandonment and no one spoke for or against it. The PUC did vote to allow the abandonment. This easement is located behind property at 6587 Westminster, Lot 64 Westshore Subdivision Phase 3. Alderman Herzfeld made a motion to suspend the rules. Seconded by Alderman Lee. The Mayor asked that the roll be called on the motion to suspend. Roll called resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend was approved with 8 affirmative and 2 absent votes. Alderman Herzfeld made a motion to approve Ordinance 23 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 absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 23 of 2015 was approved with 8 affirmative and 2 absent vote. Alderman Herzfeld made a motion to approve the emergency clause. Seconded by Alderman Lee. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist absent, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Gardner yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was approved with 8 affirmative and 2 absent votes.**

**Alderman Herzfeld gave the public utility commission report. See attached. The Mayor stated that we have a lot of growth going on in the city. Public utilities is like its company**

and because of the way the financial structure was set up years ago, it was very comingled. We have one software system that drives the financials. It becomes very difficult for us (Mayor & council, PUC & Terry) to keep all these things straight with the dynamics that are going on in the city. By the end of year public utilities will be a standalone company on its own, similar to many other cities. They will have their own financial statements, own structure. This is the right step to take.

Alderman Ponder was recognized for the Advertising and Promotion Commission's report. He stated that the commission will meet this Thursday.

There was not any new or unfinished business.

The Mayor stated that on April 25<sup>th</sup> the Prescription Take Back Program will take place. BBDI kickoff luncheon is tomorrow with a press conference at 11:30 am.

The meeting adjourned at 7:48 p.m.

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Cindy Stracener, City Clerk

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David Mattingly, Mayor

# Proclamation

## *Child Abuse & Neglect Prevention Month*

*WHEREAS*, Saline County's future prosperity depends on nurturing the healthy development of over 30,000 children currently living, growing and learning within our many diverse communities; and

*WHEREAS*, research shows that safe and nurturing relationships and stimulating and stable environments improve brain development and child well-being, while neglectful or abusive experiences and unstable or stressful environments increase the odds of poor childhood outcomes; and

*WHEREAS*, the abuse and neglect of children can cause severe, costly and lifelong problems affecting all of society, including physical and mental health problems, school failure and criminal behavior; and

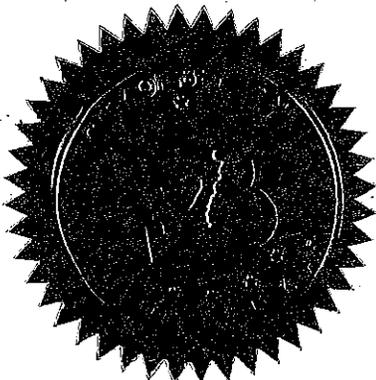
*WHEREAS*, research also shows that parents and caregivers who have social networks and know how to seek help in times of trouble are more resilient and better able to provide safe environments and nurturing experiences for their children; and

*WHEREAS*, individuals, businesses, schools, and faith-based and community organizations must make children a top priority and take action to support the physical, social, emotional and educational development and competency of all children; and

*WHEREAS*, during the month of April, Saline County Child Abuse & Neglect Prevention Coalition, in collaboration with the Arkansas Department of Health and Human Services and Prevent Child Abuse America, will be engaging communities in Saline County, Arkansas in a coordinated effort to prevent child abuse and neglect by promoting awareness of healthy child development, positive parenting practices and the types of concrete support families need within their communities,

NOW, THEREFORE, I, DAVID MATTINGLY, ACTING UNDER MY AUTHORITY AS MAYOR OF THE CITY OF BENTON, ARKANSAS, do hereby proclaim April 2015 as Child Abuse Prevention Month in the City of Benton and urge all citizens, businesses, churches, community organizations and schools to engage in activities for the purpose of strengthening families and communities to provide the optimal environment for healthy child development.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Benton, Arkansas to be affixed at Benton City Hall, this 13<sup>th</sup> day of April, 2015.



Mayor

## Public Utility Commission Meeting Summary of the April 6, 2015 Meeting

1.)

The first item on the agenda was a discussion on vacation of easement for lot 64 of Westshore Subdivision. Mr. McKinney said they have a 10' easement behind their house and they want to take 4' of it for a swimming pool. We looked at it and there is land behind them that will be developed at some time in the future, maybe not in our lifetime but it will happen. We felt that giving up the 4' of easement is not going to hurt anything because we will still have 10' and 6' on the other side so we have 16' and we are being a good neighbor. We are only giving up the east 4' of the easement. Chairman Martin asked if there is anything in the easement at this point in time and Member Ferrell said a fence. Mr. McKinney said we have no utilities in there and that is why we thought we could vacate the 4'. There is nothing there and if we get it we can put it on the other side later. Member Ferrell said he is guessing we have done this before & Mr. McKinney said yes, we have done this with a swimming pool after the fact. A year or 2 ago some one put a pool in and went to sell it and had to go through a big ordeal. At least he is going before the fact to get it. Member Miller said there is nothing on either side. There are no utilities and Mr. McKinney said that particular street only has utilities in the front; the sewer, water, electric and everything. A main could come through there for the woods behind it but he thinks the 16' would be enough to take care of whatever we might need. Member Livers asked if we are keeping 16' and McKinney said we will keep 16' on lot 64, but the way we set it up is we always get 10' on each side on the back property line so you have 20' total if you need it for some reason. We are still going to retain 16' in theory when that other land comes into the City someday we will get 10 more feet there. Member Best made a motion to vacate the east 4' of the easement on the back lot line of lot 64 of Westshore Subdivision in Hurricane Lake. Member Livers 2<sup>nd</sup> the motion and unanimous approval was given.

2.)

Presentation by Cindy Hawkins on February financials. Chairman Martin welcomed Mrs. Hawkins and the new Comptroller. Mrs. Hawkins said financials for February were great. As you notice we are \$294,000 revenues over expenses and for the year \$134,234 revenues over expenses. A couple of notes are that we did get contributed capital from CVS for the water main extension and reimbursement from the Highway Department on the Alcoa Project. That makes Waste Water look a little better than it actually is, but keep in mind that is money we wouldn't have spent if we weren't doing that. She thinks we look good. Member Miller said since you have become Comptroller, we have not received a check from Piggott and Mauldin. Mr. McKinney said we get them every month. Mrs. Hawkins said she is not prepared to answer that question because she did not do these financials, but it should be included in there. Member Livers made a motion to accept the report for the month of February and Member Ferrell 2<sup>nd</sup> the motion and unanimous approval was given.

3.)

Discussion and possible approval of job description of Customer Service Supervisor. Mr. McKinney said he wants to clarify that these are not new positions. By not replacing the Billing Manager, Mrs. Hawkins previous position, we had to put more responsibilities on other people. Basically she has corrected them and that doesn't mean they get any pay raises. It is really changing their responsibilities that at a later date will be determined. Ms. Hawkins said she had a recommendation. As the Commission knows when they interviewed her, she told them she could save them money by hiring her. Ms. Valerie Holden who was the Cash Office Supervisor, then last year when Barbara Reeves retired we moved her into billing and she still manages the Cash Office with the head cashier. She did not want the pay raise although she was due one, because the Billing Specialist was paid more. She has some health issues and there is

something with the Arkansas State Health Department where if you are on dialysis and make under a certain amount of money the State will automatically pay the portion of the dialysis that you're insurance doesn't pay. She thought it was under \$32,000 and that is right where she was. She has not had a raise since July and now she has moved into the Customer Service Supervisor position. She found out that the amount is \$63,000 that you can make according to the Health Department. Mrs. Hawkins is suggesting we give her a raise. This is a new position for her although it was an existing position. The raise would be to \$41,500. She is currently making right at \$32,000. Shawn Cottrell is the Supervisor of Outside Services. He will have no changes to his title. She just added a bunch of duties to him. With Ms. Holden still over in the Cash Office and over Billing, she could not take on all the extra duties, so she split the duties between them and it increased his job duties from 8 to 13 duties. You can see this on the job description. She has down there to give him a raise of just under \$5,000 which would put him at \$39,500. Sean has 8 2/3 years with us and Ms. Holden has 8 1/3 years. For their job range she went in between mid and min and that is where the salary range brought them. The bottom line is it makes an increase on Ms. Holden of \$9,229 and on Mr. Cottrell it would be \$4,902. They are going to hire a part time person to work only Monday's and Friday's in the Cash Office. Ms. Holden normally spends about 2 days over there, and at \$11.25 an hour for roughly 20 hours a week at the most, 52 weeks a year and that is \$11,700. If you take the 2 raises we are asking for, plus the \$11,700; that is \$25,832 that we are going to add but you are taking away her salary. It is still a savings of \$34,684 if we bump those 2 up. Chairman Martin suggested they take the jobs of Outside Services Supervisor and Customer Service Supervisor one at a time. Member Ferrell asked if the grade changed. Mrs. Hawkins said the grade did not change. Member Livers asked which one we are discussing. Chairman Martin said we will go with the Customer Service Supervisor first. Mrs. Hawkins said it is a promotion for Ms. Holden. It is a position that has been sitting there that nobody has been in. That is what she started out as before she became a department head. Chairman Martin added that there were additional responsibilities and Mrs. Hawkins agreed. Chairman Martin said that would raise her to \$41,500 and Mrs. Hawkins said yes. Member Miller asked if it was \$9,000. Ms. Hawkins said the difference is \$9,229, but she should have had part of that back in July of last year but we held off because she was afraid it might affect her later. Member Miller made a motion to take under advisement for both positions. Chairman Martin asked if he would like to table it and look at it in Executive Session and Member Miller said yes, he would. Member Ferrell 2<sup>nd</sup> the motion. Ms. Hawkins asked if they are tabling the job descriptions or the pay raises. Member Livers moved they accept both job descriptions as given in each one of these documents for Customer Service Supervisor and Outside Services Supervisor and Member Miller 2<sup>nd</sup> the motion and unanimous approval was given. Member Miller withdrew his first motion. Chairman Martin said they adopted both job descriptions for both positions and he then wanted to direct their attention to the matter of wages. Member Miller made a motion concerning the wages of both positions. He requested they take the wages under advisement and have an Executive Session following the PUC meeting to discuss and come to an agreement. Member Livers 2<sup>nd</sup> the motion and unanimous approval was given.

4. )

Discussion and possible approval of job description for Outside Services Supervisor (this item was discussed with the Customer Service Supervisor position in the previous paragraph).

5. )

Discussion on pole attachment agreement. Mr. McKinney said recently you may have read that the Mayor signed a new, revised agreement with Windstream. In that agreement, there had always been a pole attachment agreement. It is not there anymore. He was called by the city attorney who indicated if they were going to have a pole attachment agreement they were going to have to go out and do it. He is

trying to find out if we do this on all of them or what. Mr. McKinney said that would come to us as he understands and he is trying to get clarification from the city attorney. He is indicating that the City is no longer going into pole attachment agreements. It will be the responsibility of the Utilities if they want to do it. The City is going to say they can use this stuff and they can use easements, but to use and hook onto that pole they are going to have to come to the Utility and get a separate agreement. He wanted to make them aware that they are working on it.

6.)  
Discussion and possible approval of change order for the Alcoa Road Water and Sewer Utility Relocation. Mr. Jacob Gillip referred to a slide he provided and said this is a summary of the rules regarding materials. The left side is the one we normally use "Buy American" and the 3<sup>rd</sup> one over is "Buy America". It is one letter different but it is apparently about a \$24,000 difference in material costs. Chairman Martin asked which one we buy, "Buy American" or "Buy America". Mr. Gillip said we bid the job as "Buy American" like we generally do on all jobs, but since it is a Federal Highway job it has to be "Buy America". Member Best asked how that changes the price. Mr. Gillip said the "Buy American" is about 51% American made and has a lot more leeway. The "Buy America" is 99.9% American made. The cost really comes on valves and fittings and especially things like bolts & screws. Member Ferrell asked how much it changed the contract by and Mr. Gillip said \$23,377.63. Member Ferrell asked which was how much to the Commission and Mr. Gillip said Benton Utilities proportion of that would be \$4,675.53. Member Ferrell asked if this was something that happened after the fact and if we did not have the bid documents in the beginning. He asked how this happened. Mr. Gillip said the bid documents were for "Buy American" and they were approved by HTD. No one said anything. We did the job and then it came up that it had to be "Buy America" because it is using federal money. Mr. Byron Hicks said we should have had "Buy America" and if it had, that cost would have been reflected in the bid amount. Like he said, it went through the Highway Department, through all the approval stages and just didn't get caught until the submittals started coming after the fact. Mr. McKinney asked if we had to apply for a change order. Mr. Gillip said yes, he spoke to Glenn Gartrell and as you might guess, this is actually a common problem with these kinds of jobs because the 2 names are so similar and their HTD Policy Manual doesn't mention the requirement. Because it is federal money it is a requirement but they weren't very clear on that on the front end. Member Livers asked if the submittal we are talking about through McClelland and that is how you caught them or did someone else bring this to McClelland's attention after or during the submittal process. For instance, did you have a product submitted and it wasn't what you had specified and thought you would be receiving and then they said if you want that it will cost more money. Mr. Gillip said the contractor contacted him after he was talking to his supplier they asked if it was "Buy American" or "Buy America". He then confirmed with HTD that it has to be "Buy American" for this project since it has federal money. At that point the contractor and the supplier said there is a problem here because apparently those materials cost a paramount more to acquire. Some are the same but a lot of the fittings are part of the cost increases. Member Ferrell asked if the feds have already agreed and Mr. Gillip said HTD will do a change order for their part. They said this comes up a lot. You would think they would change the name. Chairman Martin said it was their mistake and the designer's fault. Mr. Gillip said he made them provide documentation of exactly where the cost increases are and he gave them a copy of that. As you can see, it is mostly mechanical fittings. Member Best made a motion to approve the change order for the Alcoa Road Water and Sewer Utility Relocation and Member Miller 2<sup>nd</sup> the motion. Chairman Martin asked if they were approving the change order in its totality or as it relates to the Utilities portion of that \$ 23,000. Mr. McKinney said he believes they are

going to have to approve the change because it is "Buy America" and not "Buy American" and we will go through the approval process. A vote was taken and unanimous approval was given.

7.)

Discussion on transition for financial affairs on utilities from the general fund. Mr. McKinney said we got some time schedules that surprised us. We originally thought we had to the end of the year to make the transition, but last week he received a letter saying it has to be done by June 1st. He thinks they can make that timeline, so they agreed to that. He did put a comment in there that we need to work this out as far as what we pay toward the City's administrative costs. Their response to that was that the HR services are going to be half of what we were paying. We were paying \$283,000 if he remembers correctly, so we would be paying about \$141,000 for HR services. The email came back to him saying that if we are going to hire our own HR person, then there would be no monies paid to the City for those activities. He told them he didn't know what we are going to do, but it was our understanding that he wanted us to move forward with our own HR person. He conversed with Member Ferrell quite a bit and Mr. Ferrell gave him some help. We are working diligently toward getting all of this done by June 1. We can write our own checks now which just happened last Friday. Now that we have that ability we are now separated. Mr. Michael Collier has been working with Ms. Hawkins pretty well and helping us do some things. Ms. Hawkins is familiar with Daffron and that is going to make it easier for us to make the transition.

8.)

PowerPoint presentation by Cindy Hawkins. This item was tabled because the PowerPoint could not be located.

9.)

Discussion on time for meeting with Stephens on May 8. Mr. McKinney said Stephens wants to meet with them on May 8th. They will come down here and the purpose of that meeting is they want to explain everything that is going on. The date has been set with Moody's and everybody, but they need to know what time the Commission wants to meet. It is on a Friday. Member Livers suggested 11:00 and the other Commissioners agreed with that time.

10.)

Discussion on the way the Commission wants bonds to be issued (pay off earlier or use funds for projects). Member Ferrell said he would like to table. Mr. McKinney said the reason they need to know is for when they start preparing all the documentation it has to be one way or the other. The 2 ways is we can lower our payoff time or use the funds for a capital project. Member Best asked if that is within a certain amount of time and Mr. McKinney said we have to do it within 3 years. Member Best asked when they have to know that and Mr. McKinney said he is pushing him pretty hard for that when he called Friday and he told him about the PUC meeting today. Some things have happened that makes us think a little bit. Member Ferrell asked if they could table it until the next meeting in 2 weeks and Mr. McKinney said he will call and ask if we can wait until the next meeting or we can have a special meeting and talk it through real quick.

11.)

Discussion and possible approval of Utility Construction/Relocation Agreement for sewer line that is part of Highway 5 Widening Project. Mr. Jacob Gillip presented a PowerPoint slide and explained that the green line is the sewer line as designed and as it is being constructed now. They have the Highway permit and everything. When they did that design and went out to survey for this project, they were out there doing HTV's personal surveys, but at the time they did not have any plans they could share. In mid-February, they released a preliminary set of plans and they are planning to put the new Highway 5 on the north side of the existing Highway 5. You can see the proposed right of way and how far north of the existing highway it is going to go. It will be about 100 feet. If we put our manhole where we had

planned to on the north side, we would be looking at relocating it here in a couple of years. Under HTD's policies you would have a responsibility for a portion of that. He spoke to Mr. McKinney and Mr. Randy Hawkins, and they presented to the Highway Department to participate in moving the manhole at no cost. We have convinced them to participate in casing the line to the future right of way. What that will achieve is there will be no relocation necessary later. They are going to pay for the increase in cost to relocate it, which will be a substantial savings over what their proportion would be in the future and Benton Utilities will have no cost for that relocation. They call it a preventative agreement because it prevents having to relocate. Mr. McKinney said he has already received that document to sign. Member Ferrell made the motion to approve the agreement as written and Member Best 2<sup>nd</sup> the motion. A vote was taken and unanimous approval was given. Mr. McKinney said he would sign the document and send it to the State.

12.)

John Davis (Donna Craig's fiancé) regarding sales of auto parts to the utilities. This was tabled at the last meeting. Ms. Craig said Mr. Davis is sick and was not able to attend the meeting. Ms. Craig said she wanted to clarify something from the last meeting. Her father is retiring and she and Mr. Davis are working with the business. We were planning on taking over the business in 6 months to a year. The business is not doing that well, so they are not sure if that is actually going to happen. She said at the last meeting she kept hearing "she doesn't have any part of the business", and that is actually probably not true. She just wanted to clarify that. Her father's intention is for them to take over the business whether we buy it or he gives it to them, but she is not sure that is even going to happen unless they can build the business. Chairman Martin asked if there is a good possibility she will be involved and Ms. Craig agreed. Chairman Martin said the document from the attorney said if this was consummated it would have to be an ordinance of the City Council because of that implied potential relationship. Member Livers asked about the attorney's comment in the 3<sup>rd</sup> paragraph that says the business in question is located in Sherwood, Arkansas, and goes on to state about doing business with businesses in Benton, and if she were to assume that business if it would remain in Sherwood. Ms. Craig said her house is up for sale right now and they were planning to buy property in Benton with a home on it and having the business in the back yard or somewhere where they could possibly sell retail. It would be moved to Benton if we can make the business thrive. Sherwood is where the actual business is but we sell to Cabot, Little Rock and have customers here in Benton. Mr. McKinney said the only way they can do business with us is to have a waiver/ordinance from the City Council.

Meeting adjourned to executive session at 7:00 PM.

Executive session began at 7:05 PM and adjourned at 7:36 PM

Member Miller made a motion in regards to Ms. Valerie Holden that they present an offer to add to her base pay \$4,614.50 and at the end of 90 days we do a review for a possible increase. Member Livers 2<sup>nd</sup> the motion. A vote was taken and unanimous approval was given.

Member Miller made another motion in regards to Mr. Sean Cottrell for the position of Outside Services Supervisor and take his base pay and add \$2,451.50 and at evaluation time, possibly make a change in his pay at that time. Member Livers 2<sup>nd</sup> the motion. A vote was taken and unanimous approval was given.

Meeting adjourned at 7:39 p.m.

ORDINANCE NO. 24 of 2015

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SALES AND USE TAX BONDS FOR THE PURPOSE OF FINANCING A PORTION OF THE COST OF CAPITAL IMPROVEMENTS; PLEDGING A PORTION OF SALES AND USE TAXES AGGREGATING 2% TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, there was submitted to the qualified electors of the City of Benton, Arkansas (the "City") at a special election held November 12, 2013, the question of issuing, under Amendment No. 62 to the Constitution of the State of Arkansas (the "State") and under Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation"), capital improvement 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, a majority of the electors voting on the question approved the issuance of such bonds; and

WHEREAS, the City Council has heretofore issued its \$37,720,000 Sales and Use Tax Bonds, Series 2014 (the "Parity Bonds") in order to finance a portion of the costs of the Improvements and has determined to issue capital improvement bonds designated as "City of Benton, Arkansas Sales and Use Tax Bonds, Series 2015" (the "Series 2015 Bonds") in the aggregate principal amount of \$1,335,000 to finance a portion of the costs of the Improvements; and

WHEREAS, the Parity Bonds were issued under Ordinance No. 2 of 2014 of the City adopted February 24, 2014 ("Ordinance No. 2 of 2014"); and

WHEREAS, the Series 2015 Bonds are being issued pursuant to Ordinance No. 2 of 2014 as "Additional Parity Bonds" thereunder; and

WHEREAS, the City has made arrangements for the sale of the Series 2015 Bonds to Stephens Inc. (the "Purchaser"), at a price of \$ \_\_\_\_\_ (principal amount less \$ \_\_\_\_\_ of underwriter's discount and less \$ \_\_\_\_\_ of net original issue discount) plus accrued interest, if any (the "Purchase Price"), pursuant to a Bond Purchase

Agreement between the Purchaser and the City (the "Purchase Agreement"), which has been presented to and is before this meeting; and

WHEREAS, the Preliminary Official Statement, dated April 20, 2015, offering the Series 2015 Bonds for sale (the "Preliminary Official Statement"), has been presented to and is before this meeting; and

WHEREAS, the Continuing Disclosure Agreement between the City and First Security Bank, Searcy, Arkansas (the "Disclosure Agreement"), providing for the ongoing disclosure obligations of the City with respect to the Series 2015 Bonds, has been presented to and is before this meeting;

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

Section 1. The offer of the Purchaser for the purchase of the Series 2015 Bonds from the City at the Purchase Price, subject to the terms and provisions hereafter in this Ordinance set forth in detail, is hereby accepted and the Purchase Agreement, in substantially the form submitted to this meeting, is approved and the Series 2015 Bonds are hereby sold to the Purchaser. The Mayor is hereby authorized and directed to execute and deliver the Purchase Agreement on behalf of the City and to take all action required on the part of the City to fulfill its obligations under the Purchase Agreement.

Section 2. The Preliminary Official Statement is hereby approved and the previous use of the Preliminary Official Statement by the Purchaser in connection with the sale of the Series 2015 Bonds is hereby in all respects approved and confirmed, and the Mayor is hereby authorized and directed, for and on behalf of the City, to execute the Preliminary Official Statement and the final Official Statement in the name of the City for use in connection with the sale of the Series 2015 Bonds as set forth in the Purchase Agreement.

Section 3. The Disclosure Agreement, in substantially the form submitted to this meeting, is approved, and the Mayor is hereby authorized and directed to execute and deliver the Disclosure Agreement for and on behalf of the City. The Mayor is authorized and directed to take all action required on the part of the City to fulfill the City's obligations under the Disclosure Agreement. Any legal fees and other administrative costs incurred by the City in connection with making the annual report pursuant to the Disclosure Agreement (except audit fees) shall be considered administrative charges that may be payable from moneys in the Bond Fund established by Ordinance No. 2 of 2014 (the "Parity Bond Fund").

Section 4. Under the authority of the Constitution and laws of the State, including particularly Amendment No. 62 to the Constitution of the State and the Authorizing Legislation, the Series 2015 Bonds are hereby authorized and ordered issued in the total principal amount of \$1,355,000, the proceeds of the sale of which are necessary to provide funds for accomplishing a portion of the Improvements, paying expenses incidental thereto and expenses of issuing the Series 2015 Bonds and funding a debt service reserve.

The Series 2015 Bonds shall bear interest at the rates and shall mature on June 1 in the amounts and in the years as follows:

<u>Year</u> <u>(June 1)</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>
--------------------------------	-----------------------------------	--------------------------------

The Series 2015 Bonds shall be issuable only as fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. Unless the City shall otherwise direct, the Series 2015 Bonds shall be numbered from 1 upward in order of issuance. Each Series 2015 Bond shall have a CUSIP number but the failure of a CUSIP number to appear on any Series 2015 Bond shall not affect its validity.

The Series 2015 Bonds shall be registered initially in the name of Cede & Co., as nominee for the Depository Trust Company (“DTC”), which shall be considered to be the registered owner of the Series 2015 Bonds for all purposes under this Ordinance, including, without limitation, payment by the City of principal of, redemption price, premium, if any, and interest on the Series 2015 Bonds, and receipt of notices and exercise of rights of registered owners. There shall be one certificated, typewritten Series 2015 Bond for each stated maturity date which shall be immobilized in the custody of DTC with the beneficial owners having no right to receive the Series 2015 Bonds in the form of physical securities or certificates. DTC and its participants shall be responsible for maintenance of records of the ownership of beneficial interests in the Series 2015 Bonds by book-entry on the system maintained and operated by DTC and its participants, and transfers of ownership of beneficial interests shall be made only by DTC and its participants, by book-entry, the City having no responsibility therefor. DTC is expected

to maintain records of the positions of participants in the Series 2015 Bonds, and the participants and persons acting through participants are expected to maintain records of the purchasers of beneficial interests in the Series 2015 Bonds. The Series 2015 Bonds as such shall not be transferable or exchangeable, except for transfer to another securities depository or to another nominee of a securities depository, without further action by the City.

If any securities depository determines not to continue to act as a securities depository for the Series 2015 Bonds for use in a book-entry system, the City may establish a securities depository/book-entry system relationship with another securities depository. If the City does not or is unable to do so, or upon request of the beneficial owners of all outstanding Series 2015 Bonds, the City and the Trustee (hereinafter identified), after the Trustee has made provision for notification of the beneficial owners by the then securities depository, shall permit withdrawal of the Series 2015 Bonds from the securities depository, and authenticate and deliver bond certificates in fully registered form (in denominations of \$5,000 or integral multiples thereof) to the assigns of the securities depository or its nominee, all at the cost and expense (including costs of printing definitive bonds) of the City, if the City fails to maintain a securities depository/book-entry system, or of the beneficial owners, if they request termination of the system.

Prior to issuance of the Series 2015 Bonds, the City shall have executed and delivered to DTC a written agreement (the "Representation Letter") setting forth (or incorporating therein by reference) certain undertakings and responsibilities of the City with respect to the Series 2015 Bonds so long as the Series 2015 Bonds or a portion thereof are registered in the name of Cede & Co. (or a substitute nominee) and held by DTC. Notwithstanding such execution and delivery of the Representation Letter, the terms thereof shall not in any way limit the provisions of this Section or in any other way impose upon the City any obligation whatsoever with respect to persons having interests in the Series 2015 Bonds other than the registered owners, as shown on the registration books kept by the Trustee. The Trustee shall take all action necessary for all representations of the City in the Representation Letter with respect to the Trustee to at all times be complied with.

The authorized officers of the Trustee and the City shall do or perform such acts and execute all such certificates, documents and other instruments as they or any of them deem necessary or advisable to facilitate the efficient use of a securities depository for all or any portion of the Series 2015 Bonds; provided that neither the Trustee nor the City may assume any obligations to such securities depository or beneficial owners of Series 2015 Bonds that are inconsistent with their obligations to any registered owner under this Ordinance.

Each Series 2015 Bond shall be dated as of June 1, 2015. Interest on the Series 2015 Bonds shall be payable on December 1, 2015, and semiannually thereafter on June 1 and December 1 of each year. Payment of each installment of interest shall be made to the person in whose name the Series 2015 Bond is registered on the registration books of the City maintained by First Security Bank, Searcy, Arkansas, as Trustee and Paying Agent (the "Trustee"), at the close of business on the fifteenth day of the month (whether or not a business day) next preceding each interest payment date (the "Record Date"), irrespective of any transfer or exchange of any such Series 2015 Bond subsequent to such Record Date and prior to such

interest payment date, by check or draft mailed by the Trustee to such owner at his address on such registration books. Principal of the Series 2015 Bonds shall be payable at the corporate trust office of the Trustee.

Each Series 2015 Bond shall bear interest from the payment date next preceding the date on which it is authenticated unless it is authenticated on an interest payment date, in which event it shall bear interest from such date, or unless it is authenticated prior to the first interest payment date, in which event it shall bear interest from June 1, 2015, or unless it is authenticated during the period from the Record Date to the next interest payment date, in which case it shall bear interest from such interest payment date, or unless at the time of authentication thereof interest is in default thereon, in which event it shall bear interest from the date to which interest has been paid.

Only such Series 2015 Bonds as shall have endorsed thereon a Certificate of Authentication substantially in the form set forth in Section 5 hereof (the "Certificate") duly executed by the Trustee shall be entitled to any right or benefit under this Ordinance. No Series 2015 Bond shall be valid and obligatory for any purpose unless and until the Certificate shall have been duly executed by the Trustee, and the Certificate of the Trustee upon any such Series 2015 Bond shall be conclusive evidence that such Series 2015 Bond has been authenticated and delivered under this Ordinance. The Certificate on any Series 2015 Bond shall be deemed to have been executed if signed by an authorized officer of the Trustee, but it shall not be necessary that the same officer sign the Certificate on all of the Series 2015 Bonds.

Section 5. The Series 2015 Bonds and the Certificate shall be in substantially the following form and the Mayor and City Clerk are hereby expressly authorized and directed to make all recitals contained therein:

(Form of Series 2015 Bond)

REGISTERED

REGISTERED

No. \_\_\_\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF ARKANSAS  
COUNTY OF SALINE  
CITY OF BENTON  
SALES AND USE TAX BOND  
SERIES 2015

Interest Rate: \_\_\_\_\_ %

Maturity Date: June 1, \_\_\_\_\_

Dated Date: June 1, 2015

Registered Owner: Cede & Co.

Principal Amount: \_\_\_\_\_ Dollars

CUSIP No.: \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS:

That the City of Benton, County of Saline, State of Arkansas (the "City"), for value received, hereby promises to pay to the Registered Owner shown above upon the presentation and surrender hereof at the principal corporate trust office of First Security Bank, Searcy, Arkansas, or its successor or successors, as Trustee and Paying Agent (the "Trustee"), on the Maturity Date shown above, the Principal Amount shown above, in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of public and private debts and to pay by check or draft to the Registered Owner shown above interest thereon, in like coin or currency from the interest commencement date described below at the Interest Rate per annum shown above, payable on December 1, 2015 and on each June 1 and December 1 thereafter, until payment of such Principal Amount or, if this bond or a portion hereof shall be duly called for redemption, until the date fixed for redemption, and to pay interest on overdue principal and interest (to the extent legally enforceable) at the rate borne by this bond. Payment of each installment of interest shall be made to the person in whose name this bond is registered on the registration books of the City maintained by the Trustee at the close of business on the fifteenth day of the month (whether or not a business day) next preceding each interest payment date (the "Record Date"), irrespective of any transfer or exchange of this bond subsequent to such Record Date and prior to such interest payment date.

Unless this bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the Trustee for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is required by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR

OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

This bond shall bear interest from the payment date next preceding the date on which it is authenticated unless it is authenticated on an interest payment date, in which event it shall bear interest from such date, or unless it is authenticated during the period from the Record Date to the next interest payment date, in which case it shall bear interest from such interest payment date, or unless it is authenticated prior to the first interest payment date, in which event it shall bear interest from the Dated Date shown above, or unless at the time of authentication hereof interest is in default hereon, in which event it shall bear interest from the date to which interest has been paid.

This bond is one of an issue of City of Benton, Arkansas Sales and Use Tax Bonds, Series 2015, aggregating One Million Three Hundred Thirty-Five Thousand Dollars (\$1,335,000) in aggregate principal amount (the "bonds"), and is issued for the purpose of financing a portion of the costs of expanding and improving the Bernard W. Holland Park, paying expenses of authorizing and issuing the bonds, and funding a debt service reserve.

The bonds are issued pursuant to and in full compliance with the Constitution and laws of the State of Arkansas (the "State"), particularly Amendment No. 62 to the Constitution of the State and Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation"), and pursuant to Ordinance No. 2 of 2014 duly adopted on February 24, 2014, as supplemented by Ordinance No. \_\_\_\_\_ of the City duly adopted on \_\_\_\_\_, 2015 (collectively, the "Authorizing Ordinance"), and an election duly held at which the majority of the legal voters of the City voting on the question approved the issuance of the bonds. Reference is hereby made to the Authorizing Ordinance for the details of the nature and extent of the security and of the rights and obligations of the City, the Trustee and the registered owners of the bonds. The bonds are special obligations of the City, payable from (a) 100% of the collections from a 0.5% sales and use tax levied by the City under the authority of the Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated and Ordinance No. 52 of 2013 of the City duly adopted on August 26, 2013 (the "2014 Tax") and (b) 12.5% of the collections from a 1.5% sales and use tax levied by the City under Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated and Ordinance No. 48 of 2013 of the City duly adopted on August 26, 2013, as amended by Ordinance No. 55 of 2013 of the City duly adopted on September 9, 2013, which will be effective beginning January 1, 2017 (the "2017 Tax"), and the City hereby pledges 100% of the collections of the 2014 Tax and 12.5% of the collections of the 2017 Tax (the "Pledged Tax Receipts") for the payment of this bond. The pledge of the Pledged Tax Receipts in favor of the bonds is on a parity with the pledge in favor of the City's Sales and Use Tax Bonds, Series 2014.

The bonds are subject to extraordinary, optional and mandatory sinking fund redemption prior to maturity as follows:

(1) The bonds shall be redeemed from proceeds of the bonds not needed for the purposes intended, in whole or in part on any interest payment date, at a redemption price equal to the principal amount being redeemed plus accrued interest to the redemption date, in

inverse order of maturity (and by lot within a maturity in such manner as the Trustee may determine).

(2) The bonds are subject to redemption at the option of the City, from funds from any source, on and after June 1, 2024, in whole at any time or in part on any interest payment date, at a redemption price equal to the principal amount being redeemed plus accrued interest to the redemption date. If fewer than all of the bonds shall be called for redemption, the particular maturities to be redeemed shall be selected by the City in its discretion. If fewer than all of the bonds of any one maturity shall be called for redemption, the particular bonds or portion thereof to be redeemed from such maturity shall be selected by lot by the Trustee.

(3) The bonds are subject to mandatory sinking fund redemption by lot in such manner as the Trustee shall determine, on June 1 in the years and in the amounts set forth below, at a redemption price equal to the principal amount being redeemed plus accrued interest to the date of redemption:

Bonds Maturing June 1, 2025

<u>Year</u>	<u>Principal Amount</u>
2016	
2017	
2018	
2019	
2020	
2021	
2022	
2023	
2024	
2025 (maturity)	

Bonds Maturing June 1, 2035

<u>Year</u>	<u>Principal Amount</u>
2026	
2027	
2028	
2029	
2030	
2031	
2032	
2033	
2034	
2035 (maturity)	

Bond Maturing June 1, 2044

<u>Year</u>	<u>Principal Amount</u>
2036	
2037	
2038	
2039	
2040	
2041	
2042	
2043	
2044 (maturity)	

In case any outstanding bond is in a denomination greater than \$5,000, each \$5,000 of face value of such bond shall be treated as a separate bond of the denomination of \$5,000.

Notice of redemption identifying the bonds or portions thereof (which shall be \$5,000 or a multiple thereof) to be redeemed and the date they shall be presented for payment shall be given by the Trustee, not less than 30 nor more than 60 days prior to the date fixed for redemption, by sending a copy of the redemption notice by first class mail, postage prepaid, or other acceptable standard means of delivery, including facsimile or electronic communication, to all registered owners of bonds to be redeemed. Failure to send an appropriate notice or any such notice to one or more registered owners of bonds to be redeemed shall not affect the validity of the proceedings for redemption of other bonds as to which notice of redemption is duly given in proper and timely fashion. All such bonds or portions thereof thus called for redemption and for the retirement of which funds are duly provided in accordance with the Authorizing Ordinance prior to the date fixed for redemption will cease to bear interest on such redemption date.

This bond is transferable by the Registered Owner shown above in person or by his attorney-in-fact duly authorized in writing at the principal corporate trust office of the Trustee, but only in the manner, subject to the limitations and upon payment of the charges provided in the Authorizing Ordinance, and upon surrender and cancellation of this bond. Upon such transfer a new fully registered bond or bonds of the same maturity, of authorized denomination or denominations, for the same aggregate principal amount, will be issued to the transferee in exchange therefor. This bond is issued with the intent that the laws of the State shall govern its construction.

The City and the Trustee may deem and treat the Registered Owner shown above as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and neither the City nor the Trustee shall be affected by any notice to the contrary.

The bonds are issuable only as fully registered bonds in the denomination of \$5,000, and any integral multiple thereof. Subject to the limitations and upon payment of the charges provided in the Authorizing Ordinance, fully registered bonds may be exchanged for a

like aggregate principal amount of fully registered bonds of the same maturity of other authorized denominations.

This bond shall not be valid until it shall have been authenticated by the Certificate hereon duly signed by the Trustee.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all acts, conditions and things required to exist, happen and be performed, under the Constitution and laws of the State, particularly Amendment No. 62 to the Constitution of the State and the Authorizing Legislation, precedent to and in the issuance of this bond have existed, have happened and have been performed in due time, form and manner as required by law; that the indebtedness represented by this bond and the issue of which it forms a part does not exceed any constitutional or statutory limitation; and that taxes sufficient to pay the bonds and interest thereon have been duly levied under applicable State law and duly pledged in accordance with the Authorizing Legislation and made payable until all of the bonds and interest thereon have been fully paid and discharged.

IN WITNESS WHEREOF, the City of Benton, Arkansas has caused this bond to be executed by its Mayor and City Clerk and its corporate seal to be impressed or imprinted on this bond, all as of the Dated Date shown above.

CITY OF BENTON, ARKANSAS

ATTEST:

\_\_\_\_\_  
City Clerk

By \_\_\_\_\_  
Mayor

(SEAL)

(Form of Trustee's Certificate)

TRUSTEE'S CERTIFICATE OF AUTHENTICATION

This bond is one of the Series 2015 Bonds issued under the provisions of the within mentioned Authorizing Ordinance.

Date of Authentication: \_\_\_\_\_

FIRST SECURITY BANK  
Searcy, Arkansas  
TRUSTEE

By \_\_\_\_\_  
Authorized Signature

(Form of Assignment)

ASSIGNMENT

FOR VALUE RECEIVED, \_\_\_\_\_ (“Transferor”), hereby sells, assigns and transfers unto \_\_\_\_\_, the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ as attorney to transfer the within bond on the books kept for registration thereof with full power of substitution in the premises.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Transferor

GUARANTEED BY:

\_\_\_\_\_

NOTICE: Signature(s) must be guaranteed by a member of or participant in the Securities Transfer Agents Medallion Program (STAMP), or in another signature guaranty program recognized by the Trustee.

Section 6. The City hereby expressly pledges and appropriates (a) 100% of the collections from a sales and use tax levied by the City at a rate of 0.5% under Ordinance No. 52 of 2013 of the City adopted August 26, 2013, under the authority of Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated (the “2014 Tax”); and (b) 12.5% of the collections from a sales and use tax levied by the City at a rate of 1.5% under Ordinance No. 48 of 2013 of the City adopted August 26, 2013, as amended by Ordinance No. 55 of 2013 of the City adopted on September 9, 2013, under the authority of Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated (the “2017 Tax”), which will become effective on January 1, 2017 (collectively, the “Pledged Tax Receipts”), to the payment of the principal of and interest on the Series 2015 Bonds on a parity with the Parity Bonds. The Series 2015 Bonds are being issued as Additional Parity Bonds under Ordinance No. 2 of 2014 and shall be a part of “the bonds” within the meaning of such ordinance. In this regard, all provisions of Ordinance No. 2 of 2014 pertaining to “the bonds” shall inure and appertain to the Series 2015 Bonds to the same extent and with like force and effect as if herein set out in full. The effect of the above provisions shall be to continue the applicable provisions of Ordinance No. 2 of 2014 in full force and effect after the Parity Bonds are paid or provision is made therefor.

Section 7. The Series 2015 Bonds shall be callable for payment prior to maturity in accordance with the terms set out in the face of the bond form set forth in Section 5 of this Ordinance. The City hereby covenants to use proceeds of the Series 2015 Bonds not necessary for the purposes intended to redeem Series 2015 Bonds on the first available interest payment date.

Section 8. When the Series 2015 Bonds have been executed and sealed as herein provided, they shall be delivered to the Trustee, which shall authenticate them and deliver them to or at the direction of the Purchaser upon payment of the Purchase Price. The accrued interest, if any, shall be deposited in the Parity Bond Fund. The amount necessary to increase the

Debt Service Reserve Account in the Parity Bond Fund to its required level shall be deposited therein. The expenses of issuing the Series 2015 Bonds, as set forth in the delivery instructions to the Trustee signed by the Mayor and City Clerk shall be paid from the Purchase Price.

The balance of the Purchase Price shall be deposited in a special account of the City hereby created with the Trustee and designated the "2015 Park and Recreational Improvement Construction Fund" (the "2015 Construction Fund"). The moneys in the 2015 Construction Fund shall be used for accomplishing the Improvements, paying expenses incidental thereto and paying the expenses of issuing the Series 2015 Bonds. Moneys in the 2015 Construction Fund shall also be used to pay the principal of and interest on the Series 2015 Bonds when due if moneys in the Parity Bond Fund are not sufficient for the purpose. Disbursements shall be made from the 2015 Construction Fund on the basis of requisitions which shall specify: the name of the person, firm or corporation to whom payment is to be made; the amount of the payment; the purpose of the payment; and that the payment is a proper charge on the 2015 Construction Fund. Each requisition must be signed by the Mayor. The Trustee shall keep records as to all payments made from the 2015 Construction Fund.

When the Improvements have been completed and all required expenses paid and expenditures made from the 2015 Construction Fund for and in connection with the accomplishment of the Improvements and the financing thereof, this fact shall, if there are any moneys in the 2015 Construction Fund, be evidenced by a certificate signed by the Mayor, which certificate shall state, among other things, the date of the completion and that all obligations payable from the 2015 Construction Fund have been discharged. A copy of the certificate shall be filed with the Trustee, and upon receipt thereof the Trustee shall transfer any remaining balance into the Parity Bond Fund.

Section 9. Moneys held for the credit of the 2015 Construction Fund shall be invested and reinvested in Permitted Investments (defined in Section 16 of Ordinance No. 2 of 2014) or other investments permitted by Arkansas law which shall mature, or which shall be subject to redemption by the holder thereof, at the option of such holder, not later than the date or dates when such money will be required for the purposes intended.

Section 10. (a) The City covenants that it shall not take any action or suffer or permit any action to be taken or condition to exist which causes or may cause the interest payable on the Series 2015 Bonds to be included in gross income for federal income tax purposes. Without limiting the generality of the foregoing, the City covenants that the proceeds of the sale of the Series 2015 Bonds and the Pledged Tax Receipts will not be used directly or indirectly in such manner as to cause the Series 2015 Bonds to be treated as "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

(b) The City represents that it has not used or permitted the use of, and covenants that it will not use or permit the use of the Improvements financed by the Series 2015 Bonds or the proceeds of the Series 2015 Bonds, in such manner as to cause the Series 2015 Bonds to be "private activity bonds" within the meaning of Section 141 of the Code.

(c) The City covenants that it will not reimburse itself from Series 2015 Bond proceeds for any costs paid prior to the date the Series 2015 Bonds are issued except in compliance with United States Treasury Regulation No. 1.150-2 (the "Regulation"). This Ordinance shall be considered an "official intent" for purposes of the Regulation.

(d) The City will retain all documents and records pertaining to the Series 2015 Bonds and the Improvements financed with the proceeds of the Series 2015 Bonds for the life of the Series 2015 Bonds plus an additional three years.

Section 11. The City covenants that it will take no action which would cause the Series 2015 Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code. The City further covenants that it will submit to the Secretary of the Treasury of the United States, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the bonds are issued, a statement concerning the Series 2015 Bonds which contains the information required by Section 149(e) of the Code.

Section 12. The provisions of this Ordinance are separable and in the event that any section or part hereof shall be held to be invalid, such invalidity shall not affect the remainder of this Ordinance.

Section 13. All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 14. It is hereby ascertained and declared that the Improvements are immediately needed for the preservation of the public peace, health and safety and to remove existing hazards thereto. The Improvements cannot be accomplished without the issuance of the Series 2015 Bonds, which cannot be sold at the interest rates specified herein unless this Ordinance is immediately effective. Therefore, it is declared that an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in force and take effect immediately upon and after its passage.

PASSED: \_\_\_\_\_, 2015.

APPROVED:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

(SEAL)

CERTIFICATE

The undersigned, City Clerk of the City of Benton, Arkansas (the "City"), hereby certifies that the foregoing pages are a true and correct copy of Ordinance No. \_\_\_\_\_, passed at a regular session of the City Council of the City, held at the regular meeting place of the City Council at 7:00 p.m. on the 27th day of April, 2015, and that the Ordinance is of record in Ordinance Record Book No. \_\_\_\_\_ at Page \_\_\_\_\_, now in my possession.

GIVEN under my hand and seal this \_\_\_\_\_ day of April, 2015.

---

City Clerk

(SEAL)

**ORDINANCE NO. 25 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 Heavy Industrial (HI) zoning; and

WHEREAS, the Planning Commission ordered a Public Hearing be held on April 14, 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 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 Heavy Industrial (HI).

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 General Agricultural and Forestry (AG) to Heavy Industrial (HI):

Part of the West ½, Section 15, Township 2 South, Range 1 West, Benton, Saline County, Arkansas, more particularly described as: Commencing at the northwest corner of Section 15, Township 2 South, Range 15 West, (a found 2 inch pipe filled with concrete with a bolt in the center) thence South 00 Deg. 20 Min. 17 Sec. West, 3381.96 feet to a found rebar with RLS Cap# 1199 located on the south right of way of the Union Pacific spur track; thence along South right of way North 57 Deg. 30 Min. 00 Sec. East, 1738.22 feet to the Point of Beginning; thence continuing along south right of way, North 57 Deg. 30 Min. 00 Sec. East, 280 feet to a found rebar (which is the common corner between Cresco Steel and Solem Industries, Inc.); thence South 44 Deg. 03 Min. 41 Sec. East 651.77 feet to centerline of River Street; South 27 Deg. 31 Min. 00 Sec. West, 303.03 Feet; thence along the centerline of River Street South 23 Deg. 51 Min. 00 Sec. West, 184.24 feet; thence North 32 Deg. 08 Min. 59 Sec. West, 892.23 feet to the Point of Beginning.

SECTION 2. The City Council, having found that the immediate rezoning of this property will allow operation to continue 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 \_\_\_\_\_, 2015.

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

Attest: \_\_\_\_\_  
Cindy Stracener, City Clerk

P & Z Vote 7-0 in favor

DESIGNATED FOR PUBLICATION



# CITY OF BENTON

Community Development

P.O. Box 607  
Benton, Arkansas 72018

## MEMORANDUM

TO: Planning & Zoning Commission  
Mrs. Pam Gibson, Chair

FROM: David Vondran, Director of Community Development

DATE: 09 APR 2015

RE: Rezone request for 1325 River St.  
General Agricultural & Forestry (AG) to Heavy Industrial (HI)

---

Staff has reviewed the proposed rezone request and recommends approval. All requirements have been met for this rezone request from AG to HI. Required documentation is attached and fees have been received.

Please contact the Community Development office if we may be of further assistance.

Staff Use:  
DATE SUBMITTED 03-18-15  
DATE OF NEXT MEETING 04-14-15  
AD MUST RUN NOT LATER THAN 03-30-15

Application and Procedural Requirements for Rezone Permit

Applicant's Name ADACUS INVESTMENTS LLC  
Address of Subject Property 1325 RIVER ST. BENTON, AR 72015  
Legal Description of Subject Property (may be attached on separate sheet)  
  
Assessor's Parcel Number of Subject Property 805-21431-000  
Zoning District of Subject Property GENERAL AGRICULTURE  
Proposed Use STEEL SERVICE CENTER

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 ADACUS INVESTMENTS LLC, 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 Chris Van Wingerden CHRIS VAN WINGERDEN  
Mailing Address 4165 SPARTAN INDUSTRIAL DR.  
GRANDVILLE, MI 49418

Phone Number 616 531-8600

Subscribed and certified to me this 3 day of MARCH, 2015.

J. M. Rumble  
Community Development Dept Representative

*Hascall*

STEEL COMPANY

4165 Spartan Ind. Drive SW  
Grandville, MI 49418

616 531-8600  
616 531-7555

March 3, 2015

To the Benton City Planning Commission:

It is our (Adacus Investments LLC) intent to re-zone 1325 River Street, Benton, Arkansas [Parcel 805-21431-000] for the purpose of correctly categorizing it's use as an industrial property. This property and its existing building have been used as a Steel Service Center for the last 15+ years, across three different owners.

This zoning change will facilitate a pending sale which will continue the same operation of the facility as well as grow the employment. Therefore, we are requesting that the above named property be re-zoned from Agricultural to Heavy Industrial.

Respectfully,



Dag Hascall  
CEO  
Hascall Steel Company

Manager/Owner  
Adacus Investments LLC

SCHEDULE A CONTINUED

EXHIBIT "A"

PART OF THE WEST 1/2, SECTION 15, TOWNSHIP 2 SOUTH, RANGE 15 WEST, BENTON, SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 15 WEST, (A FOUND 2 INCH PIPE FILLED WITH CONCRETE WITH A BOLT IN THE CENTER) THENCE SOUTH 00 DEG. 20 MIN. 17 SEC. WEST, 3381.96 FEET TO A FOUND REBAR WITH RLS CAP# 1199 LOCATED ON THE SOUTH RIGHT OF WAY OF THE UNION PACIFIC SPUR TRACK; THENCE ALONG SOUTH RIGHT OF WAY NORTH 57 DEG. 30 MIN. 00 SEC. EAST, 1738.22 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SOUTH RIGHT OF WAY, NORTH 57 DEG. 30 MIN. 00 SEC. EAST, 280 FEET TO A FOUND REBAR (WHICH IS THE COMMON CORNER BETWEEN CRESCO STEEL AND SOLEM INDUSTRIES, INC.); THENCE SOUTH 44 DEG. 03 MIN. 41 SEC. EAST 651.77 FEET TO THE CENTERLINE OF RIVER STREET; SOUTH 27 DEG. 31 MIN. 00 SEC. WEST, 303.03 FEET; THENCE ALONG THE CENTERLINE OF RIVER STREET SOUTH 23 DEG. 51 MIN. 00 SEC. WEST, 184.24 FEET; THENCE NORTH 32 DEG. 08 MIN. 59 SEC. WEST, 892.23 FEET TO THE POINT OF BEGINNING.

FILED  
SALINE COUNTY  
CIRCUIT CLERK

2007 JAN -5 AM 8:32

Return to:  
Saline County Abstract & Guaranty Company  
316 North Main Street  
Bealon, AR 72015

WARRANTY DEED  
(CORPORATION)

BY: [Signature]

KNOW ALL MEN BY THESE PRESENTS:

That, Cresco Steel Service Center Inc. now known as Jenner Steel Southwest, Inc. a corporation organized under and by virtue of the laws of the State of Arkansas, by its President, duly authorized by proper resolution of the Board of Directors, for the consideration of the sum of—TEN AND 00/100—DOLLARS—(\$10.00)—and other good and valuable consideration, in hand paid by Adacus Investments, LLC, Grantee(s) the receipt of which is hereby acknowledged, does grant, bargain, sell and convey unto the said Adacus Investments, LLC, Grantee(s) and unto its successors and assigns forever, the following described land, situated in the County of Saline and the State of Arkansas to-wit:

SEE ATTACHED EXHIBIT "A"

Subject to restrictions, conditions, covenants and easements, of record, if any.

TO HAVE AND TO HOLD the same unto the said Grantee(s) and unto its successors and assigns forever, with all appurtenances thereunto belonging.

And the Grantor hereby covenants with said Grantee(s) that it will forever warrant and defend the title to the said lands against all claims whatsoever.

IN TESTIMONY WHEREOF, The name of the grantor is hereunto affixed by its President and its seal affixed, this 29th day of December, 2006.

Cresco Steel Service Center Inc. now known as Jenner Steel Southwest, Inc.

[Signature] President  
By: Gerald A. Gunnell, President

I hereby certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument. Except or no consideration paid if some things.  
GRANTEE OR AGENT: Adacus

GRANTEE'S ADDRESS: 1325 River Street  
Bealon, AR 72015



3465.00

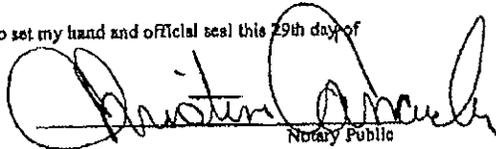
07 001700

ACKNOWLEDGMENT

STATE OF Michigan )  
COUNTY OF Macomb ) SS.

BE IT REMEMBERED that on this 29th day of December, 2006, come before me, the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, Gerald A. Gunter and to me personally well known (or satisfactorily proven to be), he stated that she was the President of the Cresco Steel Service Center Inc. now known as Jonner Steel Southwest, Inc. a corporation, and was duly authorized in her capacity to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that she 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 29th day of December, 2006.

  
Notary Public

My commission expires: 8-29-07

CHRISTINE CAMARIDA  
Notary Public, Macomb County, MI  
My Commission Expires August 29, 2007

THIS INSTRUMENT APPROVED BY:  
SAM B. GIBSON, ATTORNEY AT LAW  
P.O. BOX 211  
BENTON, AR 72018  
66-2122



07 001701

EXHIBIT "A"

PART OF THE WEST 1/2, SECTION 15, TOWNSHIP 2 SOUTH, RANGE 15 WEST, BENTON, SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 15 WEST, (A FOUND 2 INCH PIPE FILLED WITH CONCRETE WITH A BOLT IN THE CENTER) THENCE SOUTH 00 DEG. 20 MIN. 17 SEC. WEST, 3381.96 FEET TO A FOUND REBAR WITH RLS CAP# 1199 LOCATED ON THE SOUTH RIGHT OF WAY OF THE UNION PACIFIC SPUR TRACK; THENCE ALONG SOUTH RIGHT OF WAY NORTH 57 DEG. 30 MIN. 00 SEC. EAST, 1738.22 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SOUTH RIGHT OF WAY, NORTH 57 DEG. 30 MIN. 00 SEC. EAST, 280 FEET TO A FOUND REBAR (WHICH IS THE COMMON CORNER BETWEEN CRESCO STEEL AND SOLEM INDUSTRIES, INC.); THENCE SOUTH 44 DEG. 03 MIN. 41 SEC. EAST 651.77 FEET TO THE CENTERLINE OF RIVER STREET; SOUTH 27 DEG. 31 MIN. 00 SEC. WEST, 303.03 FEET; THENCE ALONG THE CENTERLINE OF RIVER STREET SOUTH 23 DEG. 51 MIN. 00 SEC. WEST, 184.24 FEET; THENCE NORTH 32 DEG. 08 MIN. 59 SEC. WEST, 892.23 FEET TO THE POINT OF BEGINNING.

FILED FOR RECORD

In. Doc Book 07 Page 1700

JAN 05 2007

at 8:32 o'clock A M  
DOUG KIDD, CIRCUIT CLERK  
BY Lana Hodge DC



07 001702

REZONES

If the owner of said property will not be available, a signed letter by the property owner(s) must be presented identifying their representative or agent by name. This will need to be notarized.

Christie Blair  
Representative or Agents Name

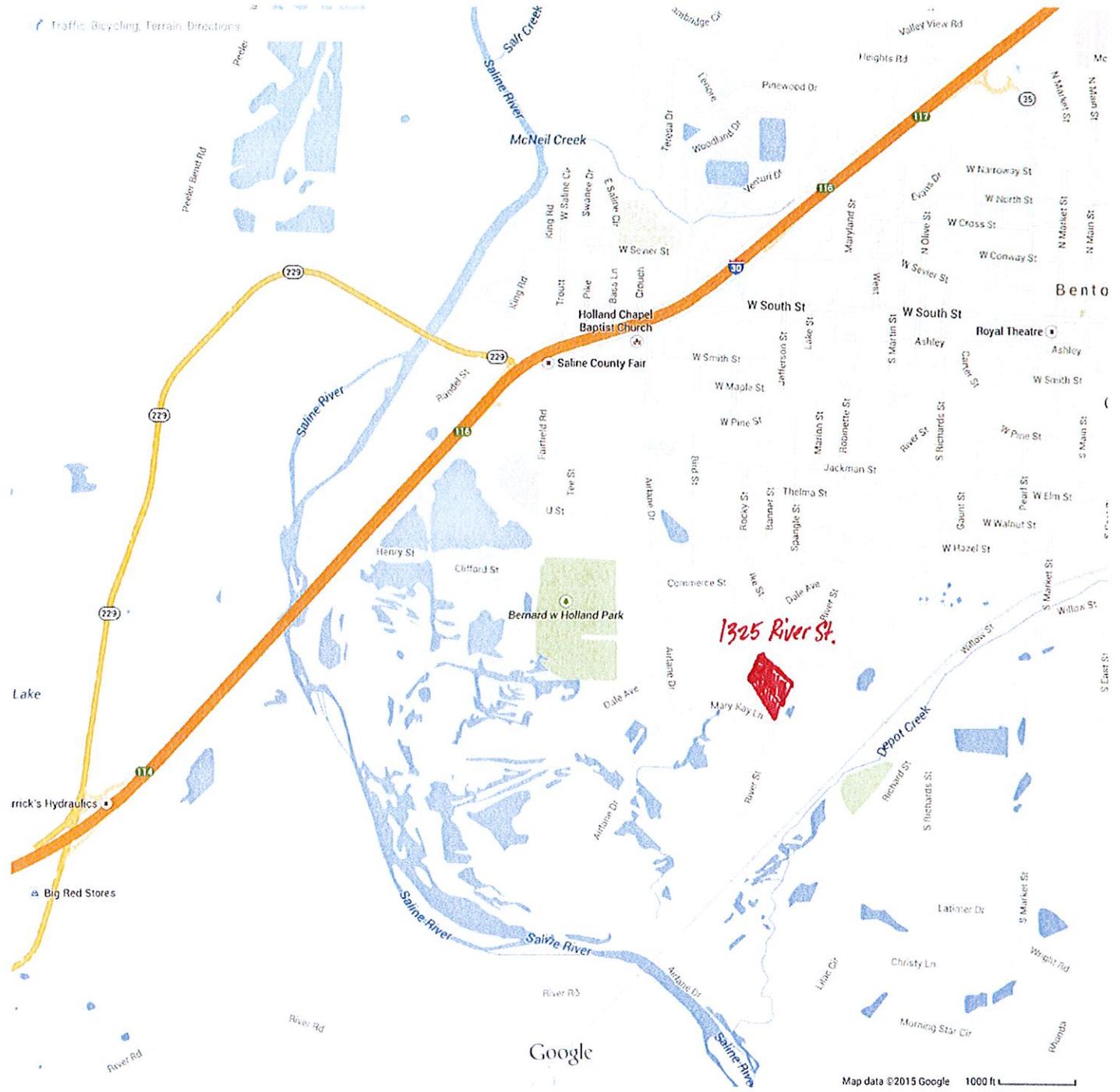
[Signature] [Signature] 3-17-15  
Owners Signature Date

\_\_\_\_\_  
Owners Signature Date

\_\_\_\_\_  
Owners Signature Date



Traffic, Bicycling, Terrain, Directions





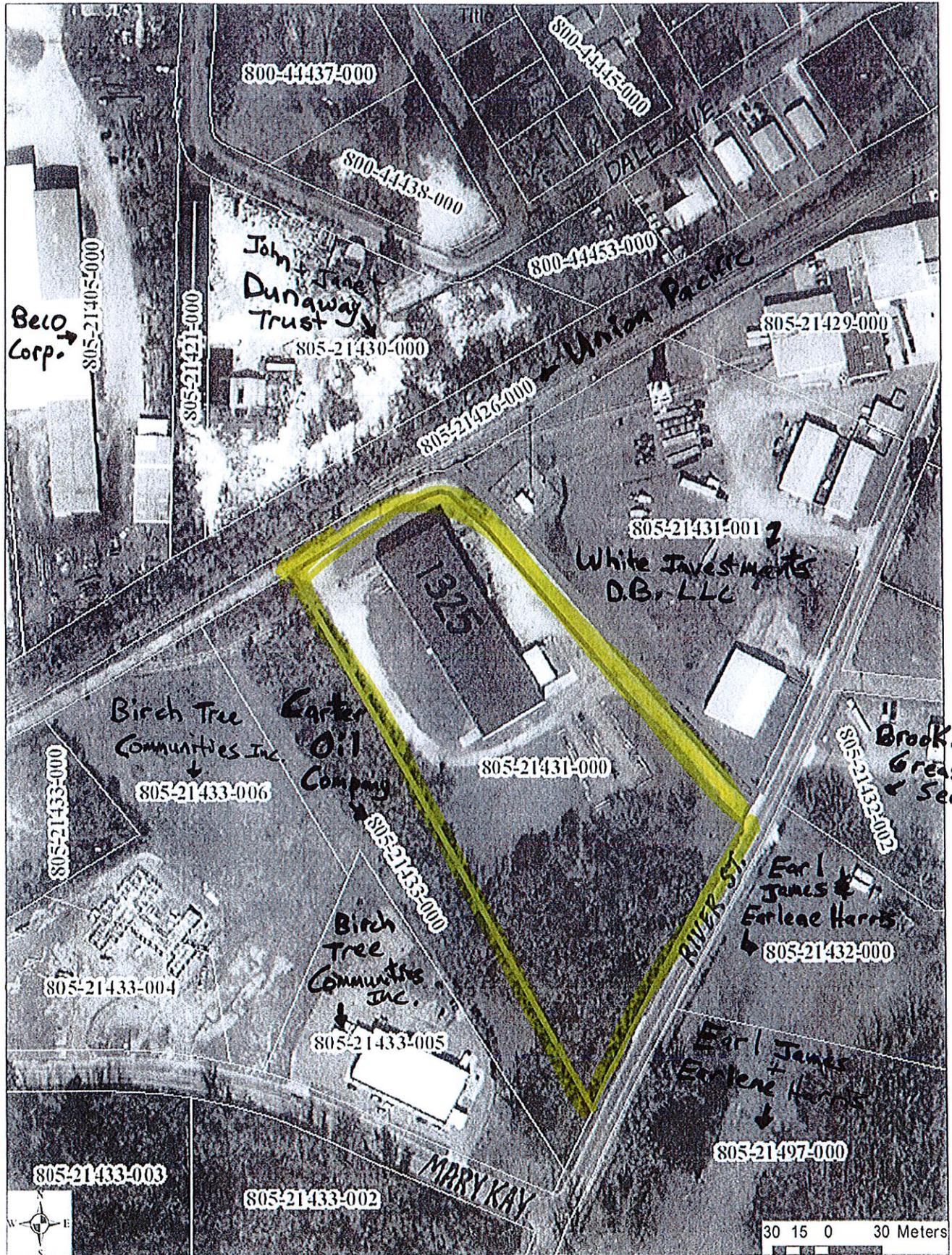
## NOTICE

Notice is hereby given that a hearing will be held by the Planning Commission of the City of Benton, Arkansas, on Tuesday the 14<sup>th</sup> day of April, 2015, at 6pm at 114 South East Street (at the Benton City Complex, in the Community Development Conference Room). The hearing is for the petition of Adacus Investments LLC for rezoning the property located at 1325 River Street, the following lands to wit:

PART OF THE WEST ½ SECTION 15, TOWNSHIP 2 SOUTH, RANGE 15 WEST, BENTON, SALINE COUNTY, ARKANSAS, MORE PARTICULARY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 15 WEST, (A FOUND 2 INCH PIPE FILLED WITH CONCRETE WITH A BOLT IN THE CENTER) THENCE SOUTH 00 DEG. 20 MIN. 17 SEC. WEST, 3381.96 FEET TO A FOUND REBAR WITH RLS CAP# 1199 LOCATED ON THE SOUTH RIGHT OF WAY OF THE UNION PACIFIC SPUR TRACT; THENCE ALONG SOUTH RIGHT OF WAY NORTH 57 DEG. 30 MIN. 00 SEC. EAST, 1738.22 FEET TO THE POINT OF BEGINNING; THENCE CONTIUNG ALONG SOUTH RIGHT OF WAY, NORTH 57 DEG. 30 MIN. 00 SEC. EAST, 280 FEET TO A FOUND REBAR (WHICH IS THE COMMON CORNER BETWEEN CRESCO STEEL AND SOLEM INDUSTRIES, INC.); THENCE SOUTH 44 DEG. 03 MIN. 41 SEC. EAST 651.77 FEET TO THE CENTERLINE OF RIVER STREET; SOUTH 27 DEG. 31 MIN. 00 SEC. WEST, 303.03 FEET; THENCE ALONG THE CENTERLINE OF RIVER STREET SOUTH 23 DEG. 51 MIN. 00 SEC. WEST, 184.24 FEET; THENCE NORTH 32 DEG. 08 MIN. 59 SEC. WEST, 892.23 FEET TO THE POINT OF BEGINNING.

In the City of Benton, Saline County, Arkansas.

Said property is proposed to be rezoned from its current zoning as AG - Agriculture to HI - Heavy Industrial.



See Attached for addresses

Union Pacific System  
1400 Douglas Street Stop 1640  
Omaha, NE 68179-1640  
Parcel Number: 805-21426-000

John A. and Janet A. Dunaway Living Trust dated September 8, 2014  
2701 West Lawson Road  
Alexander, AR 72002-8780  
Parcel Number: 805-21430-000

BECO Corporation of Benton, Arkansas  
c/o Russell Win  
1310 Commerce Street  
Benton, AR 72015  
Parcel Number: 805-21405-000

Birch Tree Communities, Inc.  
P.O. Box 1589  
Benton, AR 72018  
Parcel Number: 805-21433-006

Birch Tree Communities, Inc.  
P.O. Box 1589  
Benton, AR 72018  
Parcel Number: 805-21433-005

Carter Oil Company, Inc.  
P.O. Box 17726  
North Little Rock, AR 72117-0726  
Parcel Number: 805-21433-000

Earl James, unmarried and  
Earlene Harris  
502 West North Street  
Benton, AR 72015  
Parcel Numbers: 805-21497-000 and 805-21432-000

Brooks Grease Service, Inc.  
3104 North Erie Avenue  
Tulsa, OK 74115  
Parcel Number: 805-21432-002

White Investments D.B. LLC  
P.O. Box 791  
Benton, AR 72018-0791  
Parcel Number: 805-21431-001

## Quinn M. Rambo

---

**From:** Bruce Armstrong  
**Sent:** Wednesday, March 18, 2015 2:12 PM  
**To:** Bill Staggs; David Vondran  
**Cc:** Quinn M. Rambo; jessica  
**Subject:** FW: Rezone Request for 1325 River St. from AG to HI  
**Attachments:** Rezone 1325RiverSt- AG to HI.pdf

Bill,

I see no reason to deny the rezone request from AG to HI for the property at 1325 River Street.

Thanks,  
Bruce

**From:** Quinn M. Rambo  
**Sent:** Wednesday, March 18, 2015 11:44 AM  
**To:** Jonathan W. Buff; dhood; Bruce Armstrong; Elec. Manager  
**Cc:** David Vondran; Bill Staggs  
**Subject:** Rezone Request for 1325 River St. from AG to HI

Good morning,

This rezone request will be on the agenda for April. Please review and send your memos to Bill Staggs and me by March 30, 2015.

Thank you,

*Quinn M. Rambo*  
Community Development  
114 South East Street  
Benton, AR 72015  
(p) 501-776-5938 or 5939  
(f) 501-776-5922

## Quinn M. Rambo

---

**From:** dhood  
**Sent:** Wednesday, March 18, 2015 2:41 PM  
**To:** Quinn M. Rambo; Jonathan W. Buff; Bruce Armstrong; Elec. Manager  
**Cc:** David Vondran; Bill Staggs  
**Subject:** RE: Rezone Request for 1325 River St. from AG to HI

Bill,

The Benton Utilities Water Department approves this rezone for 1325 River Street. This approval is for a rezone only and does not guarantee water service is available to this site.

Thanks,

Dewayne Hood  
Water Department Assistant Manager  
Benton Utilities  
1314 Venturi Dr.  
Benton, AR 72019  
501-776-5932  
Fax 501-776-5924  
Cell 501-317-9545  
[dhood@bentonar.org](mailto:dhood@bentonar.org)

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**From:** Quinn M. Rambo  
**Sent:** Wednesday, March 18, 2015 11:44 AM  
**To:** Jonathan W. Buff; dhood; Bruce Armstrong; Elec. Manager  
**Cc:** David Vondran; Bill Staggs  
**Subject:** Rezone Request for 1325 River St. from AG to HI

Good morning,

This rezone request will be on the agenda for April. Please review and send your memos to Bill Staggs and me by March 30, 2015.

Thank you,

## Quinn M. Rambo

---

**From:** Jonathan W. Buff  
**Sent:** Thursday, March 19, 2015 4:36 PM  
**To:** Bill Staggs; Quinn M. Rambo; Bruce Armstrong; Elec. Manager  
**Cc:** David Vondran; dhood; Randy Hawkins  
**Subject:** RE: Rezone Request for 1325 River St. from AG to HI

Bill,

The Benton Utilities Wastewater Department approves this rezone for 1325 River Street. This approval is for a rezone only and does not guarantee sewer service is available to this site.

Thanks,

**Jonathan Buff**  
Wastewater Manager  
Benton Utilities  
616 W Hazel  
Benton, AR 72015  
Phone: 501-776-5982  
Fax: 501-776-5974  
[jwbuff@bentonar.org](mailto:jwbuff@bentonar.org)

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**From:** dhood  
**Sent:** Wednesday, March 18, 2015 2:41 PM  
**To:** Quinn M. Rambo; Jonathan W. Buff; Bruce Armstrong; Elec. Manager  
**Cc:** David Vondran; Bill Staggs  
**Subject:** RE: Rezone Request for 1325 River St. from AG to HI

Bill,

The Benton Utilities Water Department approves this rezone for 1325 River Street. This approval is for a rezone only and does not guarantee water service is available to this site.

Thanks,

**Dewayne Hood**  
Water Department Assistant Manager  
Benton Utilities  
1314 Venturi Dr.  
Benton, AR 72019

RESOLUTION NO. 22 OF 2015

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH GANN HOUSE RENOVATIONS, LLC; AND FOR OTHER PURPOSES

WHEREAS, the City Council desires to enter into an agreement with Gann House Renovations, LLC in order to bring certain properties into compliance with the local building codes in lieu of bringing a nuisance abatement action in the Saline County Circuit Court; and

WHEREAS, the City desires to enter into the agreement which is attached as Exhibit "1" to 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 the agreement which is attached as Exhibit "1" with the Gann House Renovations, LLC for the purposes herein stated.

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

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

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

**AGREEMENT**

Between

THE CITY OF BENTON, ARKANSAS

and

GANN HOUSE RENOVATIONS, LLC

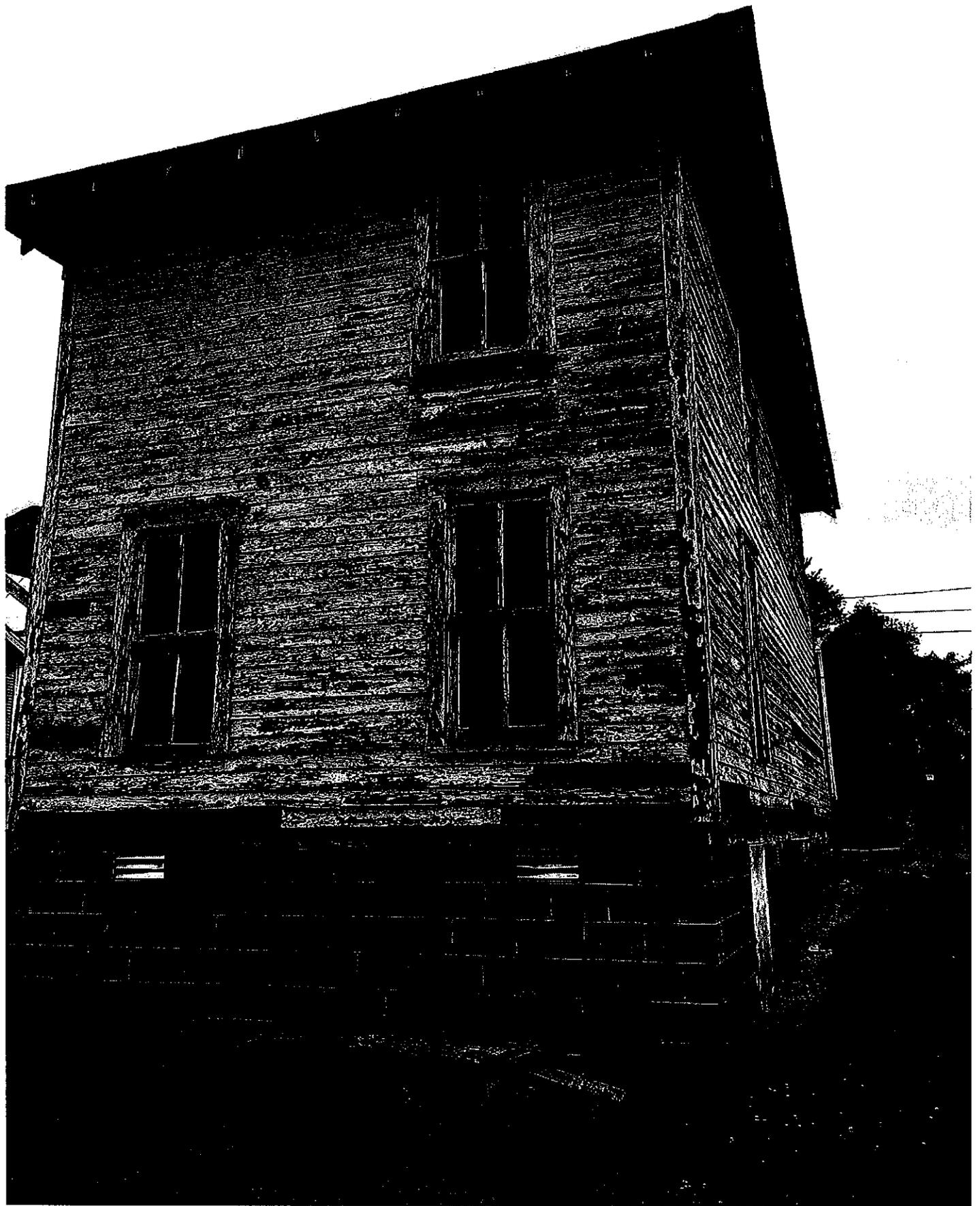
MAY 1, 2015

THIS AGREEMENT, entered into this 1st day of May, 2015, between THE CITY OF BENTON, County of Saline, State of Arkansas (hereinafter referred to as the "City") and GANN HOUSE RENOVATIONS, LLC (hereinafter referred to as "GHR") and this Agreement is as follows, to-wit:

**WITNESETH**

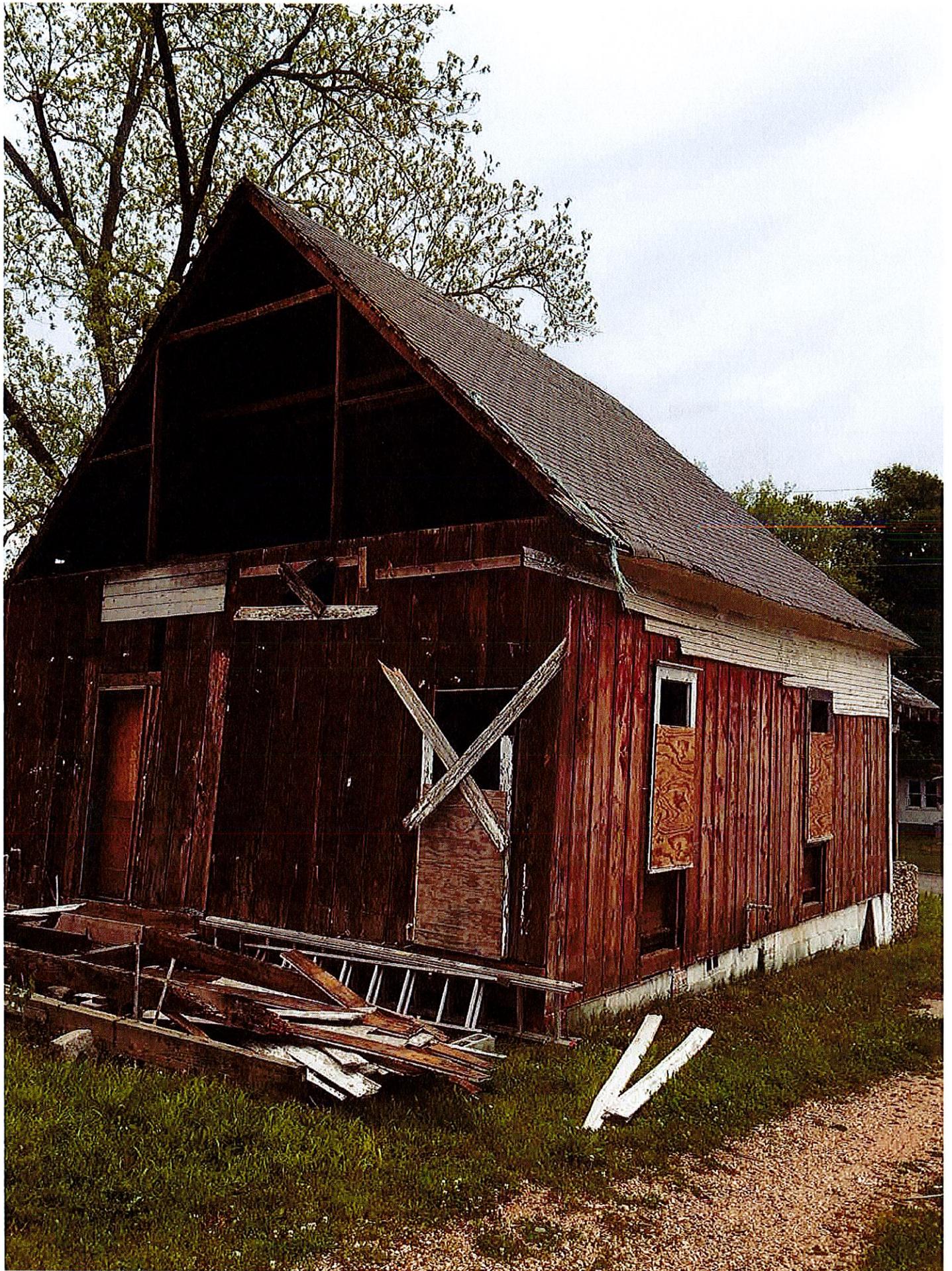
1. GHR owns the properties located at 411 South Main Street; 417 South Main Street (two structures situated thereon)(one of which has been identified by GHR as 421 South Main Street); 112 West Maple Street (which has been identified by GHR as 116 West Maple) all of which are located within the corporate limits of the City.
2. Because of issues with the addresses, there are labeled photographs of each of the structures situated on the properties described in paragraph 1 which are attached to this Agreement as Exhibit "1" and are incorporated now by reference as if stated word for word.
3. In lieu of the City proceeding with nuisance abatement actions against GHR, the parties have come to terms, as contained within this Agreement, concerning the renovation and restoration of the properties identified in paragraph 1.
4. GHR will have until 8:00 am on Monday, August 17, 2015 to either have the specified work listed herein completed for each structure **OR** have the non-compliant structure(s), whether one or more, demolished and the property cleared of all debris and building materials.
5. Should GHR breach paragraph 4 of this Agreement, the City may in its discretion file suit against GHR and elect to seek as its' remedy the specific performance of this Agreement with respect to the demolition of the non-compliant structure(s), whether one or more.
6. With respect to the structure located at 112 West Maple, GHR shall paint the exterior of the structure; replace/restore any and all damaged or deteriorated

**112 W. Maple**





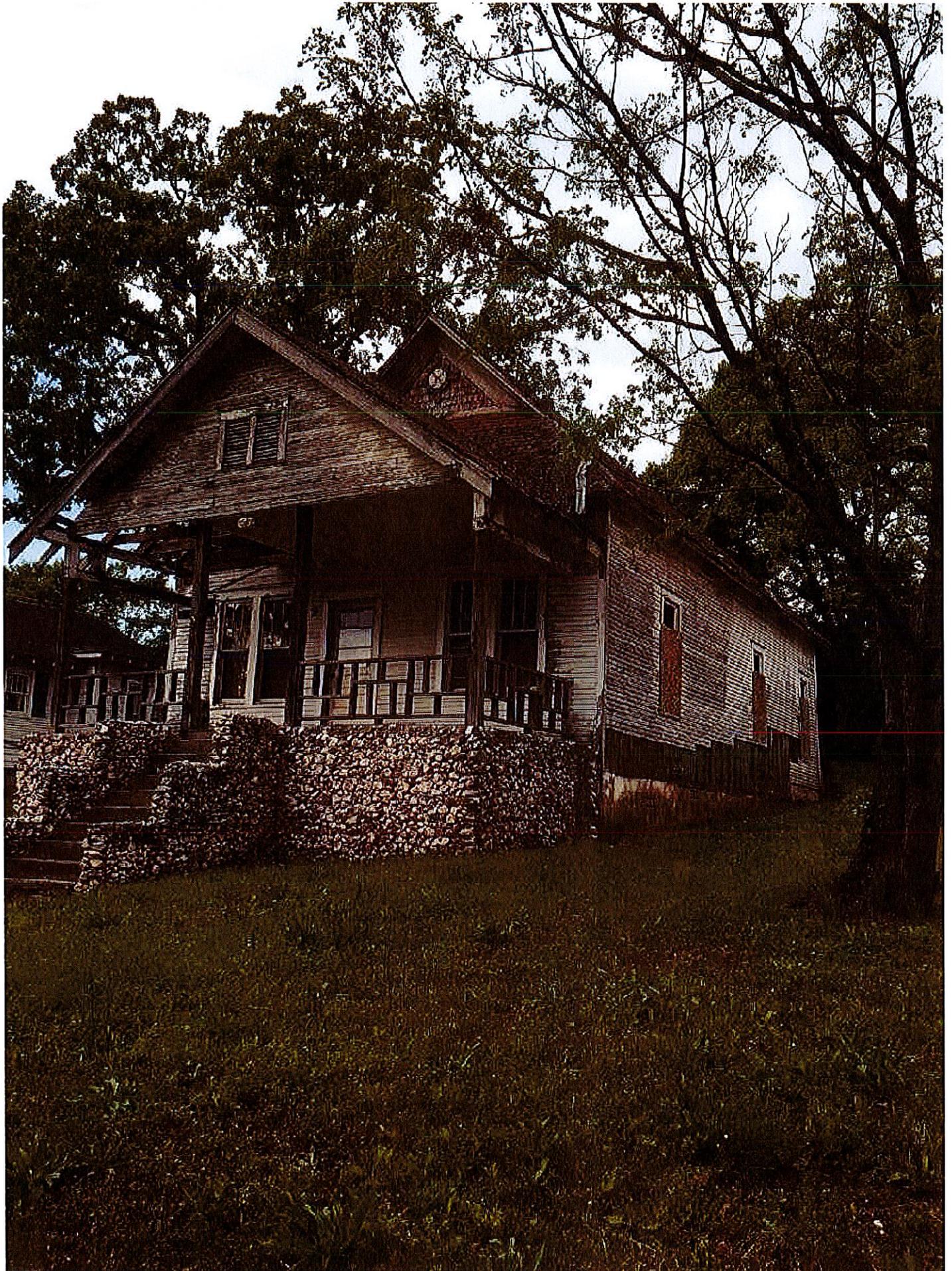
**411 S. Main Street**





**417 S. Main Street – A**





RESOLUTION NO. 23 OF 2015

A RESOLUTION EXPRESSING THE WILLINGNESS OF  
THE CITY OF BENTON TO UTILIZE STATE AID STREET MONIES FOR  
THE FOLLOWING CITY PROJECT:

Benton Overlay

WHEREAS, the City of Benton understands that State Aid Street Program funds are available for certain city projects at the following participating ratios:

	<u>Work Phase</u>	<u>State Aid %</u>	<u>City %</u>
Reconstruction/Resurfacing Construction of City Projects	Preliminary Engineering	100%	-0-
	Right-of-Way	-0-	100%
	Utilities	-0-	100%
	Construction	90%	10%
	Construction Engineering	100%	-0-
City projects programmed but not let to contract	All Phases	-0-	100%

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

SECTION I: The City will participate in accordance with its designated responsibilities in this project.

SECTION II: The Mayor, or his designee, is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this city project.

SECTION III: The City agrees upon completion of the project to assume the maintenance of the right-of-way by City Forces and/or others including utilities and individuals in accordance with the prevailing Arkansas State Highway and Transportation Department regulations.

SECTION IV: The City 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 April, 2015.

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

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

ARKANSAS STATE HIGHWAY  
AND  
TRANSPORTATION DEPARTMENT

Scott E. Bennett  
Director  
Telephone (501) 569-2000  
Voice/TTY 711



P.O. Box 2261  
Little Rock, Arkansas 72203-2261  
Telefax (501) 569-2400  
www.arkansashighways.com

April 15, 2015

**The Honorable Dave Mattingly**  
**Mayor of Benton**  
**P.O. Box 607**  
**Benton, Arkansas 72018**

**Job C62003**  
**Benton & Bauxite Overlay (Sel. Secs.) (S)**  
**Various City Streets**  
**Saline County**

**Dear Mayor Mattingly:**

**We are enclosing one set of plans on the above referenced job.**

**These plans have been prepared generally in accordance with the items discussed and agreements reached. After review of these plans, please advise as soon as possible if you have any comments or suggestions. Your approval is requested.**

**In accordance with the State Aid City Street Program law, cities with a population greater than 25,000 are required to pay 10% of the cost of the Street Program project.**

**Enclosed is a sample resolution for the referenced job reflecting the required 10% matching City funding. In order to proceed, the resolution is required to be on file with the State Aid Division. Please return this resolution as soon as possible.**

**When the estimated cost of the project has been determined, we will forward a request for the City's portion of the cost.**

**Sincerely,**

  
**David R. Mayo, Jr.**  
**State Aid Engineer**

**DRM:RS:caa**  
**Enclosures**

## Ordinance No.26 of 2015

AN ORDINANCE ADOPTING THE CITY OF BENTON COMPENSATION PROGRAM DATED APRIL 1, 2015; ADJUSTING THE PAY RATES FOR CERTAIN EMPLOYEES; REPEALING ORDINANCE 41 OF 2005 AND ORDINANCE 82 OF 2007 AS AMENDED; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City of Benton recently conducted a review of the compensation policies for the city general fund employees; and,

WHEREAS, the City Council desires to adopt a new salary scale as well as state the compensation policies for the city.

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

SECTION 1. The City of Benton does hereby adopt, by reference, Exhibit 1 of this ordinance the City of Benton Compensation Program dated April 1, 2015. The pay ranges contained therein shall constitute the salary pay ranges for all city general fund employees. The pay ranges for each job classification or job title are designated within the exhibit.

SECTION 2. The pay ranges shall be in effect as of April 1, 2015. Wages for any employee who is presently paid less than the minimum pay under this new wage scale shall be increased to the minimum pay on the scale. Any such employee whose wages are increased shall receive a lump sum check representing back pay for all unpaid earnings paid between April 1, 2015 and the date this Ordinance becomes effective.

SECTION 3. Uniformed employees who are eligible for Holiday Pay, Certificate Pay, and Degree Pay shall receive this as additional compensation above the base pay contained in Exhibit 1.

SECTION 4. Unless otherwise stated, all other city job classifications with notation of I, II, or III and absent a particular licensing or other job performance requirements are representations of experience levels. Newly created job titles not listed in the current grade system will be rated and placed in the City's point/grade structure.

SECTION 5. Each year at the time the annual budget is adopted or funds are otherwise appropriated for this purpose, the City Council may consider providing city employees a cost of living adjustment (COLA). If funds are appropriated for that purpose and unless otherwise provided for by ordinance, each employee employed on January 1<sup>st</sup> of the budgeted year shall receive the COLA as part of their annual salary. A lump sum shall be paid representing the time from January 1 of the budget year to the effective date of the increase. Thereafter, the COLA shall be paid as part of the employee's bi-weekly earnings.

SECTION 6. All City of Benton Ordinances, Resolutions, Employee Personnel Policies, and parts thereof, in direct conflict with this ordinance are hereby repealed to the extent of such direct conflict, but not otherwise. Ordinance 41 of 2005 and Ordinance 82 of 2007 as amended are hereby repealed as of the effective date of this ordinance.

SECTION 7. 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 8. There is an immediate need to amend and revise the employee wage scale for the City of Benton. 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



# **City of Benton**

## **Compensation Program**

**effective**

**April 1, 2015**

**The City of Benton believes that it is in the best interest of both the community we serve and our employees to fairly compensate our work force for the value of the work provided. An independent firm was engaged by the City of Benton to evaluate salaries of employees and provide a compensation program with the following objectives:**

- To provide salary ranges that are fair and internally equitable;**
- To provide salary ranges that are externally competitive with relevant labor markets**

**This salary structure supersedes all previous policies concerning salary administration and compensation practices for full-time employees of the City of Benton. These policies will be reviewed on an ongoing basis and necessary changes addressed through approval of the City Council Personnel Committee.**

**Base and/or Merit adjustments, as available, will be established annually and may carry different allocations from year to year. The City of Benton Personnel Committee will review the salary scale annually and may declare an adjustment to reflect the competitive wage marketplace.**

## **NEW HIRES**

**No employee will be hired below the minimum of the salary range for the classification. Department Supervisors will have the discretion to request a new hire salary up to the mid-point of the salary range of the grade, based upon the employee's qualifications with approval of the Human Resources Manager. Any salary recommendation in excess of the midpoint of the range will require the approval of the Mayor prior to the salary offer.**

**Department Supervisors should ensure that internal equity exists in the salary structure before a salary is offered to an applicant.**

## **PROMOTIONS**

**A promotion is a process by which a regular full-time employee moves to a job title that has a higher grade and salary range. When moving to a position with a new job description and higher salary range, the promotional increase will be the greater of three percent (3%) of base pay or the minimum of the new position salary range. In no instance shall a promotional increase result in a salary that exceeds the maximum of the salary range of the new position.**

## **DEMOTIONS**

**In the event of a voluntary demotion, the employee's salary will be reduced relative to their ability to perform at the new position not to exceed the third quartile of the job title/position. If other employees are in the same position, the new salary may not exceed the salary paid to any other employee of equal time in grade and equal performance evaluation under the same job description. If the demotion occurs within one year of a promotion, the employee will be returned to his previous salary with addition of any cost of living adjustments made in the interim when returned to the position from which they were promoted or to job of similar duties.**

**In the event of involuntary or disciplinary demotion, the employee's salary will be reduced to a level reflecting their job performance qualifications, not to exceed the midpoint of the new position.**

**All demotions require the approval of the Human Resources Manager and the Mayor.**

## **LATERAL TRANSFERS**

**A lateral transfer is defined as the movement of a regular full-time employee to a classification which has the same grade and salary range. Lateral transfers do not result in salary adjustments.**

### **STATUS CHANGE PROCEDURE**

**If a supervisor has reason to believe a position needs to be reclassified due to change in duties, increased educational or experience requirements, etc. a Job Classification Review Request may be completed and submitted to Human Resources for completion of a Position Analysis. If the review results in an upgrade in Job Class the employee will be eligible for an increase equal to no less than the minimum of the new salary range. Job Classification Review Requests may not be submitted more than once in a twelve month period.**

### **SERVICE RECOGNITION**

**With the exception of Public Safety positions, which carry a separate time in service scale, it is the goal that employees with acceptable performance reach the midpoint of their salary range at 10 years of service. Department Managers are authorized to propose that salary for mayoral approval.**

**CITY OF BENTON  
JOB CLASSIFICATION REVIEW REQUEST**

A review of a position's classification or grade may be initiated by the Department Supervisor or the Mayor. This form should be completed and forwarded to the Human Resources Department.

**JOB TITLE AND GRADE:** \_\_\_\_\_

**DEPARTMENT:** \_\_\_\_\_

**SUPERVISOR:** \_\_\_\_\_

*(Additional pages may be attached.)*

1. List all duties in the current job description which are no longer performed.


2. List all duties performed which are not included in the current job description.


3. List all factors or changes in duties which may not be adequately reflected in the current job description.


**SIGNATURE**

**DATE**

**Received:**

## City of Benton Pay Ranges effective 04/01/15

Department Job Title	FLSA		Hourly			Annual		
	Status	Grade	Min	Mid	Max	Min 80%	Mid Midpoint	Max 120%
<b>Animal Control</b>								
Animal Services Kennel Master	N	5	\$10.87	\$13.59	\$16.30	\$22,606.00	\$28,257.00	\$33,908.00
Animal Services Asst./Adoption Coord.	N	6	\$11.39	\$14.24	\$17.08	\$23,690.00	\$29,613.00	\$35,536.00
Animal Services Officer	N	8	\$12.43	\$15.54	\$18.65	\$25,861.00	\$32,326.00	\$38,791.00
Animal Services Supervisor	E	18	\$17.91	\$22.39	\$26.87	\$37,254.00	\$46,567.00	\$55,880.00
<b>Administrative Services</b>								
Receptionist/Office Assistant	N	6	\$11.39	\$14.24	\$17.08	\$23,690.00	\$29,613.00	\$35,536.00
Accounting Assistant	N	7	\$11.91	\$14.89	\$17.87	\$24,776.00	\$30,970.00	\$37,164.00
Administrative Assistant	N	7	\$11.91	\$14.89	\$17.87	\$24,776.00	\$30,970.00	\$37,164.00
Human Resources Assistant	N	8	\$12.43	\$15.54	\$18.65	\$25,861.00	\$32,326.00	\$38,791.00
Accountant/HR Generalist	N	13	\$15.04	\$18.80	\$22.56	\$31,286.00	\$39,107.00	\$46,928.00
Accounting Department Manager	E	17	\$18.95	\$23.69	\$28.43	\$39,424.00	\$49,280.00	\$59,136.00
Human Resources Manager	E	20	\$22.08	\$27.60	\$33.13	\$45,934.00	\$57,418.00	\$68,902.00
Finance/Budget Manager	E	21	\$23.13	\$28.91	\$34.69	\$48,105.00	\$60,131.00	\$72,157.00
<b>Communications</b>								
Communications Operator I	N	7	\$11.91	\$14.89	\$17.87	\$24,776.00	\$30,970.00	\$37,164.00
Communications Operator II	N	10	\$13.48	\$16.85	\$20.21	\$28,031.00	\$35,039.00	\$42,047.00
Communications Lead Operator	N	12	\$14.52	\$18.15	\$21.78	\$30,201.00	\$37,751.00	\$45,301.00
<b>Community Development</b>								
Office Assistant	N	6	\$11.39	\$14.24	\$17.08	\$23,690.00	\$29,613.00	\$35,536.00
Administrative Asst.	N	8	\$12.43	\$15.54	\$18.65	\$25,861.00	\$32,326.00	\$38,791.00
Code Enforcement/Building Inspector	N	8	\$12.43	\$15.54	\$18.65	\$25,861.00	\$32,326.00	\$38,791.00
Building Inspector/Code Enforcement	N	11	\$14.00	\$17.50	\$21.00	\$29,117.00	\$36,396.00	\$43,675.00
Stormwater/Building Inspector/Code Enf.	E	12	\$14.52	\$18.15	\$21.78	\$30,201.00	\$37,751.00	\$45,301.00
Community Services Supervisor	E	18	\$17.91	\$22.39	\$26.87	\$37,254.00	\$46,567.00	\$55,880.00
City Engineer	E	23	\$25.21	\$31.52	\$37.82	\$52,444.00	\$65,555.00	\$78,666.00
<b>Economic Development</b>								
Economic Development Director	E	22	\$24.17	\$30.21	\$36.26	\$50,274.00	\$62,843.00	\$75,412.00
<b>Fire Support</b>								
Administrative Secretary	N	6	\$11.39	\$14.24	\$17.08	\$23,690.00	\$29,613.00	\$35,536.00
<b>Mayor's Office</b>								
Executive Assistant	N	15	\$16.87	\$21.08	\$25.30	\$35,083.00	\$43,854.00	\$52,625.00
<b>Parks and Recreation</b>								
Laborer	N	2	\$8.90	\$11.13	\$13.35	\$18,518.00	\$23,148.00	\$27,778.00
Maintenance Technician	N	4	\$10.35	\$12.93	\$15.52	\$21,520.00	\$26,900.00	\$32,280.00
Office Assistant	N	6	\$11.39	\$14.24	\$17.08	\$23,690.00	\$29,613.00	\$35,536.00
Parks Maintenance - Sports Field Dev	N	8	\$12.43	\$15.54	\$18.65	\$25,861.00	\$32,326.00	\$38,791.00
Crew Leader - Parks Maintenance	N	10	\$13.48	\$16.85	\$20.21	\$28,031.00	\$35,039.00	\$42,047.00
Recreation Supervisor	E	15	\$16.87	\$21.08	\$25.30	\$35,083.00	\$43,854.00	\$52,625.00
Director	E	21	\$23.13	\$28.91	\$34.69	\$48,105.00	\$60,131.00	\$72,157.00

## City of Benton Pay Ranges effective 04/01/15

Department Job Title	FLSA		Hourly			Base Pay Annual		
	Status	Grade	Min	Mid	Max	Min 80%	Mid Midpoint	Max 120%
<b>Police Support</b>								
Office Assistant	N	6	\$11.39	\$14.24	\$17.08	\$23,690.00	\$29,613.00	\$35,536.00
Office Assistant II-CID	N	6	\$11.39	\$14.24	\$17.08	\$23,690.00	\$29,613.00	\$35,536.00
Chief's Secretary	N	7	\$11.91	\$14.89	\$17.87	\$24,776.00	\$30,970.00	\$37,164.00
Civilian Evidence/Property Manager	N	12	\$14.52	\$18.15	\$21.78	\$30,201.00	\$37,751.00	\$45,301.00
Office Manager	E	12	\$14.52	\$18.15	\$21.78	\$30,201.00	\$37,751.00	\$45,301.00
<b>Street</b>								
Skilled Laborer	N	4	\$10.35	\$12.93	\$15.52	\$21,520.00	\$26,900.00	\$32,280.00
Truck Driver	N	5	\$10.87	\$13.59	\$16.30	\$22,606.00	\$28,257.00	\$33,908.00
Equipment Operator I	N	5	\$10.87	\$13.59	\$16.30	\$22,606.00	\$28,257.00	\$33,908.00
Office Assistant	N	6	\$11.39	\$14.24	\$17.08	\$23,690.00	\$29,613.00	\$35,536.00
Mechanic	N	6	\$11.39	\$14.24	\$17.08	\$23,690.00	\$29,613.00	\$35,536.00
Equipment Operator II	N	7	\$11.91	\$14.89	\$17.87	\$24,776.00	\$30,970.00	\$37,164.00
Equipment Operator III	N	8	\$12.43	\$15.54	\$18.65	\$25,861.00	\$32,326.00	\$38,791.00
Street Construction Inspector	N	12	\$14.52	\$18.15	\$21.78	\$30,201.00	\$37,751.00	\$45,301.00
Street Repair Specialist	N	13	\$15.04	\$18.80	\$22.56	\$31,286.00	\$39,107.00	\$46,928.00
Field Operations Supervisor	E	15	\$16.87	\$21.08	\$25.30	\$35,083.00	\$43,854.00	\$52,625.00
Street Operations Superintendent	E	21	\$23.13	\$28.91	\$34.69	\$48,105.00	\$60,131.00	\$72,157.00

## City of Benton Pay Ranges effective 04/01/15

Department Job Title	FLSA Status Grade		Hourly			Base Pay Annual		
	N-Nonexempt E-exempt		Min	Mid	Max	Min 95%-97%	Mid Midpoint	Max 103%-104%
<b>Police Department</b>								
Cadet	N	P18	\$9.82	\$10.23	\$10.64	\$20,435.00	\$21,286.00	\$22,138.00
Police Officer I	N	P27	\$14.17	\$14.86	\$15.54	\$29,471.00	\$30,899.00	\$32,327.00
Police Officer II	N	P31	\$16.29	\$16.98	\$17.66	\$33,886.00	\$35,313.00	\$36,741.00
Police Officer III	N	P35	\$18.29	\$19.00	\$19.70	\$38,038.00	\$39,510.00	\$40,981.00
Police Sergeant I	N	P37	\$19.51	\$20.22	\$20.94	\$40,575.00	\$42,060.00	\$43,545.00
Police Sergeant II	N	P39	\$20.67	\$21.39	\$22.12	\$43,002.00	\$44,501.00	\$46,001.00
Police Sergeant III	N	P42	\$21.76	\$22.48	\$23.20	\$45,266.00	\$46,765.00	\$48,265.00
Police Lieutenant I	N	P44	\$22.80	\$23.49	\$24.17	\$47,421.00	\$48,849.00	\$50,277.00
Police Lieutenant II	N	P46	\$23.84	\$24.52	\$25.21	\$49,577.00	\$51,005.00	\$52,433.00
Police Captain I	E	P48	\$25.48	\$26.18	\$26.88	\$53,004.00	\$54,459.00	\$55,913.00
Police Captain II	E	P51	\$27.24	\$27.93	\$28.63	\$56,850.00	\$58,104.00	\$59,558.00
* Police Chief	E	30	\$32.52	\$40.65	\$48.78	\$87,835.00	\$84,544.00	\$101,453.00

\* Salary range for this position is reflective of full compensation including base pay, certificate pay, degree pay, holiday pay, clothing allowance, and/or other pay as applicable to the position per the annual budget.

Sworn officers are eligible for holiday pay in addition to base pay. Certificate pay is eligible at \$600.00 per year per certificate (\$3,600 annual maximum) + Degree Pay equal to \$600.00/yr Associate, \$1,200.00/yr Bachelors, \$1,800.00/yr Masters, non-cumulative.

**Officer I employees' pay will increase to the base pay midpoint at the Level I Pay Range upon completion of one year of service and all required certifications.**

**Officer II employees with acceptable performance will be eligible for increase to midpoint of Range upon completion of 3 years of service in Grade.**

**Officer III employees with acceptable performance will be eligible for increase to midpoint of Range upon completion of 5 years of service in Grade.**

**Sergeant I employees with acceptable performance will be eligible for increase to midpoint of Range upon completion of 3 years of service in Grade.**

**Sergeant II employees with acceptable performance will be eligible for increase to midpoint of Range upon completion of 3 years of service in Grade.**

**Sergeant III employees with acceptable performance will be eligible for increase to midpoint of Range upon completion of 5 years of service in Grade.**

**Lieutenant I employees with acceptable performance will be eligible for increase to midpoint of Range upon completion of 3 years of service in Grade.**

**Lieutenant II employees with acceptable performance will be eligible for increase to midpoint of Range upon completion of 3 years of service in Grade.**

**Captain I employees with acceptable performance will be eligible for increase to midpoint of Range upon completion of 3 years of service in Grade.**

**Captain II employees with acceptable performance will be eligible for increase to midpoint of Range upon completion of 3 years of service in Grade.**

Officers serving in a Field Training Officer position shall receive an additional 7% of their hourly rate of pay (including degree and certificate pay) added to their compensation for each hour they are training a new employee, who is in the FTO Program.

Unless otherwise stated, City job classification with notations I, II, III and absent a particular licensing or other job performance requirement are representative of experience levels. Employees in level I grade will automatically move to level II after completion of 5 years; level II will move to level III after completion of 10 years. The experience based promotional increase is 3% not to exceed the maximum of the new grade. If the current salary plus 3% is below minimum for the new grade, then new pay rate will be the new grade minimum.

## City of Benton Pay Ranges effective 04/01/15

Department Job Title	FLSA Status Grade		Hourly			Base Pay Annual		
	N-Nonexempt E-exempt		Hourly	Hourly	Hourly	Minimum	Midpoint	Maximum
<b>Fire Department</b>								
40 Hours per week employees/Hourly rates based on 2,080 hours per year								
* Fire Marshall	E	21	\$23.13	\$28.91	\$34.69	\$48,105.00	\$60,131.00	\$72,157.00
* Assistant Chief	E	26	\$28.34	\$35.43	\$42.52	\$58,954.00	\$73,693.00	\$88,432.00
* Fire Chief	E	30	\$32.52	\$40.65	\$48.78	\$67,635.00	\$84,544.00	\$101,453.00

\* Salary range for these positions are reflective of full compensation including base pay, certificate pay, degree pay, holiday pay, clothing allowance, and/or other pay as applicable to the position per the annual budget.

56 Hours per week employees/Hourly rates based on 2,920 hours per year						Effective 7/1/2015	
Firefighter	Entry Level	N	F28	\$10.651		\$31,102.00	\$32,191.00
	1 year			\$11.194		\$32,685.00	\$33,829.00
	3 year			\$11.736		\$34,270.00	\$35,469.00
	5 year			\$12.278		\$35,853.00	\$37,108.00
	7 year			\$12.821		\$37,437.00	\$38,747.00
	10 year			\$13.363		\$39,021.00	\$40,387.00
Engineer	Entry Level	N	F37	\$13.777		\$40,228.00	\$41,636.00
	1 year			\$14.146		\$41,308.00	\$42,752.00
	3 year			\$14.515		\$42,384.00	\$43,867.00
	5 year			\$14.884		\$43,462.00	\$44,983.00
	7 year			\$15.253		\$44,540.00	\$46,099.00
	8 year			\$15.623		\$45,618.00	\$47,215.00
Captain	Entry Level	N	F40	\$15.679		\$45,783.00	\$47,385.00
	1 year			\$16.139		\$47,126.00	\$48,775.00
	3 year			\$16.599		\$48,469.00	\$50,165.00
	5 year			\$17.059		\$49,812.00	\$51,555.00
	6 year			\$17.519		\$51,155.00	\$52,945.00
District Chief	Entry Level	N	F47	\$17.541		\$51,221.00	\$53,014.00
	1 year			\$18.126		\$52,927.00	\$54,779.00
	3 year			\$18.709		\$54,631.00	\$56,543.00
	4 year			\$19.877		\$58,040.00	\$60,071.00

In addition to the hourly rate, all firefighters are eligible to receive Certificate pay as noted in the Benton Fire Department 2006 Rules and Regulations and additional Holiday Pay as noted in the City of Benton Employee Handbook.

**Certificate Pay for Firefighters:**

Apparatus Operation	36 hours	\$10.00 per month
Pump Maintenance	36 hours	\$10.00 per month
Fire Inspector I	36 hours	\$10.00 per month
Fire Inspector II	36 hours	\$10.00 per month
Fire Inspector III	36 hours	\$10.00 per month
Fire Officer I	36 hours	\$10.00 per month
Fire Officer II	36 hours	\$10.00 per month
Fire Officer Leadership	36 hours	\$10.00 per month
Instructor I	36 hours	\$10.00 per month
Instructor II	36 hours	\$10.00 per month
Fire Service Supervision	40 hours	\$10.00 per month
Arson Investigation	80 hours	\$15.00 per month
Hazardous Materials	80 hours	\$15.00 per month
Chemistry I	80 hours	\$15.00 per month
Hazardous Materials, Add'l	40 hours	\$ 5.00 per month
Basic Firefighter Certificate	300 hours	\$40.00 per month
E.M.T. Instructor		\$15.00 bi-weekly
E.M.T.		\$40.00 bi-weekly
Paramedic		\$75.00 bi-weekly

**RESOLUTION NO. 24 OF 2015**

**A RESOLUTION AUTHORIZING EXEMPTING THE SALINE COUNTY RELAY FOR LIFE ACTIVITIES FROM ORDINANCE 29 OF 2007; AND FOR OTHER PURPOSES**

WHEREAS, Ordinance 29 of 2007 prohibits excessive noises within the City of Benton, but authorizes that the City Council may pass a Resolution authorizing public activities sponsored by the Saline County Relay For Life;

WHEREAS, the Saline County Relay For Life is sponsoring activities within the City; and

WHEREAS, the City Council wishes to designate those activities, which are occurring in and around C.W. Lewis Stadium as a public activity as described in Ordinance 29 of 2007, Section 4, paragraph 3.

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

SECTION 1: The City Council does hereby grant its approval pursuant to Ordinance 29 of 2007, Section 4 paragraph 3 for the Saline County Relay For Life activities to occur, and designates this event as a public activity. This designation is for Friday, May 1, 2015 from 8:00 am until 11:00 pm. The activities which occur after 11:00 pm shall come into compliance with the ordinance.

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

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

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

RESOLUTION NO. 25 OF 2015

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE BENTON SCHOOL DISTRICT; AND FOR OTHER PURPOSES

WHEREAS, the City Council desires to enter into an interlocal agreement with the Benton School District for the purpose of allowing the district to install one communications antenna on a city water tower; and

WHEREAS, the City Council, as approved by the Benton Public Utilities Commission, desires to enter into the interlocal agreement which is attached as Exhibit "1" to 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 the interlocal agreement which is attached as Exhibit "1" with the Benton School District for the purposes herein stated.

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

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

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

**INTERLOCAL AGREEMENT**

Between

THE CITY OF BENTON, ARKANSAS

and

THE BENTON SCHOOL DISTRICT

MARCH 1, 2015

THIS AGREEMENT, entered into this 1st day of March, 2015, between THE CITY OF BENTON, County of Saline, State of Arkansas (hereinafter referred to as the "City") and THE BENTON SCHOOL DISTRICT (hereinafter referred to as the "School District"):

**WITNESETH**

1. The City and the School District agree to the placement of one (1) communications antenna (hereinafter "Antenna") on one (1) of the City's water towers. The parties shall by mutual agreement select which water tower is best suited to meet the needs of the School District for placement of the Antenna taking into consideration the available space on each of the City's water towers.
2. The School District shall be responsible for all costs associated with the installation and removal of the Antenna. The School District shall also be responsible for any maintenance costs associated with the Antenna and for conducting any periodic inspections of the Antenna.
3. In as much as the water tower locations are restricted areas, the School District shall give reasonable notice to the City when personnel will need to be present for installation, maintenance or removal of the Antenna.
4. The School District shall indemnify and hold harmless the City for any damage to the water tower which occurs as a result of the placement, maintenance or removal of the Antenna.
5. The School District shall be responsible for securing any personal property insurance it may desire to have which covers any damage to the Antenna that may occur.
6. The City shall not be responsible for any damage that may occur to the Antenna regardless of cause.
7. The City shall be indemnified and held harmless by the School District for any damages which may be caused by the Antenna to others.
8. Neither party shall, without the consent of the other, assign or transfer this Agreement or any rights or obligations hereunder to any other party, either corporate or political, during the effective lifetime of this Agreement.

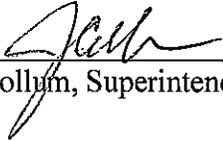
9. No rental payments for the water tower space shall be required of the School District by the City during the term of this Agreement.
10. This Agreement sets forth the entire understanding of the parties relating to the placement of the Antenna on a City water tower by the School District and shall be governed by the laws of the State of Arkansas applicable to agreements made and performed therein, and may not be changed or terminated orally.
11. The term of this Agreement shall be continue on until such time as either party gives the other thirty (30) days written notification of termination. If terminated the School District agrees to remove the Antenna within thirty (30) days of written notification by the City.

**WITNESS** the following signatures and seals:

**For the City of Benton:**

\_\_\_\_\_  
David Mattingly as Mayor of Benton

**For the Benton School District:**

  
\_\_\_\_\_  
Jeff Collum, Superintendent

ORDINANCE NO. 27 OF 2015

AN ORDINANCE ANNEXING CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF BENTON, SALINE COUNTY, ARKANSAS

WHEREAS, the City as property owner filed a petition with the County Court of Saline County, Arkansas, to annex certain contiguous property hereinafter described, into the corporate limits of the City of Benton, Saline County, Arkansas, and

WHEREAS, on the 27th day of March, 2015, Jeff Arey, Saline County Judge, determined that said petition should be granted and that the property hereinafter described should be released from Saline County and annexed to the corporate limits of the City of Benton, Saline County, Arkansas; and

WHEREAS, more than thirty (30) days has expired since entry of said order and the City of Benton desires to accept said property into the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS that the property hereinafter described be annexed and made a part of the City of Benton, Saline County, Arkansas, and being described as follows, to wit:

**A parcel of land in the Southeast Quarter of the Northeast Quarter of Section 30, Township 1 South, Range 14 West, Saline County, Arkansas, being more particularly described as follows: Commencing at the Southwest corner of the SE ¼ of NE ¼ of Section 30, Township 1 South, Range 14 West, thence South 87 deg. 41 min. 46 sec. East for 584.83 feet to the intersection with a fence as set out in Property Line Agreement executed September 10, 1985 and filed for record September 24, 1985 in Saline County Miscellaneous Record Book 81 at page 702 and re-recorded October 8, 1985 in Saline County Miscellaneous Record Book 82 at page 111; thence North 10 deg. 41 min. 08 sec. West along said fence and agreed to property line for 820 feet to the point of beginning; thence North 10 deg. 41 min. 08 sec. West along said fence and agreed to property line for 210.96 feet to the South right-of-way of Highway 5; thence along said right-of-way North 58 deg. 59 min. 09 sec. East for 129.42 feet to the Northwest corner of lands conveyed to Michael and Diane Moore Family Trust in Warranty Deed filed for record February 14, 2013 as Saline County Document Number 13 015300; thence leaving said right-of-way South 12 deg. 17 min. 39 sec. East for 75 feet to the Southwest corner of said Moore Family Trust property; thence North 56 deg. 19 min. 06 sec. East and along the South line of said Moore Family Trust property for 100 feet; thence South 10 deg. 41 min. 08 sec. East for 221.94 feet; thence South 79 deg. 49 min. 25 sec. West for 215.53 feet to the point of beginning, containing 1.09 acres, more or less.**

Said property shall be zoned as Highway Commercial and shall be used for the purposes of a fire station and a police substation.

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

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David Mattingly, Mayor

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Cindy Stracener, City Clerk

DESIGNATED FOR PUBLICATION