

BENTON CITY COUNCIL MEETING

DECEMBER 8, 2014

7:00 PM



AGENDA MEETING 6:30 PM



BENTON MUNICIPAL COMPLEX
114 SOUTH EAST STREET
COUNCIL CHAMBERS

DAVID MATTINGLY, MAYOR

REGULAR SESSION
December 8, 2014
7:00 PM
AGENDA

- | | | |
|-------------|--|--|
| I. | Call to Order | Mayor Mattingly |
| II. | Invocation | |
| III. | Pledge of Allegiance | Alderman Lee |
| IV. | Roll Call | City Clerk |
| V. | Approval of Minutes | November 17, 2014
<i>Regular Meeting</i> |
| VI. | Proclamation
<i>2014 Benton Panthers Football Team</i> | Mayor Mattingly |
| VII. | COMMITTEE REPORTS & MOTIONS | |
| | 1. Finance Committee | Alderman Ponder |
| | A.) ORDINANCE NO. 74 OF 2014
<i>AN ORDINANCE AMENDING THE 2014 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 77 OF 2013; APPROPRIATING FUNDS FOR THE POLICE DEPARTMENT; AUTHORIZING THE PURCHASE OF A POLICE VEHICLE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | B.) RESOLUTION NO. 62 OF 2014
<i>A RESOLUTION RECOGNIZING THE SERVICES OF LIEUTENANT RODNEY WRIGHT TO THE CITIZENS OF BENTON AND AWARDING HIM HIS BADGE AND SERVICE WEAPON IN RECOGNITION OF THOSE SERVICES</i> | |
| | C.) ORDINANCE NO. 75 OF 2014
<i>AN ORDINANCE ADOPTING THE 2015 BUDGET FOR THE GENERAL FUND, ANIMAL CONTROL, PARKS AND STREET FUNDS; ESTABLISHING A PROCEDURE FOR REVISING SAME; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | 2. Community Services/Animal Control | Alderwoman Terrell |
| | 3. Streets & Drainage Committee | Alderman Cunningham |
| | 4. Personnel/Health & Safety Committee | Alderman Donnor |
| | A.) ORDINANCE NO. 76 OF 2014
<i>AN ORDINANCE AMENDING THE PERSONNEL POLICIES AND PRACTICES FOR EMPLOYEES OF THE CITY OF BENTON, ARKANSAS; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES</i> | |
| | 5. Parks Committee | Alderman Lee |

6. Public Utilities Commission Alderman Herzfeld

A.) ORDINANCE NO. 77 OF 2014

*AN ORDINANCE AUTHORIZING THE EXERCISE OF EMINENT DOMAIN,
TAKING OF EASEMENTS FOR THE HIGHWAY 5 SEWERLINE PROJECT
AND, FOR OTHER PURPOSES*

7. A & P Commission Aldermen Donnor & Ponder

VIII. Unfinished Business

IX. New Business

X. Announcements

XI. Adjourn

ORDINANCE NO. 74 OF 2014

AN ORDINANCE AMENDING THE 2014 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 77 OF 2013; APPROPRIATING FUNDS FOR THE POLICE DEPARTMENT; AUTHORIZING THE PURCHASE OF A POLICE VEHICLE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, 2 patrol vehicles were recently damaged beyond repair in motor vehicle accidents; and

WHEREAS, the city has received insurance proceeds from the City's insurance carrier in the total amount of \$26,058 which may be used for the purchase of a replacement vehicle; and

WHEREAS, the cost of a fully outfitted replacement vehicle, will cost \$26,196.97 at the state contract price; and

WHEREAS, the remaining funds needed to purchase the replacement vehicle will come from current year capital budget; and

WHEREAS, the City Council wishes to authorize and approve the transaction described herein.

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 FY2014 City of Benton Budget as adopted in Ordinance 77 of 2013. The revised expenditures for the operations of the police department are attached hereto as Exhibit "1" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget and to appropriate the funds for the operation of 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 December, 2014.

David Mattingly, Mayor

Cindy Stracener, City Clerk



FY2014 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2014. 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 2014 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2014

General Fund

	Beg. Revised Amt.	Amendment	End Revised Amt
Misc Revenues	\$382,393	\$26,058	\$408,451
Personnel	\$9,200,734	-0-	\$9,200,734
Operations & Maintenance	\$2,501,607	-0-	\$2,501,607
Capital Items	\$961,254	\$26,197	\$987,451

Section 2: Capital - Fiscal Year 2014

General Fund

Misc Income

This budget amendment accounts for income from the sale insurance settlement form wrecked vehicles \$26,058 total- (\$10,146.50 and \$15,911.50) (680.06)

Capital Items

This budget amendment accounts for expense from the purchase of a patrol vehicle (850.20.13.17)

RESOLUTION NO. 62 OF 2014

**A RESOLUTION RECOGNIZING THE SERVICES OF
LIEUTENANT RODNEY WRIGHT TO THE CITIZENS OF
BENTON AND AWARDING HIM HIS BADGE AND SERVICE
WEAPON IN RECOGNITION OF THOSE SERVICES**

WHEREAS, Lieutenant Rodney Wright has served the citizens of Benton for the past nineteen years as a police officer; and

WHEREAS, Lieutenant Wright has been elected the Sheriff of Saline County and will take office on January 1, 2015; and

WHEREAS, the city wishes to thank Lieutenant Wright for his dedicated services to our community by presenting him with his service weapon and badge in recognition of those outstanding services.

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

SECTION 1: The equipment listed on the attached document, Exhibit "1" is hereby declared surplus and shall be presented to the now Sheriff-Elect, Rodney Wright in recognition of his services to this community.

PASSED AND APPROVED this the _____ day of December, 2014.

David Mattingly, Mayor

Cindy Stracener, City Clerk

Exhibit "1"

Badge #2537

Glock 21 serial number SWH 794

ORDINANCE NO. 75 OF 2014

**AN ORDINANCE ADOPTING THE 2015 BUDGET FOR
THE GENERAL FUND, ANIMAL CONTROL, PARKS AND STREET FUNDS;
ESTABLISHING A PROCEDURE FOR REVISING SAME;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, pursuant to A.C.A. §14-58-201 the Mayor of the City of Benton, Arkansas has an obligation to submit an annual budget to the City Council for approval for the upcoming year; and

WHEREAS, pursuant to A.C.A. §14-58-202 the City Council of the City of Benton, Arkansas has an obligation to adopt a budget for the operation of the city for the upcoming year.

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 adopt the FY2015 City of Benton Budget (budget) which is attached hereto, marked as "Exhibit "1. The adoption of this budget shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

Section 2. The line items contained within the budget are deemed to be estimates of the costs necessary for running each department throughout the year. Expenditures may not exceed those amounts defined with "Exhibit 1".

Section 3. Should the amount budgeted for each amount shown in: Exhibit 1" need to be revised, monetary transfers between the departments may occur and shall be administered by and be the responsibility of the Mayor or his appointed staff member. Any adjustments to the amount budgeted within each category shall be done by the City Council who shall do so by passing an ordinance amending the budget.

Section 4. All elected officials and employees are bound by this ordinance as well as Arkansas law to operate the city within the monetary limits set by the adopted budget and its revisions. The willful disregard of the limits set forth within the budget may result in the appropriate action against the elected official and /or employee pursuant to the Local Fiscal Management Responsibility Act, codified a A.C.A §14-77-101 et seq.

Section 5. It is hereby found and determined that there is an immediate need to adopt the foregoing mechanism for the financial operations of the City. 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 December, 2014.

APPROVED

Mayor

ATTEST:

City Clerk

NOT DESIGNATED FOR PUBLICATION



FY2015 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a budget for the Fiscal Year 2015. This submittal includes appropriations for the General, Street, Animal Control, and Parks Funds and their associated departments.

Section 1 defines the appropriations for the Fiscal Year 2015 for Personnel, Operations and Maintenance as well as all Capital purchases. All expenditures above the amount appropriated herein require the prior approval, by ordinance, of the City Council of the City of Benton.

Section 2 is a summary of the projected budget with comparisons to the previous year budget passed and approved by the Benton City Council.

Section 1: Appropriations – Fiscal Year 2015

General Fund

Personnel	\$10,553,317
Operations & Maintenance	\$2,487,624
Capital Items	\$ 955,250

Street Fund

Personnel	\$ 753,057
Operations & Maintenance	\$1,391,947
Capital Items	\$4,838,450

Animal Control Fund

Personnel	\$ 291,866
Operations & Maintenance	\$ 110,235
Capital Items	\$ 97,200

Parks Fund

Personnel	\$ 509,770
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Operations & Maintenance \$ 684,383

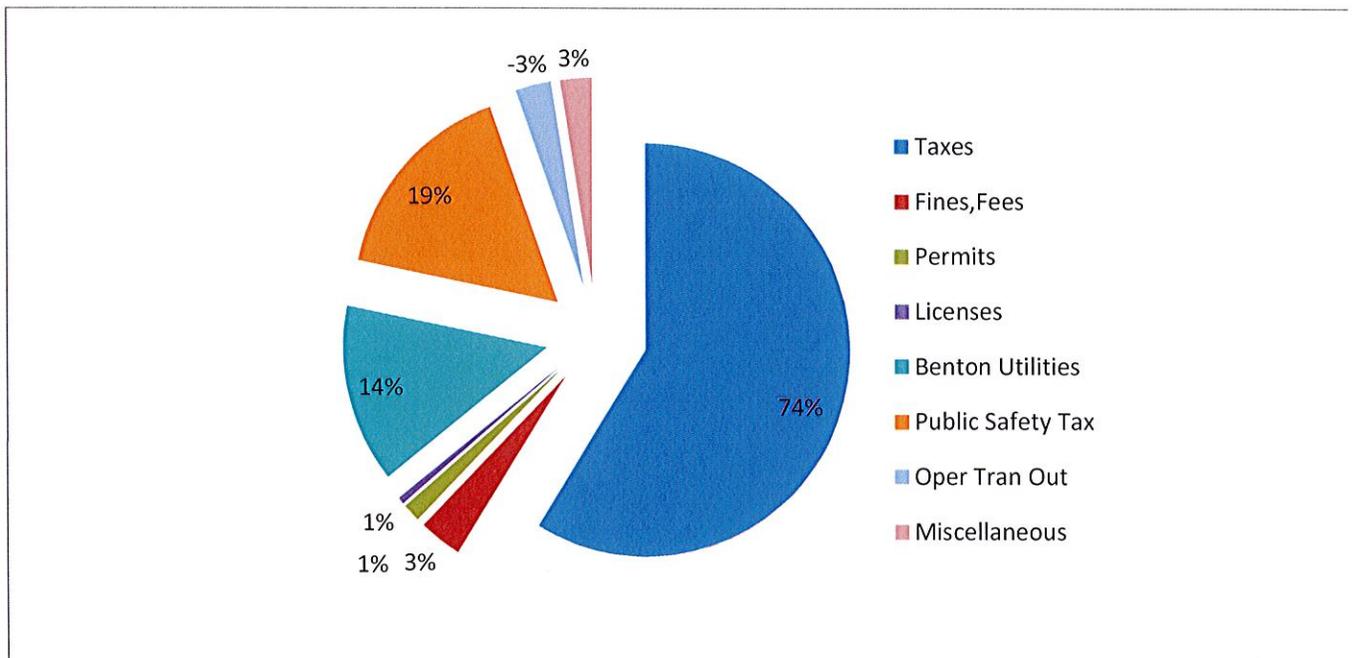
Capital Items \$ 753,847

Section 2: Summary of the Fiscal Year 2014 Budget and Comparisons

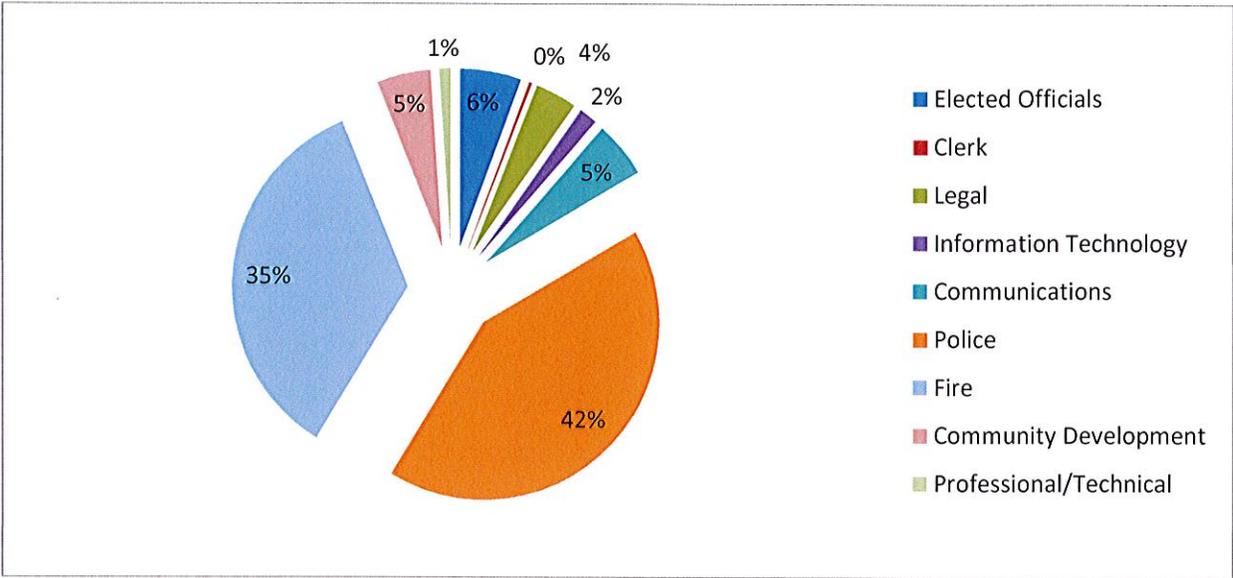
GENERAL FUND

	Budget <u>FY2015</u>	Budget <u>2014</u>
RECEIPTS	13,869,817	11,739,479
DISBURSEMENTS	13,846,191	12,523,595

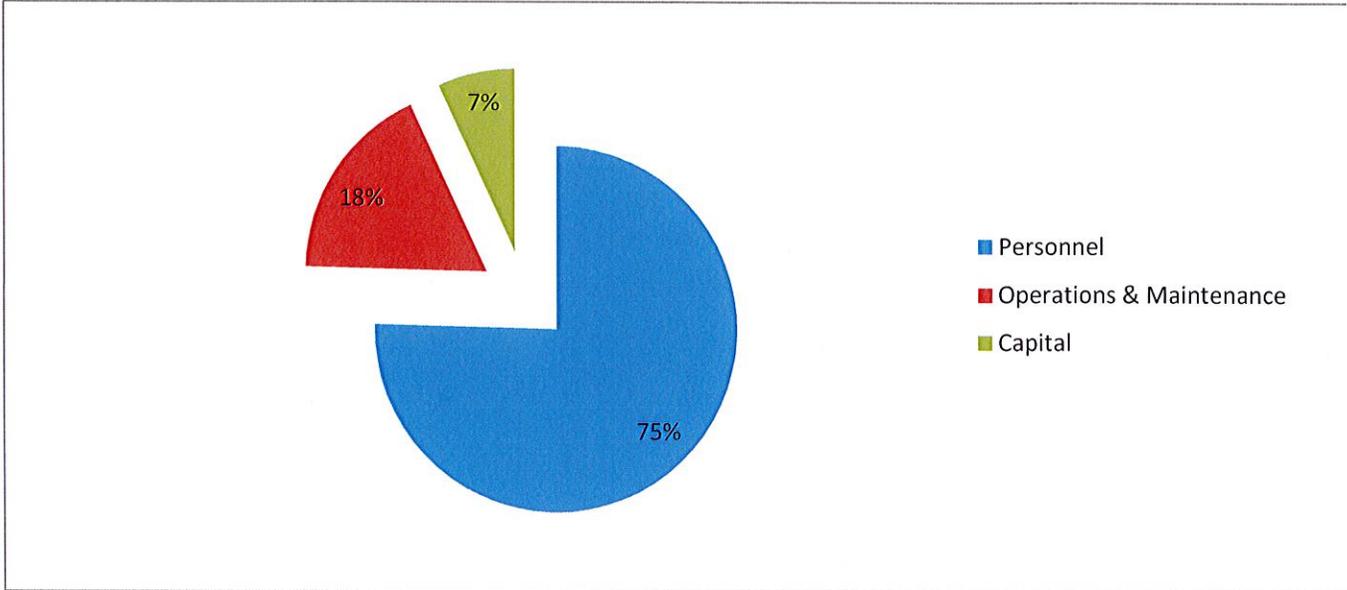
Graphic Summary of Receipts – General Fund



Graphic Summary of Disbursement– General Fund



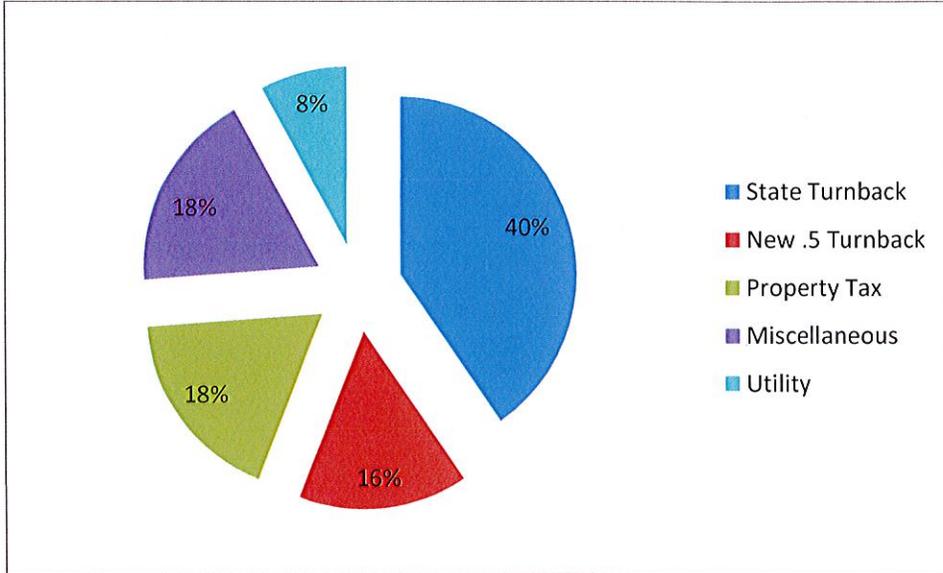
Graphic Summary of Disbursements – General Fund (continued)



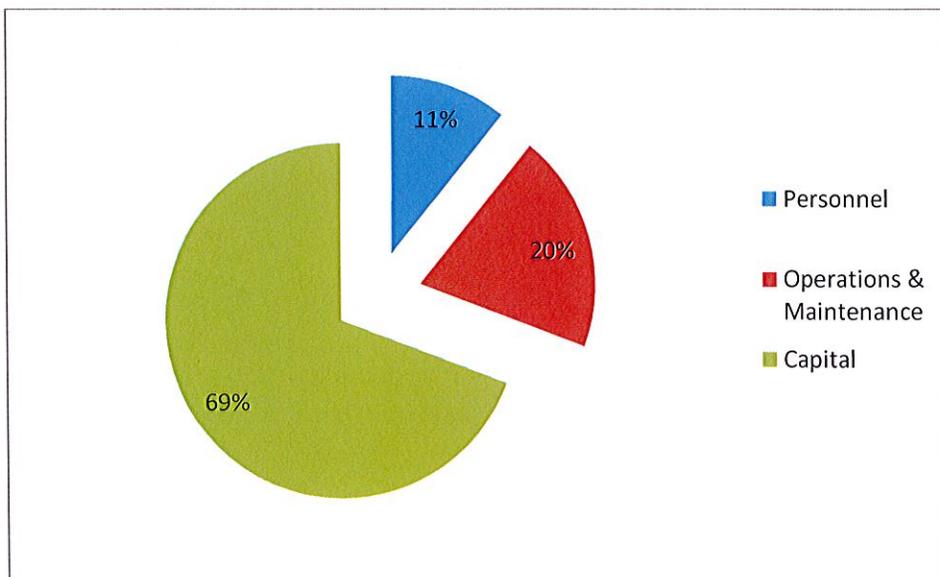
STREET FUND

	Budget FY2015	Budget 2014
RECEIPTS	3,602,984	3,249,827
DISBURSEMENTS	6,983,454	4,726,308

Graphic Summary of Receipts – Street Fund



Graphic Summary of Disbursements – Street Fund



STREET FUND (CONTINUED)

Street Improvement Fund (1/4 Cent Sales Tax)

Receipts	\$1,398,740
Disbursements	1,755,000
Change	-356,260
2014 Carryover (Proj)	2,440,151
Year End Balance	2,083,891

Stormwater Fund

Receipts	\$ 98,700
Disbursements	60,000
Change	38,700
2014 Carryover (Proj)	204,433
Year End Balance	243,133

Street Special Projects Fund

Receipts	\$ 4,200
Disbursements	0
Change	4,200
2014 Carryover (Proj)	268,398
Year End Balance	272,398

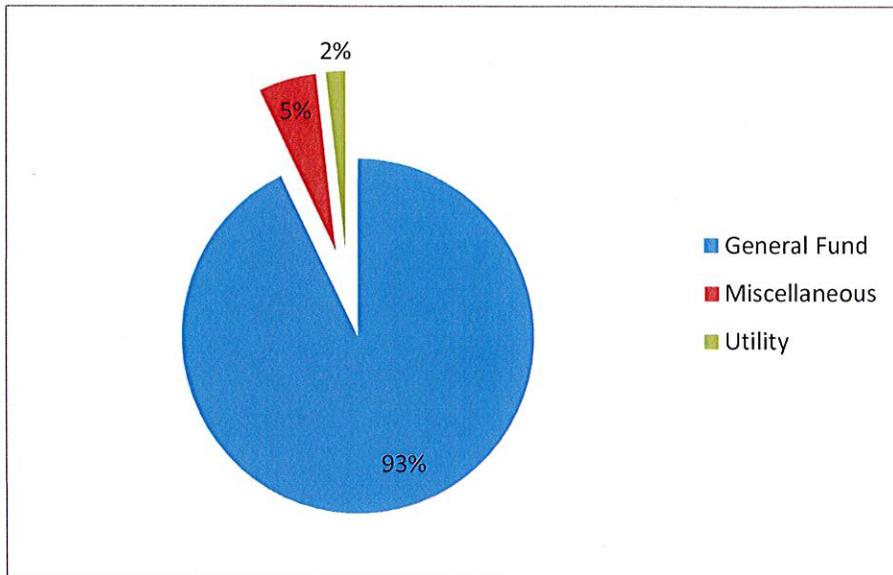
Military Road Project Fund

Receipts	\$ 120
Disbursements	35,000
Change	(34,880)
2014 Carryover (Proj)	868,590
Year End Balance	833,710

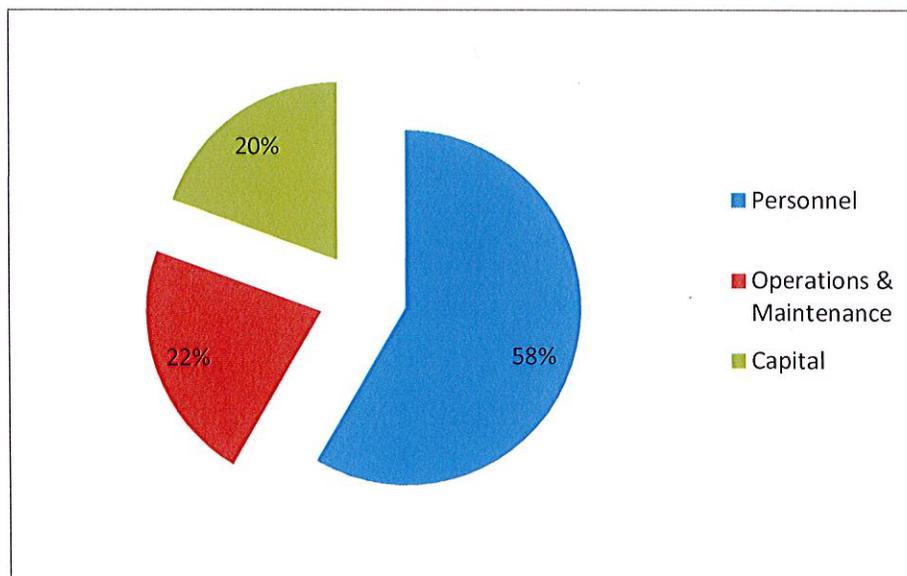
ANIMAL CONTROL FUND

	Budget <u>FY2015</u>	Budget <u>2014</u>
RECEIPTS	452,148	387,784
DISBURSEMENTS	499,301	398,254

Graphic Summary of Receipts – Animal Control Fund

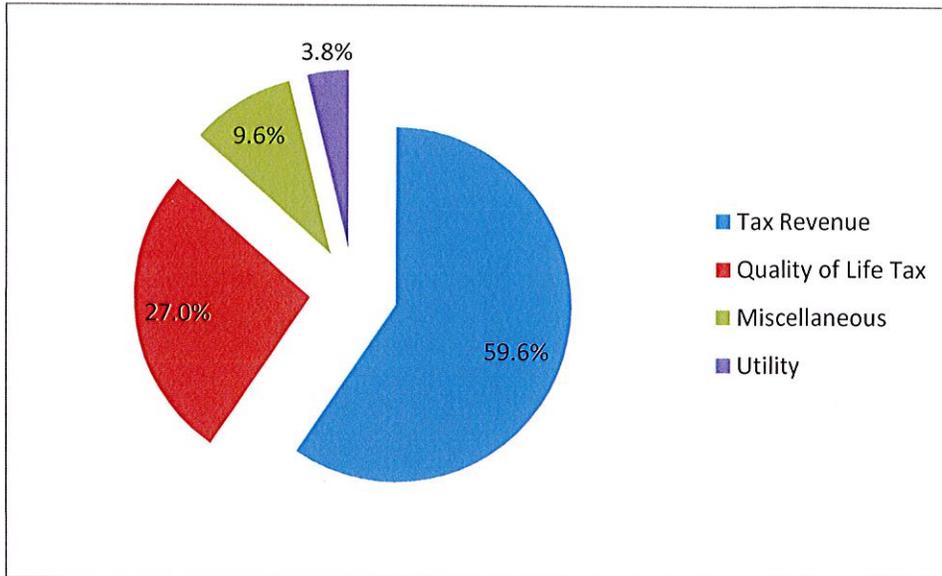


Graphic Summary of Disbursements – Animal Control Fund



PARKS FUND

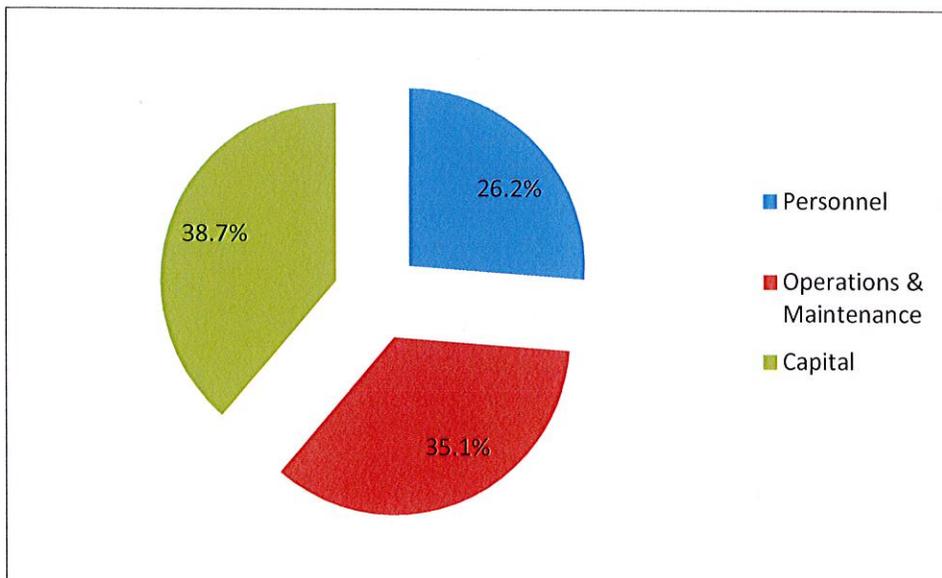
	Budget <u>FY2015</u>	Budget <u>2014</u>
RECEIPTS	2,344,402	1,591,696
DISBURSEMENTS	1,948,000	1,995,536



Graphic

Summary of Receipts – Parks Fund

Graphic Summary of Disbursements – Parks Fund



ORDINANCE NO. 76 OF 2014

AN ORDINANCE AMENDING THE PERSONNEL POLICIES AND PRACTICES FOR EMPLOYEES OF THE CITY OF BENTON, ARKANSAS; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

WHEREAS, The City of Benton adopted the “Personnel Policies and Practices for Employees of the City of Benton” manual by Ordinance 52 of 2005, which was passed and approved December 19, 2005; and,

WHEREAS, The City Council desires to amend the “Personnel Policies and Practices for Employees of the City of Benton” manual by replacing therein the original page 45 of 72 with a new page 45 of 72 revised November 10, 2014; and

WHEREAS, at least three (3) copies of the Revised Pages have been filed with the City Clerk of the City of Benton and have been available for public inspection since November 19, 2014; and,

WHEREAS, a public notice was published in the Saline Courier, a newspaper of general circulation in the community, on or about November 21, 2014, advising the public that three (3) copies of the Revised Page were available for public examination at the office of the City Clerk, City Hall, 114 South East Street, Benton, Arkansas;

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, the revised pages 45 of 72 which are attached to this ordinance as Exhibit 1.

SECTION 2. All City of Benton Ordinances, Resolutions, Employee Personnel Policies, and parts thereof, in conflict with the “Personnel Policies and Practices for Employees of the City of Benton” manual as amended by this ordinance are hereby repealed to the extent of such conflict, but not otherwise.

SECTION 3. The City Clerk shall, upon the passage and approval of this ordinance, replace page 45 of 72 of the “Personnel Policies and Practices for Employees of the City of Benton” manual with page 45 of 72 Revised November 10, 2014, in the copies of the manual in the Clerk’s office, and shall thereafter maintain and keep on file at least three (3) copies of the “Personnel Policies and Practices for Employees of the City of Benton” manual as revised by this ordinance; and at least three (3) copies of the text of this Ordinance for use and examination by the public.

SECTION 4. 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 5. There is an immediate need to amend and revise the “Personnel Policies and Practices for Employees of the City of Benton” manual 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 _____, 2014.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

Sick leave is deducted in 15-minute increments. An employee who uses all of his or her accrued sick leave may substitute vacation leave.

When a supervisor has evidence to suspect misuse of Sick Leave, the supervisor may require an attending physician's statement on the first day of absence. If the employee is unable to furnish verification, there may be a loss of paid leave available and misuse may result in disciplinary action. Sick leave taken immediately before or after a Holiday or vacation will require a Physician's statement in all cases.

An employee may use earned sick leave while receiving workers' compensation benefits only to the extent that the leave augments the employee's workers' compensation payment to an amount equal to that employee's regular pay without overtime.

Upon separation from the City by retirement or death, employees will be paid for unused sick leave balance to a maximum of 720 hours in accordance with their vesting percentage. Employees hired after January 1, 2015 will have the following vesting percentages applied to accrued sick leave hours paid upon retirement or death, regardless of employee age at event:

Less than 5 years of employment	0 %	10 to 11 years of employment	50%	
5 to 6 years of employment	25%	11 to 12 years of employment	60%	
6 to 7 years of employment	30%	12 to 13 years of employment	70%	
7 to 8 years of employment	35%	13 to 14 years of employment	80%	
8 to 9 years of employment	40%	14 to 15 years of employment	90%	
9 to 10 years of employment	45%	15 years or more	100%	Upon

the adoption of this handbook, current employees who have unused sick leave hours greater than the maximums listed in the accrual rate section will have documentation added to their personnel file of the excess hours. If necessary, those employees will be allowed to use those documented sick hours for medical leave purposes or to receive the maximum pay of 720 hours upon vested retirement.

FAMILY MEDICAL LEAVE

In accordance with the Family Medical Leave Act (FMLA) of 1993, the City of Benton provides family medical leave to eligible employees for up to twelve [12] weeks during a twelve-month period for certain family conditions and medical reasons. This type of leave may be paid or unpaid depending on the employee's accrued leave available. Paid sick leave for an FMLA event must be substantiated by a medical need. Paid accrued vacation leave is available for any FMLA event. Employees are required to first use accrued paid leave time before taking unpaid FMLA leave. For the purpose of this policy, a "12 month period" is defined as any consecutive 12-month period measured forward from the date an employee's first FMLA leave begins:

Eligible employees are defined as those who:

1. Are employed by the City for a minimum of one year, and
2. Have worked a minimum of 1250 hours during the twelve [12] months preceding the leave.

Eligible employees may take up to twelve [12] weeks of FMLA leave for the following reasons:

ORDINANCE NO. 77 OF 2014

AN ORDINANCE AUTHORIZING THE EXERCISE OF EMINENT DOMAIN
TAKING OF EASEMENTS FOR THE HIGHWAY 5 SEWERLINE PROJECT,
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, The Public Utility Commission of the City of Benton has requested that the City acquire by exercise of the power of eminent domain certain easements which are necessary for the completion of the “ Highway 5 Sewer Line Project to Replace Pilot Lift Station and Force Main”; and

WHEREAS, The City Council wishes to authorize and approve the actions requested by the Public Utility Commission;

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

SECTION 1: The City Council should, and does hereby, authorize and direct that the City acquire by exercise of the power of eminent domain easements necessary for the completion of the “Highway 5 Gravity Sewer line Project to Replace Pilot Lift Station and Force Main” from the owners of and over and upon the lands described as follows:

Michael Rodgers
Exhibit “A”
Benton, AR 72015

I-30 Benton, LLC
Exhibit “B”
Benton, AR 72015

SECTION 2: The City shall pay for the taking of the easements such sums as may be determined by the courts to be the fair market value of the interests in the lands taken by the City pursuant to this Ordinance, and shall further pay such court filing fees, service costs, appraisal fees and related costs as may be necessary for the accomplishment of the purposes of this Ordinance.

SECTION 3: The Mayor and City Attorney are hereby authorized and directed to take such actions as may be necessary or convenient to accomplish the purposes of this Ordinance.

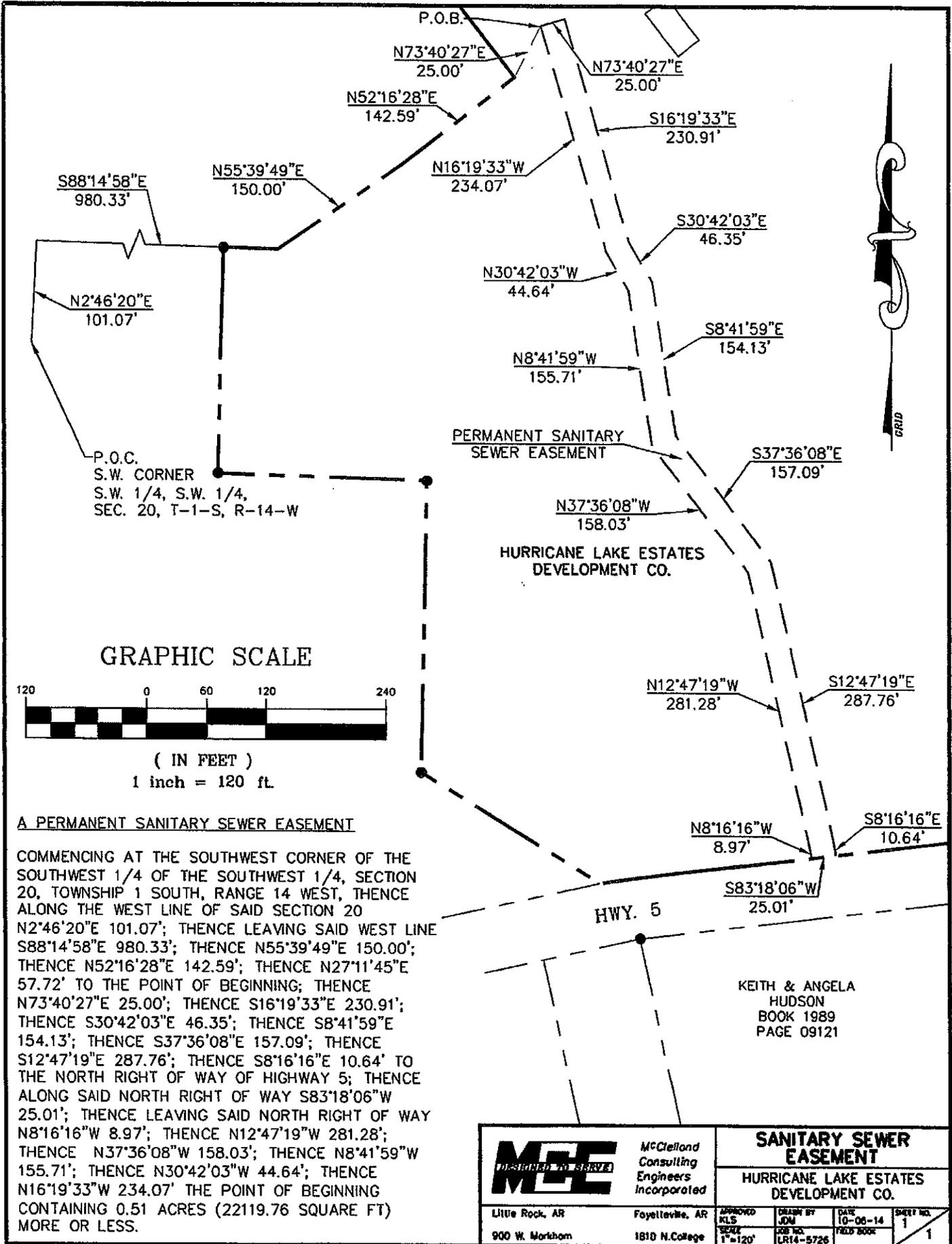
SECTION 4: It is hereby found and determined that the immediate passage of this Ordinance is necessary for the immediate taking of the property for the completion of the "Highway 5 Sewer Line Project to Replace Pilot Lift Station and Force Main" in as much as the project has commenced and being necessary for the immediate preservation of public health, safety and welfare; 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 December, 2014.

David Mattingly, Mayor

Cindy Stracener, City Clerk

EXHIBIT "A"



GRAPHIC SCALE



(IN FEET)
1 inch = 120 ft.

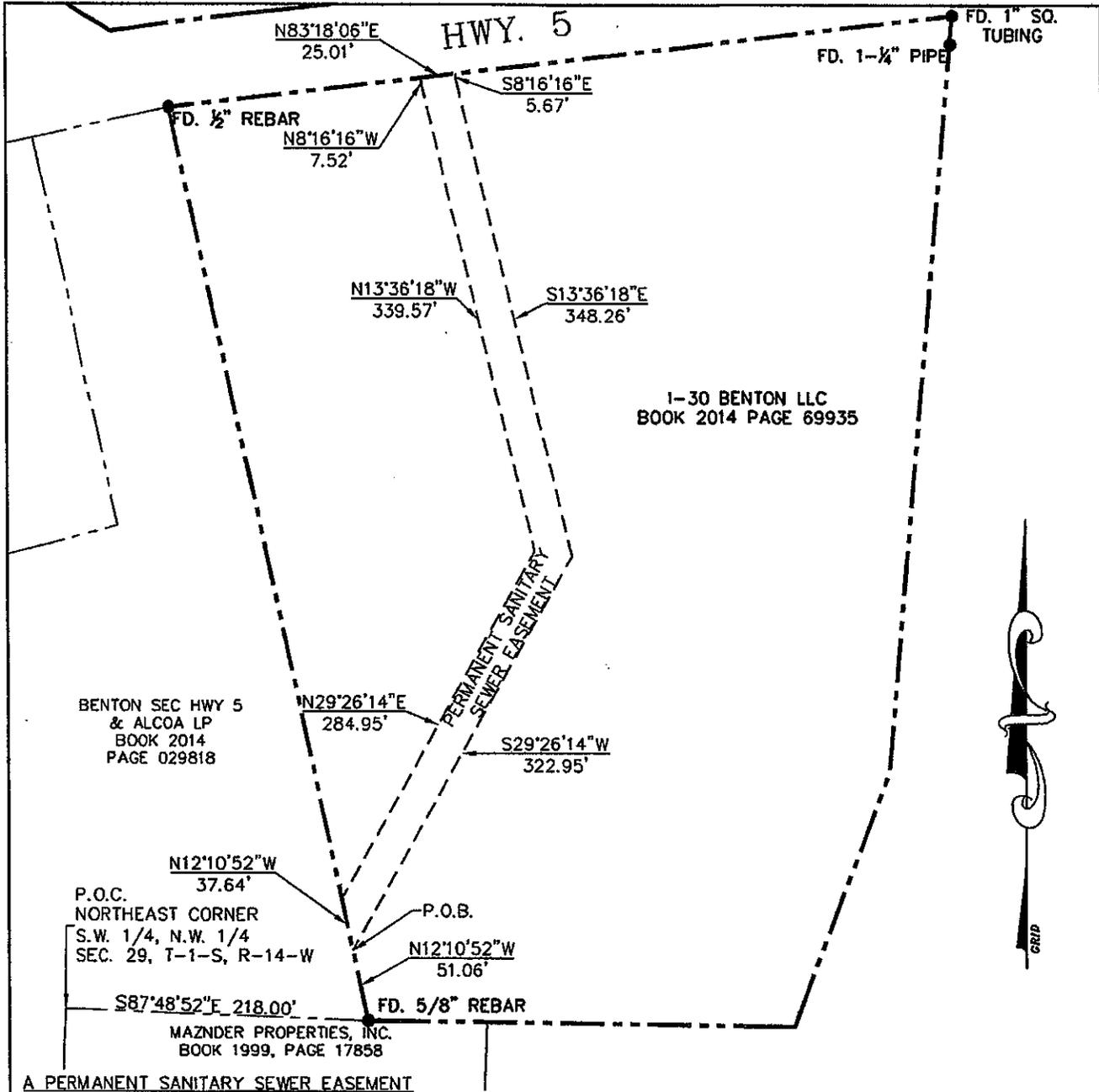
A PERMANENT SANITARY SEWER EASEMENT

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 20, TOWNSHIP 1 SOUTH, RANGE 14 WEST, THENCE ALONG THE WEST LINE OF SAID SECTION 20 N2°46'20"E 101.07'; THENCE LEAVING SAID WEST LINE S88°14'58"E 980.33'; THENCE N55°39'49"E 150.00'; THENCE N52°16'28"E 142.59'; THENCE N27°11'45"E 57.72' TO THE POINT OF BEGINNING; THENCE N73°40'27"E 25.00'; THENCE S16°19'33"E 230.91'; THENCE S30°42'03"E 46.35'; THENCE S8°41'59"E 154.13'; THENCE S37°36'08"E 157.09'; THENCE S12°47'19"E 287.76'; THENCE S8°16'16"E 10.64' TO THE NORTH RIGHT OF WAY OF HIGHWAY 5; THENCE ALONG SAID NORTH RIGHT OF WAY S83°18'06"W 25.01'; THENCE LEAVING SAID NORTH RIGHT OF WAY N8°16'16"W 8.97'; THENCE N12°47'19"W 281.28'; THENCE N37°36'08"W 158.03'; THENCE N8°41'59"W 155.71'; THENCE N30°42'03"W 44.64'; THENCE N16°19'33"W 234.07' THE POINT OF BEGINNING CONTAINING 0.51 ACRES (22119.76 SQUARE FT) MORE OR LESS.

 MCClelland Consulting Engineers Incorporated		SANITARY SEWER EASEMENT			
		HURRICANE LAKE ESTATES DEVELOPMENT CO.			
LITTLE ROCK, AR 900 W. Northham	FAYETTEVILLE, AR 1810 N. College	APPROVED KLS SCALE 1"=120'	DRAWN BY JON JOB NO. LR14-5726	DATE 10-06-14 FIELD BOOK	SHEET NO. 1 1

KEITH & ANGELA HUDSON
BOOK 1989
PAGE 09121

EXHIBIT "B"



COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 SECTION 29, TOWNSHIP 1 SOUTH, RANGE 14 WEST, THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 SECTION 29, TOWNSHIP 1 SOUTH, RANGE 14 WEST, THENCE ALONG SAID SOUTH LINE N12°10'52"W 51.06' TO THE POINT OF BEGINNING; THENCE N12°10'52"W 37.64'; THENCE N29°26'14"E 284.95'; THENCE N13°36'18"W 339.57'; THENCE N8°16'16"W 7.52' TO THE SOUTH RIGHT OF WAY OF HIGHWAY 5; THENCE ALONG SAID SOUTH RIGHT OF WAY N83°18'06"E 25.01'; THENCE LEAVING SAID RIGHT OF WAY S8°16'16"E 5.67'; THENCE S13°36'18"E 348.26'; THENCE S29°26'14"W 322.95' TO THE POINT OF BEGINNING CONTAINING 0.375 ACRES (16361.59 SQUARE FT.) MORE OR LESS.

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

		MCClelland Consulting Engineers Incorporated	
		SANITARY SEWER EASEMENT	
Little Rock, AR 900 W. Markham		Fayetteville, AR 1810 N. College	
APPROVED R.L.S. SCALE 1"=100'	DRAWN BY J.M. DATE 10-06-14 FILE NO. LR14-5726	DATE 10-06-14 FILE NO. MCS 6004	SHEET NO. 1 1