

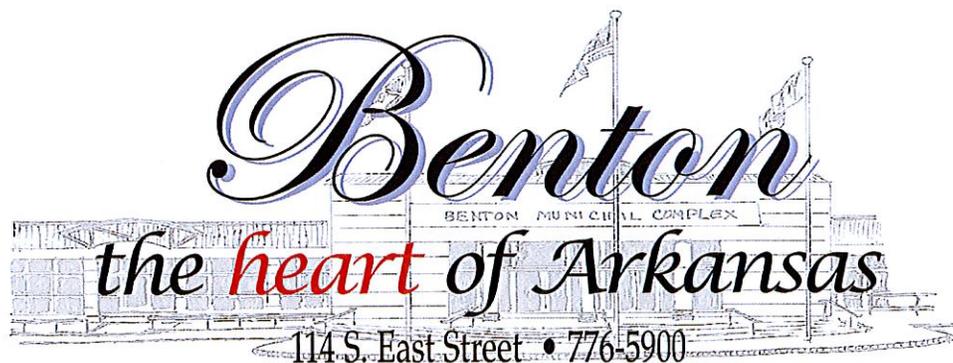
BENTON CITY COUNCIL MEETING

AUGUST 10, 2015

7:00 PM



AGENDA MEETING 6:45 PM



BENTON MUNICIPAL COMPLEX
114 SOUTH EAST STREET
COUNCIL CHAMBERS

DAVID MATTINGLY, MAYOR

REGULAR SESSION
August 10, 2015
7:00 PM
AGENDA

- I. Call to Order** **Mayor Mattingly**
- II. Invocation**
- III. Pledge of Allegiance** **Alderman Murphy**
- IV. Roll Call** **City Clerk**
- V. Approval of Minutes** **July 27, 2015**
Regular Meeting
- VI. ORDINANCE NO. 41 OF 2015** **Mayor Mattingly**
AN ORDINANCE LEVYING A TAX ON ALL REAL AND PERSONAL PROPERTY IN THE CITY OF BENTON, ARKANSAS FOR CITY GENERAL; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES AS PROVIDED BY LAW
- VII. RESOLUTION NO. 39 OF 2015** **Mayor Mattingly**
A RESOLUTION RATIFYING AND CONFIRMING THE APPOINTMENT OF ANNA BRAY AS COMMISSIONER TO THE BENTON HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES
- VIII. COMMITTEE REPORTS & MOTIONS**
- 1. Finance Committee** **Alderman Ponder**
- A.) ORDINANCE NO. 42 OF 2015**
AN ORDINANCE AMENDING THE 2015 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 75 OF 2014; ACCEPTING CAPPD GRANT FUNDS; APPROPRIATING THESE FUNDS FOR THE POLICE DEPARTMENT TO PURCHASE PROTECTIVE EQUIPMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES
- B.) ORDINANCE NO. 43 OF 2015**
AN ORDINANCE AMENDING THE 2015 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 75 OF 2014; APPROPRIATING FUNDS RECEIVED FROM FIREWORK STAND PERMIT FEES WHICH WILL BE USED FOR THE FIRE DEPARTMENT EDUCATION PROGRAMS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES
- 2. Community Services/Animal Control** **Alderwoman Reed**
- A.) RESOLUTION NO. 40 OF 2015**
A RESOLUTION EXEMPTING THE AMPLIFY CONCERT FROM ORDINANCE 29 OF 2007; AND FOR OTHER PURPOSES
- 3. Streets & Drainage Committee** **Alderman Cunningham**
- 4. Personnel/Health & Safety Committee** **Alderman Donnor**
- 5. Parks Committee** **Alderman Lee**
- 6. Public Utilities Commission** **Alderman Herzfeld**

7. A & P Commission

**Aldermen Donnor/
Alderman Ponder**

IX. Unfinished Business

X. New Business

XI. Old Business

XII. Announcements

XIII. Adjourn

MINUTES OF THE BENTON CITY COUNCIL
Regular Session
July 27, 2015
Benton Municipal Complex

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

Brent Houston gave the invocation.

Alderman Baptist led the pledge of allegiance.

Roll was called.

The following persons were in attendance:

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

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

Judge Arnold swore Officer Quinterius Thrower in.

The Mayor requested approval for the July 13, 2015 city council meeting minutes. Alderman Ponder made a motion to approve the minutes. Seconded by Alderman Herzfeld. The Mayor called for a voice vote on the approval of the minutes. All aldermen present replied in the affirmative. The minutes for the July 13, 2015 council meeting were approved with 9 affirmative and 1 absent vote.

Darren Prysock was recognized for 30 years of service with the city.

Detective Dustin Hamm was recognized as the June employee of the month.

The next item on the agenda was committee reports and motions. Alderman Ponder was recognized for the Finance Committee report. He stated that the committee met on July 16, 2015 and the next few items are a product of that meeting. The audited financial from Yoakum, Lovell & Co, PLC were presented. Alderman Ponder made a motion to formally accept the audited financials as presented by Yoakum, Lovell & Co, PLC for the year 2014. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion was approved with 9 affirmative and 1 absent vote.

Alderman Ponder stated that Ordinance 84 of 2007 calls for the city of Benton to transfer one half of revenue over expenditures remaining once the financials are audited each year. Alderman Ponder made a motion to authorize the Mayor to have those revenues booked into

our safety and stability reserve fund based upon the 2014 audited financials. Seconded by Alderman Lee. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion was approved with 9 affirmative and 1 absent vote.

Alderman Ponder asked for the first reading of Ordinance 36 of 2015 – An Ordinance Waiving Construction Related Fees for Riverside Park; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Lee. The ordinance was read by the city clerk. The Mayor asked for any comments. None. Alderman Ponder made a motion to suspend the rules for the second and third readings of Ordinance 36 of 2015. Seconded by Alderman Donnor. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend the rules was approved with 9 affirmative and 1 absent vote. Alderman Ponder made a motion to adopt Ordinance 36 of 2015 on its second and third readings. Seconded by Alderman Lee. The ordinance was read by title only. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 36 of 2015 was adopted on its second and third readings with 9 affirmative and 1 absent vote. Alderman Ponder made a motion to adopt the emergency clause. Seconded by Alderman Lee. The Mayor asked that the roll be called for the emergency clause. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was approved with 9 affirmative and 1 absent vote.

Alderman Ponder asked for the first reading of Ordinance 37 of 2015 – An Ordinance Amending the 2015 Budget for the General Fund as Adopted in Ordinance 75 of 2014; Appropriating Funds for the Police Department; Declaring an Emergency; and for Other Purposes. Seconded by Alderman Lee. The ordinance was read by the city clerk. This ordinance authorizes the expenditure for an additional police cruiser. The Mayor asked for any comments. None. Alderman Ponder made a motion to suspend the rules for the second and third readings. Seconded by Alderman Terrell. The Mayor asked that the roll be called on the motion to suspend. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Ponder made a motion to adopt Ordinance 37 of 2015 on its second and third readings. Seconded by Alderman Lee. The ordinance was read by title only. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 37 of 2015 was adopted with 9 affirmative and 1 absent vote. Alderman Ponder made a motion to adopt the emergency clause. Seconded by Alderman Lee. The Mayor asked that the roll be called for the emergency clause. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes,

Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was approved with 9 affirmative and 1 absent vote.

Alderman Ponder made a motion to adopt Resolution 38 of 2015 – A Resolution Authorizing the City to Enter into a Contract with Fidelity Communications for an Internet Cable Modem; and For Other Purposes. Seconded by Alderman Reed. The resolution was read by the city clerk. The Mayor asked for any comments. None. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 38 of 2015 was approved with 9 affirmative and 1 absent vote.

Alderman Reed was recognized for a report from the Community Service/Animal Control Committee. Alderman Reed asked for the first reading of Ordinance 38 of 2015 - An Ordinance Rezoning Certain Land in the City of Benton, Saline County, Arkansas; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Terrell. The ordinance was read by the city clerk. This ordinance rezones 6420 Alcoa Road from R1-7.5 to Highway Commercial. It was requested by H&S Rogers, LLC. The Mayor asked for any comments. None. Alderman Reed made a motion to suspend the rules for the second and third readings of Ordinance 38 of 2015. Seconded by Alderman Ponder. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend the rules was approved with 9 affirmative and 1 absent vote. Alderman Reed made a motion to adopt Ordinance 38 of 2015 on its second and third readings. Seconded by Alderman Terrell. The ordinance was read by title only. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 38 of 2015 was adopted with 9 affirmative and 1 absent vote. Alderman Reed made a motion to adopt the emergency clause. Seconded by Alderman Cunningham. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was approved with 9 affirmative and 1 absent vote.

Alderman Reed asked for the first reading of Ordinance 39 of 2015 – An Ordinance Providing for a Conditional Use for a Nursing Home; Declaring an Emergency, and for Other Purposes. Seconded by Alderman Donnor. The ordinance was read by the city clerk. This ordinance was for property located at 6420 Alcoa Road. The Mayor asked for any comments. None. Alderman Reed made a motion to suspend the rules for the second and third readings of Ordinance 39 of 2015. Seconded by Alderman Donnor. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend the rules was approved with 9 affirmative and 1 absent vote. Alderman Reed made a motion to adopt Ordinance 39 of 2015 on its second and third readings. Seconded by Alderman Herzfeld. The ordinance was read by title only. The

Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 39 of 2015 was adopted with 9 affirmative and 1 absent vote. Alderman Reed made a motion to approve the emergency clause. Seconded by Alderman Cunningham. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was approved with 9 affirmative and 1 absent vote.

Alderman Reed asked for the first reading of Ordinance 40 of 2015 – An Ordinance Providing for a Conditional Use for an Assisted & Independent Living Community; Declaring an Emergency and For Other Purposes. Seconded by Alderman Donnor. The ordinance was read by the city clerk. This ordinance is for property located at 4727 Boone Road. The Mayor asked for any comments. None. Alderman Reed made a motion to suspend the rules for the second and third readings of Ordinance 40 of 2015. Seconded by Alderman Donnor. The Mayor asked that the roll be called on the motion to suspend. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Reed made a motion to adopt Ordinance 40 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 yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 40 of 2015 was adopted with 9 affirmative and 1 absent vote. Alderman Reed made a motion to adopt the emergency clause. Seconded by Alderman Cunningham. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor yes, Alderman Ponder yes, Alderman Gardner absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was approved with 9 affirmative and 1 absent vote.

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

Alderman Donnor was recognized for the Personnel/Health & Safety Committee report. He stated that the committee met on July 16, 2015. See attached minutes. The information concerning aldermen pay received indicates that currently the Benton aldermen are about 120% above the midpoint for cities our size. I have not heard back from the subcommittee concerning this but when I do I will report to full council.

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

Alderman Herzfeld was recognized for a report from the Public Utility Commission. He gave his report. See attached.

Alderman Ponder was recognized for the Advertising and Promotion Commission's report. He stated that the commission met on July 16th. He gave that report. See attached.

The Mayor asked for any unfinished or new business. None.

The next item on the agenda was announcements. The Mayor stated that the ADEQ certificate that is required for Riverside Park was granted by the state last Friday. The Mayor read a letter from Alderman Jim Gardner who is resigning. See attached. The city will advertise for the position and the replacement will be voted on by the council.

The meeting adjourned at 7:33 p.m.

Cindy Stracener, City Clerk

David Mattingly, Mayor



PERSONNEL / HEALTH & SAFETY MEETING

THURSDAY, JULY 16, 2015

THOSE IN ATTENDANCE:

Mayor David Mattingly
Alderman Frank Baptist
Alderman Charles Cunningham
Alderman Bill Donnor
Alderman James Herzfeld
Alderman Steve Lee
Alderman Jerry Ponder
Alderwoman Evelyn Reed
Human Resources Manager, Kathy Kirk
City Engineer, David Vondran
Police Chief, Kirk Lane
Captain Jeff Besancon
Captain Scotty Hodges
Joe Phelps-Courier

Chairman Bill Donnor called the meeting to order at 5:45 p.m..

First item on the agenda is Chief Lane and the Standards of Conduct.

Chief Lane began by saying that August 1, 2004 this committee adopted the **Standards of Conduct** that is part of our policy manual. We are currently updating our standards. Presently we have twenty one standards that they are consolidating to ten. I just wanted to bring it before the committee in case there were any questions. We will not be making any changes except the numbering. We are working on revisiting the whole policy manual. We have been working on it for over two years. There's a lot of policies that have to be updated because of new laws, old policies, new policies. We have purchased a new computer program that our policies will be contained within, so instead of issuing each officer a policy manual or if we have updates to enter, everything will be computerized. It tracks when you update or have new policies and when they went into effect. Each officer will be assigned a password so they can go in and see new updates. The supervisors will also be able to see who has looked and read the updates and who hasn't. When we have things completed then we will be back in front of the committee.

Alderman Lee moved we authorize Chief Lane to continue updating the standards of conduct and when completed to bring it to this committee for approval. Alderwoman Reed seconded. Motion passed.

Under other business Alderman Lee moved we amend the agenda to allow Alderman Baptist to discuss a salary increase for the City of Benton Aldermen & Alderwomen. Alderman Baptist seconded. Motion passed.

Alderman Baptist began by saying that he would like to look into possibly a salary increase for the Aldermen and Alderwomen. Alderman Baptist moved we have a subcommittee to research raises for the Aldermen. Alderman Lee seconded. Motion passed. It was decided that Alderman Baptist and Alderman Ponder will be on the committee and that the Mayor and Kathy Kirk would provide them with the pay scale report that the Municipal League had for cities comparable to ours.

With no further business, meeting was adjourned.

CITY OF BENTON UTILITY COMMISSIONERS MEETING
MONDAY JULY 20, 2015, 6:00 P.M.,
ELECTRIC UTILITY BUILDING
1827 DALE STREET

The City of Benton Utility Commissioners met in regular session Monday, July 20, 2015 at the Electric Utility Building, 1827 Dale Street.

In Attendance

Jim Martin, Chairman

Phil Miller, Member

Charlie Best, Member

Gary Ferrell, Member

Rob Livers, Member

Terry McKinney, Utilities General Manager

Chairman Martin called the meeting to order with all members in attendance. Mr. Randy Hawkins, Wastewater Assistant gave the invocation and Member Miller led the Pledge of Allegiance. Member Livers was not in attendance.

1.)

The first item of business was approval of the minutes from the regular meeting of June 6th. Member Miller made a motion to approve the minutes as presented and Member Livers seconded the motion. A vote was taken and unanimous approval given.

2.)

The only item on the agenda, Mayor Mattingly would like to address the Commission regarding Riverside Park. Mayor Mattingly said he had spoken to Chairman Martin and Mr. McKinney a few weeks ago that he had been approached by CDI, the construction manager for Riverside Park who also built the Events Center on schedule and below budget that during the discussion on Riverside Park they asked if we would be willing to waive permit costs and other costs associated with Riverside Park. Obviously with them building the Events Center in 2012 they knew that we had done that with your approval and collaboration. I asked them immediately to forward to me the estimates of what they thought it was going to cost to do this because it is a lot more complex. Their estimate was \$311,000 and some change. Ordinance 33 of 2012 was the ordinance with your vote prior to that where council approved waiving all fees with for both us as well as the City in building the Events Center. In respect to how he would propose they do this and he doesn't think anything other than the final number is what they need to deal with. The current transfers that go on between the City and the Utilities as we work towards the separation of those financial statements it comes out \$155,500 for utilities and for the City if we share 50/50 the \$311,000. He thinks it is the right thing to do. I will support it when he started talking with his council about the City being willing to stand for waiving those fees. The public utilities we are in a position based on transfers and other things for waiving those fees which he has talked to the Chairman about. He thinks it is a very important statement for a couple of reasons number one, we have a lot of opportunities for economic development that are happening very rapidly we started off together with the Events Center, we have moved on to the Hurricane Lakes Estates where it was close to \$50,000 apiece. We have already made some statements between the City and Utilities that we can collaborate and make these things happen. I know from \$100,000 to \$311,000 is a pretty quantum leap but He still believes it is the right thing to do. All we are going to do is ensure is

that when we get to the point where we are down to the last two or three things that need to be done we have two or three amenities that need to be done that he thinks are important. We are sitting on the cusp if you will, do we hit the number and he doesn't have any more money than what he has told them. Contingency is very important. They have put aside as much as they could doing this in his opinion gives them some latitude with them for some things they are going to be willing to do at the end of the contract that might have been a little more in debate about where we were on those numbers. I would appreciate the vote along with a motion and a second to share equally \$155,500 to waive to the \$311,000 permit fees to build Riverside Park. Mr. McKinney said just for clarification if we come up higher than \$155,000 are we just going to have to eat it? Mayor Mattingly that was a good point and as it stands right now, the transaction that he thinks they are going to be able to work into this is there is about a \$91,000 balance of what you and I have talked about you will send that to us and you will keep the \$155,000. He really needs to say this again he thinks it ought to be put into a restricted fund called Economic Development. When you get that invoice you move the money from the restricted account to pay the invoice and he thinks it will go over the \$155,500 for the utilities share. He thinks they understand that from the estimate they got which was about \$211,000 of transformers all the rest of the City burden. Member Best said he was a little confused they are talking about eliminating fees how does a new transformer come into it? Mr. McKinney said when a new business comes into town and they build one of the costs they have to pay is for a new transformer. Mayor Mattingly said that is not specifically a permit and he should not have said it that way. Mr. McKinney said he specifically spelled out transformers in here. Mayor Mattingly said he should have said equipment. Member Ferrell made a motion to approve the transaction as presented by the Mayor. Member Best seconded the motion. Member Livers said he would abstain from voting since he was involved in the project. Mayor Mattingly said he wanted the record to show that he and Member Livers had not discussed this before. He did not think that was appropriate and neither did Member Livers. A vote was taken and unanimous approval was given.

3.)

Mr. McKinney said he had a couple of things to discuss before they adjourned to the work session. He said today he sent them all a copy of the wholesale power service agreement that was signed in 1999 with Entergy Arkansas. He had been asked to pull that documentation and believe it or not a gentleman in Hot Springs had it. Member Ferrell asked who asked him to pull that up and Mr. McKinney said that Member Ferrell had requested it. Member Ferrell then asked what that means and Mr. McKinney said what this means, if you look at the appendix of the third amendment on page two, it states what we have. What makes this nice is that it shows our maximum capacity at Benton North, Benton South, and Alcoa at under 25,000 Kw each. That is guaranteed to us. You will also notice they gave us two 1 Mw 1,000 metering points. Since the load was going they just went ahead and talked to Entergy and said they would take both the Mw from that one metering point and Entergy said fine. So technically we are only allowed 2, but today we hit 3. He is just trying to get all the facts. That is the whole thing of this so you guys can make the best decisions. Member Ferrell asked if Entergy wasn't doing a study now and Mr. McKinney said Entergy has not started that study and they won't until the property is bought. They are working on it but haven't got that done. He is trying to get all the documents but there is one piece missing to this that we are trying to find, and that was the rest of the agreement. This is just the amendment that was made. Chairman Martin asked if there was an agreement and Mr. McKinney said there was an agreement. He is not sure if it was a handshake or what so they called Entergy and they didn't know. So he is just trying to get all the information and all the facts. As you may be aware we are

hitting over 70 Mw and today we hit 72Mw. We have been hitting 70 to 71 almost every day and last year we never hit a 70 Mw day. Mrs. Cindy Hawkins, Comptroller did the finances and they look good. Of course we had \$670,000 that came from the State where they finally paid us for what we did and it kind of brought us back up. We are ahead and he believes we are fine. He looked today at July's numbers and July's numbers we could be 4 to 5 million more Kw sales than we had in July at this time last year. Member Miller asked if we hit 90 Mw what is going to happen and Mr. McKinney said we are ok we can split the feeds in the town. The only one we can't play with is Hurricane Lake. We did talk to First Electric and asked them if they would be interested in giving us a metering point for the north end so we could back feed a Mg to take the load off. They said they are interested but they want it at retail and not at wholesale. We told them that we didn't think we could afford that. This afternoon, they called Mr. Jeff Barnett, Electric Manager. Mr. Barnett told him that Entergy has asked for a metering point off of First Electric. They have a situation like that too. First Electric is working on a wholesale rate, now how quick it gets done if they do do that... it would not be very hard for us to hook into that, but we are looking at all options. He doesn't want them to think he is pushing one way and not looking at the other. We do have some information that we didn't have before in our records now. We will see what happens. Chairman Martin entertained a motion to have the meeting adjourned and Member Ferrell seconded the motion. A vote was taken and unanimous approval was given.

Meeting adjourned at 7:20 p.m.

Once the meeting was adjourned the Commission and Share Board had a work session regarding the Share Board By-laws.

Jim Martin, Chairman

Madeline Wilson, Recording Secretary

BENTON ADVERTISING & PROMOTION COMMISSION

Minutes

July 15, 2015

16

I. CALL TO ORDER

Chairman Mark Fikes called the regularly scheduled meeting of the Benton Advertising & Promotion Commission to order on July 15, 2015 at 4:03 p.m. in the boardroom of the Benton Area Chamber of Commerce.

II. ROLL CALL

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

III. MINUTES

Luke Moody made a motion to approve the minutes of the regular June 18, 2015 meeting. Jerry Ponder seconded. Motion carried.

IV. REPORT FROM NIKKI CHUMLEY, BENTON EVENT CENTER

Nikki reported the following:

- The September calendar shows only 4 days without an event.
- The AED has been ordered.
- The automatic door has been installed.
- The staff is waiting on an estimate for installation of a 50 amp pug in the front parking lot.
- The alcohol permit has been changed to a Large Attendance Facility. This change will enable delivery by distribution, receipt of wholesale prices, reduction to 9% tax on beer and wine and 23% on liquor. Most of the same Event Center policies regarding alcohol will be retained.
- The Chamber and Event Center staff are preparing information to be sent to the larger Arkansas associations regarding the offerings of services at the Event Center. This is being done to attract these associations so they might book week-day meetings at the Center.

V. OLD BUSINESS

A. Amplify

Matt Brumley, representing Amplify, requested more funding for the event that will be held in August. Bill Donnor made the motion to allocate an

additional \$5000 to be used for advertising for the event. Jerry Ponder seconded. Motion carried.

B. A & P Contract with Benton Chamber

Discussion regarding the contract for the management of the Event Center by the Benton Chamber was discussed. Bill Eldridge made the motion that the City Attorney make arrangements for a copy of the suggested contract to be sent to each commissioner within 3 weeks, enabling each commissioner to review the contract so that a vote can be taken at the August meeting. Jerry Ponder seconded. Motion carried.

VII. FUNDING REQUESTS

None

VIII. ADMINISTRATIVE

There was no report on delinquencies. Chairman Fikes will check on the business that did not report for its delinquency hearing in June.

IX. Financial Reports

Gary James shared the financial reports with the commissioners. He noted that alcohol permit expenses totaled \$5,000 for the month. This was due to paying the \$2500 for the old permit and then having to pay in the same month the \$2500 for the new Large Attendance Facility permit. He also noted that on the Year-to-Date P & L that the Event Center without the sales tax revenue would be showing a profit of approximately \$24,000 for the first six months.

X. OTHER BUSINESS

Jerry Ponder made the motion that a restricted line item be added to the budget to allow the commissioners the flexibility to allocate excessive funds toward debt retirement. Bill Eldridge seconded. Motion carried.

Chairman Fikes reported that Gary James from the Chamber will take on the duty of delivering A & P packets to new city businesses requiring A & P tax payments. The Chamber staff will meet with the appropriate city staff to learn the process.

XI. ADJOURNMENT

The meeting was adjourned on the motion of Bill Donnor.

Sunday, July 26, 2015

Mayor Mattingly,

Due to personal and family reasons, I am resigning my seat on the Benton City Council effective immediately. The manual for my life, the Bible, calls me to be devoted to my family and with the recent passing of my mother and the declining health of my mother-in-law, I must devote more time and care as a husband, father, son and son-in-law. I appreciate the faith of my neighbors in Ward 4 for the opportunity to serve and regret that my personal and family priorities demand I devote more of my time and focus at this time. The city of Benton is the place to belong and Mandy and I look forward to continuing to raise our daughters in a city with outstanding leadership and vision from you and the City Council.

With Sincere Best Wishes,

Jim Gardner

FILED MARK STAMPED

BENTON CITY CLERK

DATE 7-29-15

BY Cindy Stracener

ORDINANCE NO. 41 OF 2015

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

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

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

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

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

1. City General Purposes:

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

2. Fireman's Pension and Relief Fund:

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

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

PASSED AND APPROVED this _____ day of _____, 2015.

Attest:

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

DESIGNATED FOR PUBLICATION

RESOLUTION NO. 39 OF 2015

**A RESOLUTION RATIFYING AND CONFIRMING THE APPOINTMENT OF
ANNA BRAY AS COMMISSIONER TO THE BENTON HISTORIC DISTRICT
COMMISSION; AND FOR OTHER PURPOSES**

WHEREAS, THE City of Benton created the City of Benton Historic District Commission by Ordinance 30 of 2008; and

WHEREAS, the Mayor desires to appoint Ann Bray to fill the unexpired term of office held by Bradley Jordan, whose term of office is set to expire October 1, 2016;

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

SECTION 1, Anna Bray is hereby confirmed as a member of the City of Benton Historic District Commission. The term of office shall be for one year and shall expire October 1, 2016.

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

David Mattingly, Mayor

Cindy Stracener, City Clerk

ORDINANCE NO. 42 OF 2015

AN ORDINANCE AMENDING THE 2015 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 75 OF 2014; ACCEPTING CAPPD GRANT FUNDS; APPROPRIATING THESE FUNDS FOR THE POLICE DEPARTMENT TO PURCHASE PROTECTIVE EQUIPMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City applied for and received a CAPDD grant for the purchase of protective equipment for the police department; and

WHEREAS, the City Council desires to authorize the purchase of certain protective equipment for the Benton Police Department using these grant funds; and

WHEREAS, the City Council passed ordinance 75 of 2014 adopting the City's budget for 2015 which needs to be amended to appropriate funds for this purpose.

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

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

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

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

David Mattingly, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



FY2015 Operating Budget

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

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

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

Section 1: Amended Appropriations – Fiscal Year 2015

General Fund

	Beg. Approved Amt.	Amendment	End Revised Amt
Personnel	\$10,590,690	-0-	\$10,590,690
Operations & Maintenance	\$2,411,247	\$13,392	\$2,424,639
Capital Items	\$1,660,201	-0-	\$1,660,201

Section 2: Receipts & Disbursements - Fiscal Year 2015

General Fund

Operations & Maintenance:

This budget amendment accounts for income from a CAPDD grant to purchase new gas masks for the Police Department (850.90.13.17).

ORDINANCE NO. 43 OF 2015

AN ORDINANCE AMENDING THE 2015 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 75 OF 2014; APPROPRIATING FUNDS RECEIVED FROM FIREWORK STAND PERMIT FEES WHICH WILL BE USED FOR THE FIRE DEPARTMENT EDUCATION PROGRAMS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the city assesses a permit fee for the privilege of selling fireworks during the July 4th holiday; and

WHEREAS, the City Council desires to amend the 2015 budget to account for the permit fees collected this year and to appropriate the funds for use by the fire department in its education programs.

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

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

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget to account for the permit fees received this year and to appropriate these funds for the fire department education programs. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

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

David Mattingly, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



FY2015 Operating Budget

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

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

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

Section 1: Amended Appropriations – Fiscal Year 2015

Fire

	Beg. Approved Amt.	Amendment	End Revised Amt.
Personnel	\$10,590,690	-0-	\$10,590,690
Operations & Maintenance	\$2,424,639	\$2,500	\$2,427,139
Capital Items	\$1,660,201	-0-	\$1,660,201

Section 2: Operations and Maintenance - Fiscal Year 2015

General Fund

Operations and Maintenance:

This budget amendment includes the following addition to the Community Fire Education (840.47.13.19) from permit fees for firework stands.

RESOLUTION NO. 40 OF 2015

A RESOLUTION EXEMPTING THE AMPLIFY CONCERT FROM ORDINANCE 29 OF 2007; AND FOR OTHER PURPOSES

WHEREAS, Ordinance 29 of 2007 prohibits excessive noises within the city of Benton, but authorizes the City Council to pass resolutions from time to time authorizing public activities which are exempted from the ordinance;

WHEREAS, the Amplify Concert is occurring within the city on Labor Day Weekend which will be of benefit to the local economy; and

WHEREAS, the City Council wishes to designate these activities, which are occurring around the Riverside Park area of the city as a public activity as defined 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 pursuant to Ordinance 29 of 2007, Section 4 paragraph 3 designates the Amplify Concert as a public activity and it is exempted from the city's noise ordinance during the 2015 Labor Day Weekend. This designation is from 8:00 am until 11:00 pm on each day of the concert. The activities which occur after 11:00 pm shall come into compliance with the ordinance.

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

David J. Mattingly, Mayor

Cindy Stracener, City Clerk