

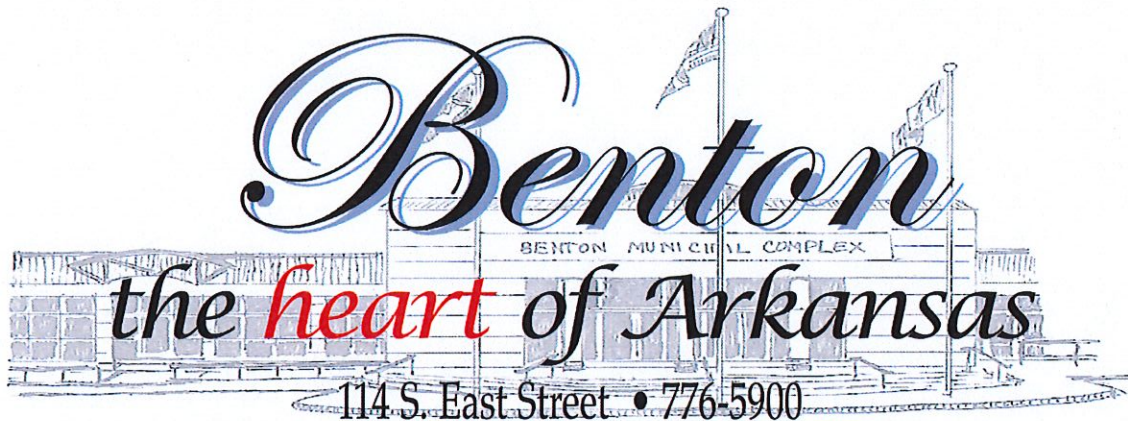
**BENTON CITY COUNCIL
REGULAR SESSION**

JUNE 24, 2019

7:00 PM



AGENDA MEETING 6:30 PM



BENTON MUNICIPAL COMPLEX
114 SOUTH EAST STREET
COUNCIL CHAMBERS

TOM FARMER, MAYOR

BENTON CITY COUNCIL
June 24, 2019
7:00 PM
AGENDA

- | | | |
|-------------|--|---|
| I. | Call to Order | Mayor Farmer |
| II. | Invocation | Pastor Zac Reno |
| III. | Pledge of Allegiance | Council Member Morrow |
| IV. | Roll Call | City Clerk |
| V. | Approval of Minutes | May 20, 2019
<i>Regular Meeting</i> |
| VI. | Proclamation
<i>Quilt of Valor</i> | |

VII. COMMITTEE REPORTS & MOTIONS

- | | | |
|-----------|--|----------------------------|
| 1. | Finance Committee | Council Member Cash |
| | A.) RESOLUTION NO. 47 OF 2019 | |
| | <i>A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS; AND AUTHORIZING THE EXCHANGE OF PROPERTY FOR THEIR REPLACEMENTS</i> | |
| | B.) ORDINANCE NO. 38 OF 2019 | |
| | <i>AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE PAYMENT OF PROFESSIONAL SERVICES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | C.) ORDINANCE NO. 39 OF 2019 | |
| | <i>AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE PURCHASE OF DUMP TRUCK EQUIPMENT FOR THE STREET DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | D.) ORDINANCE NO. 40 OF 2019 | |
| | <i>AN ORDINANCE LEVYING A TAX ON ALL REAL AND PERSONAL PROPERTY IN THE CITY OF BENTON, ARKANSAS FOR CITY GENERAL AND FOR THE FIREMAN'S PENSION AND RELIEF FUND; DECLARING AN EMERGENCY; AND OTHER MATTERS PERTAINING THERETO</i> | |
| 2. | Community Services/Animal Control | Council Member Reed |
| | A.) RESOLUTION NO. 48 OF 2019 | |
| | <i>A RESOLUTION RATIFYING AND CONFIRMING THE APPOINTMENT OF CARL WEST AS COMMISSIONER TO THE BENTON PLANNING & ZONING COMMISSION; AND FOR OTHER PURPOSES</i> | |
| | B.) RESOLUTION NO. 49 OF 2019 | |
| | <i>A RESOLUTION RATIFYING AND CONFIRMING THE APPOINTMENT OF BAXTER DRENNON AS COMMISSIONER TO THE BENTON PLANNING & ZONING COMMISSION; AND FOR OTHER PURPOSES</i> | |

C.) ORDINANCE NO. 41 OF 2019

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

D.) ORDINANCE NO. 42 OF 2019

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

E.) ORDINANCE NO. 43 OF 2019

AN ORDINANCE ANNEXING CERTAIN TERRITORY INTO THE CITY OF BENTON, SALINE COUNTY, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

F.) ORDINANCE NO. 44 OF 2019

AN ORDINANCE WAIVING CONSTRUCTION RELATED FEES FOR THE CONSTRUCTION OF THE EVERETT FORD DEALERSHIP FACILITY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

G.) ORDINANCE NO. 45 OF 2019

AN ORDINANCE WAIVING CONSTRUCTION RELATED FEES FOR THE RENOVATION OF THE PALACE THEATER; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

H.) ORDINANCE NO. 46 OF 2019

AN ORDINANCE AMENDING, REVISING AND RESTATING THE ANIMAL CONTROL ORDINANCE OF THE CITY OF BENTON; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

3. Street & Drainage Committee Council Member Hamm

A.) RESOLUTION NO. 50 OF 2019

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTON TO UTILIZE FEDERAL-AID FUNDS FOR THE FOLLOWING CITY PROJECT

B.) ORDINANCE NO. 47 OF 2019

AN ORDINANCE ADOPTING THE STORMWATER DISCHARGE REGULATIONS FOR THE CITY OF BENTON, ARKANSAS; REPEALING ORDINANCE 2 OF 2006 AND ORDINANCE 24 OF 2009; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

C.) ORDINANCE NO. 48 OF 2019

AN ORDINANCE AMENDING ORDINANCE 45 OF 2007; MODIFYING CERTAIN REFERENCES CONTAINED THEREIN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

D.) ORDINANCE NO. 49 OF 2019

AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING AND RATIFYING THE STREET AND DRAINAGE REPAIR WORK TO THE EAST MAPLE STREET STORM DRAIN; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

4. Personnel/Health & Safety Committee Council Member Donnor

5. Parks Committee

Council Member Hart

A.) ORDINANCE NO. 50 OF 2019

AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE PARKS FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING CERTAIN IMPROVEMENTS AT HOLLAND PARK AND TYNDALL PARK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

B.) RESOLUTION NO. 51 OF 2019

A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT AT RALPH BUNCHE PARK; AND FOR OTHER PURPOSES

C.) ORDINANCE NO. 51 OF 2019

AN ORDINANCE AMENDING THE 2019 RATES FOR THE PARKS AND RECREATION DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

D.) RESOLUTION NO. 52 OF 2019

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE BENTON SCHOOL DISTRICT FOR THE OPERATION OF THE HIGH SCHOOL TENNIS TEAM AT TYNDALL PARK; AND FOR OTHER PURPOSES

E.) RESOLUTION NO. 53 OF 2019

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE BENTON SCHOOL DISTRICT FOR THE OPERATION OF THE HIGH SCHOOL SWIM TEAM AT RIVERSIDE PARK; AND FOR OTHER PURPOSES

6. Public Utilities Commission

Council Member Herzfeld

A.) ORDINANCE NO. 52 OF 2019

AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING AND RATIFYING THE PURCHASE OF ONE (1) MYERS 4VL600M4-43-60HP 460V 3PH PUMP WITH 50' CORD WITH LIFTING BAIL AND BOLT AND GASKET SYSTEM WITH ADAPATION TO CURRENT RAIL SYSTEM FOR THE BENTON UTILITIES WASTEWATER COLLECTION DEPARTMENT; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

B.) ORDINANCE NO. 53 OF 2019

AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING AND RATIFYING THE PURCHASE OF ONE (1) CLARIFIER DRIVE ASSEMBLY AND ADDITIONAL PARTS WITH INSTALLATION FOR THE BENTON UTILITIES WASTEWATER TREATMENT DEPARTMENT; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

C.) ORDINANCE NO. 54 OF 2019

AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING AND RATIFYING THE PURCHASE OF TWO (2) 1600 AMP TRANSFER SWITCHES, ONE (1) WITH A 1600 AMP PLUG AND ONE (1) WITH A 1300 AMP TRIP PLUG PLUS INSTALLATION FOR THE BENTON UTILITIES WATER PURIFICATION DEPARTMENT; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

7. A & P Commission

Council Member Murphy/Baptist

VIII. Unfinished Business

- IX. New Business**
- X. Old Business**
- XI. Public Comments**
- XII. Announcements**
- XIII. Adjourn**

MINUTES OF THE BENTON CITY COUNCIL

Regular Session

May 20, 2019

Benton Municipal Complex

The Benton City Council was called to order at 7:00 pm.

Pastor Jim Gardner, Northside Church of Church gave the invocation.

Council Member Donnor led the pledge of allegiance.

Roll was called.

The following persons were in attendance:

**Council Member Frank Baptist
Council Member Jocelyn Cash
Council Member Bill Donnor
Council Member James Herzfeld
Council Member Jeff Hamm
Tom Farmer, Mayor**

**Council Member Kerry Murphy
Council Member Evelyn Reed
Council Member Judd Hart
Council Member Steve Lee
Brent Houston, City Attorney
Cindy Stracener, City Clerk**

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

The Mayor requested approval for the April 22, 2019 city council meeting minutes. Council Member Hart made a motion to approve the minutes, seconded by Council Member Lee. The Mayor called for a voice vote on the approval of the minutes. All council members present replied in the affirmative. The minutes for the April 22, 2019 council meeting were approved with 9 affirmative votes and 1 absent.

The Mayor requested approval for the May 2, 2019 special called council meeting minutes. Council Member Lee made a motion to approve the minutes, seconded by Council Member Hart. The Mayor called for a voice vote. All council members present replied in the affirmative. Motion was approved with 9 affirmative and 1 absent vote.

Dennis Mitchell was recognized for 30 years of service with the city.

A proclamation was read declaring the month of May as “National Preservation Month” in the city of Benton. See attached.

The next item on the agenda was committee reports and motions. Council Member Cash was recognized for the Finance Committee report. Council Member Cash asked for the first reading of Ordinance 30 of 2019 – An Ordinance Amending the 2019 Budget for the General Fund as Adopted in Ordinance 1 of 2019; Authorizing the Payment of the 2018 Audit of the City’s Financial Records; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Murphy. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Council Member Cash made a motion to suspend the rules for the second and third readings. Seconded by Council Member Baptist. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend the rules was approved with 9

affirmative votes and 1 absent. Council Member Cash made a motion to adopt Ordinance 30 of 2019 on its second and third readings. Seconded by Council Member Herzfeld. The ordinance was read by title only. The Mayor asked for any comments. None. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 30 of 2019 was adopted with 9 affirmative votes and 1 absent. Council Member Cash made a motion to approve the emergency clause. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 9 affirmative votes and 1 absent.

Council Member Cash asked for the first reading of Ordinance 31 of 2019 – An Ordinance Amending the 2019 Budget for the General Fund as Adopted in Ordinance 1 of 2019; Authorizing the Receipt of Proceeds From the Sale of the Palace Theater and Appropriating Same; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Donnor. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Council Member Cash made a motion to suspend the rules for the second and third readings. Seconded by Council Member Reed. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend the rules was approved with 9 affirmative votes and 1 absent. Council Member Cash made a motion to adopt Ordinance 31 of 2019 on its second and third readings. Seconded by Council Member Baptist. The ordinance was read by title only. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 31 of 2019 was adopted with 9 affirmative votes and 1 absent. Council Member Cash made a motion to approve the emergency clause. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 9 affirmative votes and 1 absent.

Council Member Cash asked for the first reading of Ordinance 32 of 2019 – An Ordinance Amending the 2019 Budget for the General Fund as Adopted in Ordinance 1 of 2019; Transferring Funds to the Office of City Clerk to Pay the Publication Costs of City Ordinances; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Lee. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Council Member Cash made a motion to suspend the rules for the second and third readings. Seconded by Council Member Reed. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend the rules was approved with 9 affirmative votes and 1 absent. Council Member Cash made a motion to adopt Ordinance 32 of 2019 on

its second and third readings by title only. Seconded by Council Member Herzfeld. The ordinance was read by title only. The Mayor asked for any comments. None. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 32 of 2019 was adopted with 9 affirmative votes and 1 absent. Council Member Cash made a motion to approve the emergency clause. Seconded by Council Member Baptist. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 9 affirmative votes and 1 absent.

Council Member Cash asked for the first reading of Ordinance 33 of 2019 – An Ordinance Amending the 2019 Budget for the General Fund as Adopted in Ordinance 1 of 2019; Transferring Funds From the Communications Facility and Equipment Fund in Order to Purchase Replacement Batteries for City Owned Communication Equipment; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Reed. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Council Member Cash made a motion to suspend the rules for the second and third readings. Seconded by Council Member Baptist. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend the rules was approved with 9 affirmative votes and 1 absent. Council Member Cash made a motion to adopt Ordinance 33 of 2019 on its second and third readings by title only. Seconded by Council Member Reed. The ordinance was read by title only. The Mayor asked for any comments. None. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 33 of 2019 was adopted with 9 affirmative votes and 1 absent. Council Member Cash made a motion to approve the emergency clause. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 9 affirmative votes and 1 absent.

Council Member Cash asked for the first reading of Ordinance 34 of 2019 – An Ordinance Amending the 2019 Budget for the General Fund as Adopted in Ordinance 1 of 2019; Accepting Grant Proceeds from the Walmart Foundation and Appropriating Funds for the Purchase of Equipment for the Police Department; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Murphy. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Council Member Cash made a motion to suspend the rules for the second and third readings. Seconded by Council Member Baptist. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend the rules was approved with 9 affirmative votes and 1 absent. Council Member Cash made a motion to

adopt Ordinance 34 of 2019 on its second and third readings by title only. Seconded by Council Member Reed. The ordinance was read by title only. The Mayor asked for any comments. None. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 34 of 2019 was adopted with 9 affirmative votes and 1 absent. Council Member Cash made a motion to approve the emergency clause. Seconded by Council Member Baptist. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 9 affirmative votes and 1 absent.

Council Member Cash made a motion to adopt Resolution 40 of 2019 – A Resolution Declaring Certain Property as Surplus; and Authorizing the Sale of the Surplus Property at Auction. Seconded by Council Member Hart. The resolution was read by the city clerk. This was for a 2009 Dodge Charger. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 40 of 2019 was adopted with 9 affirmative and 1 absent vote.

Council Member Cash asked for the first reading of Ordinance 35 of 2019 – An Ordinance Amending the 2019 Budget for the Animal Control Fund as Adopted In Ordinance 1 of 2019; Transferring Money from the Financial Stability Fund to the Animal Control Fund; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Donnor. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Council Member Cash made a motion to suspend the rules for the second and third readings. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend the rules was approved with 9 affirmative votes and 1 absent. Council Member Cash made a motion to adopt Ordinance 35 of 2019 on its second and third readings by title only. Seconded by Council Member Reed. The ordinance was read by title only. The Mayor asked for any comments. Council Member Lee asked why was the truck and trailer not moved out so it would not flood? The Mayor stated that was a good question and he would find out. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 35 of 2019 was adopted with 9 affirmative votes and 1 absent. Council Member Cash made a motion to approve the emergency clause. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee no, and Council Member Hamm yes. The emergency clause was approved with 8 affirmative votes, 1 negative and 1 absent.

Council Member Cash made a motion to adopt Resolution 41 of 2019 – A Resolution Authorizing the City to Enter into a Contract with the Benton School District for the Placement of School Resource Officers; and For Other Purposes. Seconded by Council Member Baptist. The resolution was read by the city clerk. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 41 of 2019 was approved with 9 affirmative and 1 absent vote.

Council Member Reed was recognized for a report from the Community Service/Animal Control Committee. Council Member Reed made a motion to adopt Resolution 42 of 2019 – A Resolution Authorizing the Mayor and City Clerk to Execute a Lease with Johnny McMahan for the Use of Certain Real Property within the City; and For Other Purposes. Seconded by Council Member Cash. The resolution was read by the city clerk. A welcome to Benton sign will be placed on the retaining wall on the property at Exit 117. The Mayor asked for any questions, none. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 42 of 2019 was approved with 9 affirmative and 1 absent vote.

Council Member Reed made a motion to adopt Resolution 43 of 2019 – A Resolution Authorizing the City Attorney to File Lawsuits in the Saline County Circuit Court Seeking to Abate Public Nuisances Located at Fifteen Properties Inside the Benton City Limits; and For Other Purposes. Seconded by Council Member Baptist. The resolution was read by the city clerk. The Mayor asked for any comments. None. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 43 of 2019 was approved with 9 affirmative and 1 absent vote.

Council Member Reed asked for the first reading of Ordinance 36 of 2019 – An Ordinance Providing for a Conditional Use for a Dog Grooming Business at 909 Sunset Drive; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Lee. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Council Member Reed made a motion to suspend the rules for the second and third readings. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend the rules was approved with 9 affirmative votes and 1 absent. Council Member Reed made a motion to adopt Ordinance 36 of 2019 on its second and third readings by title only. Seconded by Council Member Baptist. The ordinance was read by title only. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 36 of 2019 was adopted with 9 affirmative votes and 1 absent. Council Member Reed made a motion to adopt the emergency clause. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council

Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 9 affirmative votes and 1 absent.

Council Member Reed stated that the next committee meeting would be June 4th.

Council Member Hamm was recognized for a report from the Streets and Drainage Committee. Council Member Hamm asked for the first reading of Ordinance 37 of 2019 – An Ordinance Amending Ordinance 26 of 2019; Revising the Fees to be Charged by the City of Benton to Persons Who Are Age Sixty-Five or Older or Who Are on Social Security Disability; Declaring and Emergency, and for Other Purposes. Seconded by Council Member Cash. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Council Member Hamm made a motion to suspend the rules. Seconded by Council Member Hart. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend the rules was approved with 9 affirmative votes and 1 absent. Council Member Hamm made a motion to adopt Ordinance 37 of 2019 on its second and third readings. Seconded by Council Member Reed. The ordinance was read by title only. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 37 of 2019 was adopted with 9 affirmative votes and 1 absent. Council Member Hamm made a motion to approve the emergency clause. Seconded by Council Member Lee. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 9 affirmative and 1 absent vote.

Ordinance 38 of 2019 – An Ordinance Amending Ordinance 26 of 2019; Authorizing the Use of Stormwater Fees for Payment of Personnel Expenses; Declaring an Emergency; and For Other Purposes was added to the agenda in the agenda meeting. Council Member Hamm asked for the first reading of Ordinance 38 of 2019. Seconded by Council Member Herzfeld. The ordinance was read by the city clerk. The Mayor asked for any comments, none. Council Member Hamm made a motion to suspend the rules. Seconded by Council Member Lee. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend the rules was approved with 9 affirmative votes and 1 absent. Council Member Hamm made a motion to adopt Ordinance 38 of 2019 on its second and third readings. Seconded by Council Member Herzfeld. The ordinance was read by title only. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Ordinance 38 of 2019 was adopted with 9 affirmative votes and 1 absent. Council Member Hamm made a motion to approve the emergency clause. Seconded by Council Member Herzfeld. Roll was called which resulted

in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 9 affirmative and 1 absent vote.

Council Member Donnor was recognized for a report from the Personnel/Health & Safety Committee. Resolution 47 of 2019 – A Resolution Recognizing the Services of Captain James Dennis Mitchell to the Citizens of Benton; and Awarding Him His Badge and Helmet in Recognition of Those Services was added to the agenda in the agenda meeting. Council Member Donnor made a motion to adopt Resolution 47 of 2019. Seconded by Council Member Cash. The resolution was read by the city clerk. The Mayor asked for any comments. None. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 47 of 2019 was approved with 9 affirmative and 1 absent vote.

Council Member Hart was recognized for a report from the Parks Committee. Council Member Hart made a motion to adopt Resolution 44 of 2019 – A Resolution Accepting the Lowest Acceptable Bid for a Grant with the Arkansas Department of Parks and Tourism for a Second Splash Pad at Tyndall Park; And For Other Purposes. Seconded by Council Member Herzfeld. The resolution was read by the city clerk. The Mayor asked for any comments. None. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 44 of 2019 was adopted with 9 affirmative and 1 absent vote.

Council Member Hart made a motion to adopt Resolution 45 of 2019 – A Resolution Accepting the Lowest Acceptable Bid for the Construction of a Fence at Tyndall Park; and For Other Purposes. Seconded by Council Member Herzfeld. The resolution was read by the city clerk. The Mayor asked for any comments. None. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 45 of 2019 was adopted with 9 affirmative and 1 absent vote.

Council Member Hart made a motion to adopt Resolution 46 of 2019 – A Resolution Accepting the Lowest Bid for the Construction of Sand Volleyball Courts at Riverside Park; and For Other Purposes. Seconded by Council Member Donnor. The resolution was read by the city clerk. The Mayor asked for any comments. None. Roll was called which resulted in Council Member Baptist yes, Council Member Murphy yes, Council Member Cash yes, Council Member Reed yes, Council Member Donnor yes, Council Member Morrow absent, Council Member Hart yes, Council Member Herzfeld yes, Council Member Lee yes, and Council Member Hamm yes. Resolution 46 of 2019 was adopted with 9 affirmative and 1 absent vote.

Council Member Herzfeld was recognized for a report from the Public Utility Commission. He stated that there was not a report.

Council Member Murphy was recognized for a report from the Advertising and Promotion Commission. He stated that the commission met last week. Nothing was funded. A subcommittee was formed to market the city.

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

The Mayor asked for any public comments. Laura Dukenmiller stated that she has been to a couple of committee meetings about a neighbor who is raising and breeding snakes. He is now also breeding pigeons. The pigeon coop is straight across from my kitchen window. Pigeons carry diseases and I can't open the window for fear of getting disease in my kitchen. I have a petition with 53 signatures that state that they would not like to live next door to these pigeons or snakes. I have talked to Animal Control for a year now and called Game & Fish who said it was Animal Control who would have to do something. The gentleman is raising the snakes to sell. Something needs to be addressed with the pigeons. Council Member Donnor asked what she wanted the council to do? Ms. Dukenmiller stated try to write an ordinance addressing the pigeons and snakes. Mr. Houston stated that Terry Parson and I are working on such an ordinance and it will be ready for consideration at the June 4th Community Services/Animal Control committee meeting.

Sharon Andrews asked when the condemned houses will be torn down that were discussed tonight. Mr. Houston stated that they are in the works, it takes a bit of time, people have to be given notice and title work takes time. The title is then reviewed by me and the lawsuit and summons are then prepared. It just takes some time.

A finance committee meeting will be held June 13th.

Council Member Donnor made a motion to adjourn, seconded by Council Member Cash.

The meeting adjourned at 8:10 p.m.

Cindy Stracener, City Clerk

Tom Farmer, Mayor

PROCLAMATION

NATIONAL HISTORIC PRESERVATION

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, May 2019 is designated as Preservation Month, co-sponsored by the City of Benton, the Arkansas Historic Preservation Program, the Department of Arkansas Heritage, the National Park Service, the National Trust for Historic Preservation, and the National Register for Historic Places for National Preservation.

NOW, THEREFORE, I, TOM FARMER, acting under my authority as Mayor of the City of Benton, Arkansas, so hereby proclaim May 2019, as National Preservation Month and call upon the people of the City of Benton, to join their fellow citizens across the United States in recognizing and participating in this special observance.



A handwritten signature of Tom Farmer in blue ink, written in a cursive style. The signature is positioned above a horizontal line that serves as a separator between the signature and the printed name.

Tom Farmer, Mayor

PROCLAMATION
Quilt of Valor

WHEREAS, Valor and courage of people in the armed services are a shining example to all of the world, and we owe them and their families our deepest respect

WHEREAS, Even against the greatest of odds, there can be valor in the human spirit that can lift men from certain defeat to incredible victory

WHEREAS, There is no given right to victory it is won through the skill, devotion and valor.

WHEREAS, America's men and women in uniform bravely defend our nation and our values.

WHEREAS, Their skill, dedication, and valor are the envy of the world. When their time in uniform is over, they are entitled to be recognized for their willingness to lay down their lives for freedom.

WHEREAS, Johnston's Home Center Quilt of Valor Group, the Saline County Quilt Guild, Joyce Breitenberg, Cheryl Farmer, and Kris Boulton have donated their time and materials to make quilts of valor; and

WHEREAS, they would like to award a Quilts of Valor to Bobby Lee Cassady, Stanley Garver, Gary Hunnicutt, Bill LaRue, Terry Nichols, Arthur Frank Myers, George Morgan, Albert Ray, Mickey Shafer, Roy Sundman, and Olin Weaver, to thank them for their service, sacrifice, and valor.

NOW, THEREFORE, I, TOM FARMER, acting under my authority as Mayor of the City of Benton, Arkansas, do hereby proclaim Sunday, June 23, 2019, as a special day to show appreciation for our Military and encourage the citizens of Benton to recognize their valor and sacrifice by serving them as well as they served us. In testimony whereof, I have hereunto set my hand and caused the Seal of the City of Benton, Arkansas, to be affixed at City Hall this 23rd day of June in the year of our Lord, two thousand and nineteen.

Tom Farmer, Mayor

RESOLUTION NO. 47 OF 2019

**A RESOLUTION DECLARING CERTAIN PROPERTY
AS SURPLUS; AND AUTHORIZING THE EXCHANGE
OF PROPERTY FOR THEIR REPLACEMENTS**

WHEREAS, the city owns certain firearms which were used by the police department which are no longer useful to the city; and

WHEREAS, the City Council desires to declare this property as surplus and to authorize the Police Chief to exchange these firearms as part of an agreement to replace them with a licensed dealer.

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

SECTION 1: The firearms included within Exhibit "1" of this resolution are hereby declared as surplus property. The Police Chief is hereby authorized to exchange the firearms listed in Exhibit "1" with a licensed dealer in order to obtain replacement firearms for the department.

PASSED AND APPROVED this the _____ day of June, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

Description of Item	Item Make	Item Model	Serial #
Glock 45	Glock	21	BBSS426
Glock 45	Glock	21	BCKP804
Glock 45	Glock	21	BCXN383
Glock 45	Glock	21	BCXN384
Glock 45	Glock	21	BCXN385
Glock 45	Glock	21	BCXN386
Glock 45	Glock	21	BETR685
Glock 45	Glock	21	BETS096
Glock 45	Glock	21	BETS144
Glock 45	Glock	21	BGGV307
Glock 45	Glock	21	SWH732
Glock 45	Glock	21	SWH733
Glock 45	Glock	21	SWH734
Glock 45	Glock	21	SWH735
Glock 45	Glock	21	SWH737
Glock 45	Glock	21	SWH738
Glock 45	Glock	21	SWH739
Glock 45	Glock	21	SWH740
Glock 45	Glock	21	SWH741
Glock 45	Glock	21	SWH743
Glock 45	Glock	21	SWH744
Glock 45	Glock	21	SWH745
Glock 45	Glock	21	SWH746
Glock 45	Glock	21	SWH747
Glock 45	Glock	21	SWH748
Glock 45	Glock	21	SWH749
Glock 45	Glock	21	SWH750
Glock 45	Glock	21	SWH751
Glock 45	Glock	21	SWH753
Glock 45	Glock	21	SWH754
Glock 45	Glock	21	SWH755
Glock 45	Glock	21	SWH756
Glock 45	Glock	21	SWH757
Glock 45	Glock	21	SWH758
Glock 45	Glock	21	SWH759
Glock 45	Glock	21	SWH760
Glock 45	Glock	21	SWH761
Glock 45	Glock	21	SWH762
Glock 45	Glock	21	SWH763
Glock 45	Glock	21	SWH764
Glock 45	Glock	21	SWH765
Glock 45	Glock	21	SWH766
Glock 45	Glock	21	SWH768
Glock 45	Glock	21	SWH769
Glock 45	Glock	21	SWH770
Glock 45	Glock	21	SWH771

Glock 45	Glock	21	SWH772
Glock 45	Glock	21	SWH773
Glock 45	Glock	21	SWH774
Glock 45	Glock	21	SWH775
Glock 45	Glock	21	SWH776
Glock 45	Glock	21	SWH779
Glock 45	Glock	21	SWH781
Glock 45	Glock	21	SWH782
Glock 45	Glock	21	SWH783
Glock 45	Glock	21	SWH785
Glock 45	Glock	21	SWH786
Glock 45	Glock	21	SWH787
Glock 45	Glock	21	SWH788
Glock 45	Glock	21	SWH789
Glock 45	Glock	21	SWH790
Glock 45	Glock	21	SWH792
Glock 45	Glock	21	SWH793
Glock 45	Glock	21	SWH795
Glock 45	Glock	21	SWH796
Glock 45	Glock	21	XBX474
Glock 45	Glock	21	XBX475
Glock 45	Glock	21	XBX476
Glock 45	Glock	21	XBX477
Glock 45	Glock	21	XBX478
Glock 45	Glock	21	XBX480
Glock 45	Glock	36	TRM430
Glock 45	Glock	36	TRM431
Glock 45	Glock	36	TRM432
Glock 45	Glock	36	TRM433
Glock 45	Glock	36	TRM434
Glock 45	Glock	36	TRM435
Glock 45	Glock	36	TRM436
Glock 45	Glock	36	TRM437
Glock 45	Glock	36	TRM438
Glock 45	Glock	36	TRM439
Glock 45	Glock	36	UYV705
Glock 45	Glock	36	UYV706
Glock 45	Glock	36	UYV707
Glock 45	Glock	36	UYV708
Glock 45	Glock	36	UYV709
Glock 45	Glock	36	UYV710
Glock 45	Glock	36	UYV711
Glock 45	Glock	36	UYV712
Glock 45	Glock	36	VDM545
Glock 45	Glock	36	VDM546

ORDINANCE NO. 38 OF 2019

AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE PAYMENT OF PROFESSIONAL SERVICES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council adopted the 2019 General Fund Budget in Ordinance 1 of 2019; and

WHEREAS, the City Council needs to amend the 2019 General Fund budget to appropriate funds for the payment of certain professional services needed for an evaluation of the effect of Act 660 of 2019 on the City as set forth in Exhibit "1" to this Ordinance.

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. Sec. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2019 City of Benton Budget as adopted in Ordinance 1 of 2019. The revised expenditures for the operations of the city are attached hereto as Exhibit "1" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget to appropriate funds as set forth herein. 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 June, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



FY2019 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2019. 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 Funding and Disbursements that make up this Fiscal Year 2019 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2019

General Fund

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$13,584,272.10	-0-	\$13,584,272.10
Personnel	\$10,940,372.45	-0-	\$10,940,372.45
Operations & Maintenance	\$ 2,456,931.15	\$8,685	\$ 2,465,616.15
Capital Items	\$ 215,170.00	-0-	\$ 215,170.00

Section 2: Funding & Disbursements - Fiscal Year 2019

General Fund

Funding

This budget amendment authorizes the use of the restricted account, Communications Systems Fund account funds, in the amount of \$8,685 (680.20.10.00).

O&M

This budget amendment allows for the increase of Communications Outside Services Professional, line item (820.21.13.15) \$8,685 to pay for the City of Benton’s portion of an assessment to be performed by APCO International to study the best course of action in relation to Act 660 of 2019.

ORDINANCE NO. 39 OF 2019

AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE GENERAL FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING THE PURCHASE OF DUMP TRUCK EQUIPMENT FOR THE STREET DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council adopted the 2019 General Fund Budget in Ordinance 1 of 2019; and

WHEREAS, the City Council needs to amend the 2019 General Fund budget to appropriate funds for the purchase of dump truck equipment for the Street Department as set forth in Exhibit "1" to this Ordinance.

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. Sec. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2019 City of Benton Budget as adopted in Ordinance 1 of 2019. The revised expenditures for the operations of the city are attached hereto as Exhibit "1" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget to appropriate funds as set forth herein. 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 June, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



EXHIBIT "1"

FY2019 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2019. 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 Funding and Disbursements that make up this Fiscal Year 2019 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2019

Street Fund

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$3,281,461.67	-0-	\$3,281,461.67
Personnel	\$1,011,039.00	-0-	\$1,011,039.00
Operations & Maintenance	\$1,146,517.00	-0-	\$1,146,517.00
Capital Items	\$3,211,100.00	\$30,000	\$3,241,100.00

Section 2: Funding & Disbursements - Fiscal Year 2019

Street Fund

Capital

This budget amendment allows for the increase of Miscellaneous Equipment, line item (850.30.20.00) \$30,000 to pay for the a debris box for a dump truck.

ORDINANCE NO. 40 OF 2019

AN ORDINANCE LEVYING A TAX ON ALL REAL AND PERSONAL PROPERTY IN THE CITY OF BENTON, ARKANSAS FOR CITY GENERAL AND FOR THE FIREMAN'S PENSION AND RELIEF FUND; DECLARING AN EMERGENCY; AND OTHER MATTERS PERTAINING THERETO

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 of Benton; 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 Counsel of the City of Benton, Arkansas.

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

1. City General Purposes:

2.8 Mills on the Dollar on Real Property and Personal Property

2. Fireman's Pension and Relief Fund:

1.0 Mills on the Dollar on Real Property and Personal Property

Section 2. This ordinance being necessary for the preservation of the peace, health and safety of the citizens of the City of Benton, Arkansas due to the need for funding to provide necessary services to the public, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED THIS THE _____ DAY OF JUNE, 2019.

ATTEST:

APPROVED:

City Clerk

Mayor

(SEAL)



Benton Fire Department

"Benton Proud"

220 S. Main St. ▪ Benton, AR 72015

Phone: (501) 776-5960 ▪ Fax: (501) 776-5963 ▪ <http://www.bentonar.org/benton-fire-department>

Benton Fireman's Pension and Relief Fund Brief Overview and Important Timeline

The Fireman's Pension and Relief fund was organized under Act 491 of 1921 and Act 250 of 1937. The fund is managed by a local board of Trustee's with the Mayor as the ex-officio chairman. Act 381 of 1983 created the Pension Review board, which is a Governor appointed board with the charge of enforcing the Arkansas laws pertaining to the local Police and Fire Pension funds. The Fireman's Pension and Relief Fund is a closed fund and has been since December 31, 1982 at which time LOPFI became the retirement system for Police and Firefighters in the state of Arkansas.

Benefit Overview

Employee contribution 6% of Salary and was matched by the Municipality.

Full retirement benefit at 20 years of service at 50% of final average pay.

20\$ a month added for every year over 25 years up to 100\$.

For each year over 30, 1.25% added (can only be drawn after age 60).

No Social Security is paid in. (Penalized by Pension Windfall Reduction Act).

Widows retain salary at death of the beneficiary.

No avenue of COLA unless fund is sound and one is granted by PRB.

1950-Record shows a vote was held to pay VL Landers \$80 dollars per-month upon his retirement effective January 1, 1951. This is the earliest known retiree of the fund. At this time an employee contributed only 4% of his pay to the fund. There were no monies from the millage contributed to the fund or any other funding mechanism other than contributions and interest income.

1964-The city council created by ordinance, the Benton Police Pension fund (Ord. 30) and also passed a 1 mil on real and personal property tax for the funds benefit (Ord. 31). Not voted in by election as stated in Admendment 31 of the Arkansas Constitution.

1972- In the council meeting of July 11, 1972, Ordinance 11, of 1972 was passed requesting an election by the people to adopt Admendment 31 approving up to 1 mil on real and personal property. It was passed on November 7, 1972 in the general election. The fund began receiving 1 mil on real and personal property.

1983- LOPFI was created which made the local fund closed. At this time it was 62.8% funded.

1985- Employee contributions were increased from 4% to 6 % and municipalities began matching at same amount. This was brought about by legislative action. Also it was approved by legislative action to allow local funds to employ investment advisors.

****City of Benton voted to re-direct a portion of the mills dedicated to Police and Fire Pension for the creation of Animal Control. The mills were reduced from 1 mil to .4 mills for both departments. At this time the fund was 55% funded.**

1998- The .4 mils being collected for the Police fund stops.

1999- The fund was 94% funded at this time.

2001- The fund was 79.1% funded with a steady decline.

2005- The situation of the Fireman's Pension fund is discussed because of a report given that it is in danger of insolvency. No action was taken. At this time it was 56.4% funded. There was talk during committee meeting on July 11, 2005 of re-direction of 1.8 mils to the fund from Animal Control since it was "overfunded". No action taken.

2010- 35.0% funded. (local Police fund merge with LOPFI, Fire cannot due to the high unfunded liability)

2012- 25.9% funded

2014- Following the Annual Actuary Evaluation report, which showed the fund placed on a "danger" list for going insolvent, the Administration recommended the increase of mils being collected for Fire Pension from .4 mils to .9 mils. This helped remove the fund from critical danger. **Each year since 2005 Annual Actuary Evaluations kept warning the fund.**

2015- .9 mils collected on personal and real property

2016- 30.5% funded

RESOLUTION NO. 48 OF 2019

**A RESOLUTION RATIFYING AND CONFIRMING THE APPOINTMENT OF
CARL WEST AS COMMISSIONER TO THE BENTON PLANNING & ZONING
COMMISSION; AND FOR OTHER PURPOSES**

WHEREAS, the City of Benton created the City of Benton Planning & Zoning Commission by Ordinance 29 of 1964; and

WHEREAS, the City Council desires to appoint **CARL WEST** to the unexpired term of former commissioner Berry Beard. He will serve the remainder of the term until its expected expiration date of January 1, 2020;

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

SECTION 1: Carl West is hereby confirmed as a member of the City of Benton Planning & Zoning Commission.

PASSED AND APPROVED this the ____ day of June 2019

Tom Farmer, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. 49 OF 2019

**A RESOLUTION RATIFYING AND CONFIRMING THE APPOINTMENT OF
BAXTER DRENNON AS COMMISSIONER TO THE BENTON PLANNING &
ZONING COMMISSION; AND FOR OTHER PURPOSES**

WHEREAS, the City of Benton created the City of Benton Planning & Zoning Commission by Ordinance 29 of 1964; and

WHEREAS, the City Council desires to appoint **BAXTER DRENNON** to the unexpired term of former commissioner Sam Chaffin. He will serve the remainder of the term until its expected expiration date of January 1, 2021;

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

SECTION 1: Baxter Drennon is hereby confirmed as a member of the City of Benton Planning & Zoning Commission.

PASSED AND APPROVED this the ____ day of June 2019

Tom Farmer, Mayor

Cindy Stracener, City Clerk

ORDINANCE NO. 41 OF 2019

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

WHEREAS, an application for rezoning was filed with the Planning Commission of the City of Benton, Arkansas by Jerry Mote requesting that the land hereinafter described be zoned from R2 to C2; and

WHEREAS, the Planning Commission ordered a Public Hearing be held on June 11 2019 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 rezone the following property from R2 to C2.

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 R2 to C2:

Legal Description attached as Exhibit A

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

PASSED AND APPROVED, this _____ day of June, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

P & Z Vote

Yes-__ No-__

DESIGNATED FOR PUBLICATION

A part of the Northwest Quarter of the Southeast Quarter, Section 36, Township 1 South, Range 15 West, Saline County, Arkansas, more particularly described as follows: Beginning at a point that is on the East line of the old Highway 67-70, which point is 882.7 feet North and 27.1 feet to the Southwest corner of said Northwest Quarter of Southeast Quarter and run thence North 40° East along South or East line of Highway for 424 feet to the point of beginning of land herein described; from said point thence North 40° East along East line of Highway for 104 feet; thence South 51° East for 210 feet; thence South 40° West, parallel with Highway line for 104 feet; thence North 51° West for 210 feet to the point of beginning.

Less and Except:

A part of the Northwest Quarter of the Southeast Quarter, Section 36, Township 1 South, Range 15 West, Saline County, Arkansas being more particularly described as follows: Commencing at the Southwest corner of the Northwest Quarter of the Southeast Quarter of Section 36; thence North 02°04'32" East along the West line of said Northwest Quarter of the Southeast Quarter a distance of 821.13 feet to a point on the existing southeasterly right-of-way line of Military Road; thence along said existing East right-of-way line the following courses: North 37°31'46" East a distance of 57.86 feet; thence North 41°31'43" East a distance of 98.43 feet; thence North 40°48'49" East, a distance of 216.60 feet; thence North 39°27'07" East, a distance of 109.00 feet to the POINT OF BEGINNING; thence North 41°24'31" East along said existing right-of-way line a distance of 104.00 feet to a point on the existing southwesterly right-of-way line of Denise Street; thence South 50°02'28" East along said existing South right-of-way line a distance of 109.19 feet to a point on the southwesterly right-of-way line of Denise Street per AHTD Job No. 061257; thence North 63°26'44" West along said South right-of-way line a distance of 81.75 feet to a point on the southeasterly right-of-way line of Military Road per AHTD Job No. 061257; thence South 83°35'49" West along said right-of-way line a distance of 14.95 feet; thence South 43°35'06" West along said right-of-way line a distance of 74.34 feet; thence North 50°02'53" West a distance of 17.28 feet to the POINT OF BEGINNING

ORDINANCE NO. 42 OF 2019

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

WHEREAS, an application for rezoning was filed with the Planning Commission of the City of Benton, Arkansas by The Ruda Properties, LLC requesting that the land hereinafter described be zoned from R2 to R7; and

WHEREAS, the Planning Commission ordered a Public Hearing be held on June 11 2019 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 rezone the following property from R2 to R7.

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 R2 to R7:

Legal Description attached as Exhibit A

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

PASSED AND APPROVED, this _____ day of June, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

P & Z Vote

Yes-__ No-__

DESIGNATED FOR PUBLICATION

Applicants Name: TheRuda Properties LLC

Address of Subject Property: 716 Huckaby Lane, Benton, AR 72015
3725 Edison Avenue & 722 Huckaby Lane, Benton, AR 72015
3811 & 3813 Edison Avenue, Benton AR 72015
3815 Edison Avenue, Benton AR 72015

Legal Description of Subject property:

That part of the NW ¼ of the NE ¼ of Section 18, Township 2 South, Range 14 West, Saline County, Arkansas, described as follows: Beginning at the NW corner of said NE ¼, run thence N 88° 39' 47" East 450 feet (444.9 feet measured) along the said Section line; thence S 01° 01' 01" W 52.51 feet to a set 2" diameter aluminum cap on a #5 rebar marked "Rood 14" at the southeast corner of the intersections of the Rights of Way of Edison Avenue and Huckaby Lane and the Point of Beginning; thence South 01° 01' 01" West along the East Right of Way of Huckaby Lane 98.46 feet to a set 2" diameter aluminum cap on a #5 rebar marked "Rood 25;" thence continuing South 01° 01' 01" West along the East Right of Way of Huckaby Lane 63.78 feet [to the northwest corner of those lands described in Deed filed at Saline County Land Records as Document 2018-016219]; thence N 89° 53' 36" East [along the common boundary therewith] 264.0 feet to a point [of Intersection with the west boundary of that parcel described in Deed filed at Saline County Land Records as Document 1999-28777]; thence N 00° 19' 49" E along the common boundary therewith 96.67 feet to a found aluminum cap, PLS #1013; thence continuing N 00° 19' 49" E along said common boundary 175.22 feet to a found RR spike along the South Right of Way of Edison Avenue; thence W along said Right of Way 253.05 feet (258.15 feet measured) to the Point of Beginning.

Assessor's Parcel Number: 805-11809-001
805-11809-000
805-11808-000
805-11807-000

ORDINANCE NO. 43 OF 2019

AN ORDINANCE
ANNEXING CERTAIN TERRITORY INTO THE
CITY OF BENTON, SALINE COUNTY, ARKANSAS; DECLARING AN
EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, Havens Development Company, LLC. filed a Petition with County Court of Saline County, Arkansas, to annex certain contiguous property hereinafter described, to the City of Benton, Saline County, Arkansas, and

WHEREAS, on January 6, 2019, in case number CASE # CC 2019-3, Jeff Arey, 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:

SECTION 1: That the property hereinafter described be annexed and made part of the City of Benton, Saline County, Arkansas, and is to be included in Ward 5 and zoned R-2 Single Family District Detached Housing and is described as follows, to wit:

[Parcel 001-04162-000]

PROPERTY DESCRIPTION AS SURVEYED PROPERTY DESCRIPTION AS SURVEYED

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 14 WEST, SALINE COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OS THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 88°32'26" WEST ALONG THE SOUTH LINE THEREOF 83.10 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°32'26" WEST CONTINUING ALONG SAID SOUTH LINE 164.10 FEET; THENCE NORTH 11°02'47" EAST LEAVING SAID SOUTH LINE 253.49 FEET; THENCE SOUTH 76°56'37" EAST 92.34 FEET; THENCE NORTH 00°11'35" WEST 46.78 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF A PROPOSED ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING COURSES; SOUTH 55°06'59" EAST 3.19 FEET; THENCE ALONG A CURVE WITH AN ARC LENGTH OF 86.03 FEET, CONCAVE NORTHERLY WITH A RADIUS OF 150.00 FEET, WITH A CHORD BEARING OF SOUTH 71°32'50" EAST, WITH A CHORD LENGTH OF 84.86 FEET; THENCE SOUTH 87°58'41" EAST 36.99 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 02°35'01" WEST ALONG SAID EAST LINE 168.17 FEET; THENCE NORTH 88°23'23" WEST LEAVING SAID EAST LINE 82.73 FEET; THENCE SOUTH 02°50'03" WEST 83.33 FEET TO THE POINT OF BEGINNING. CONTAINING 1.15 ACRES, MORE OR LESS. THIS LEGAL DESCRIPTION WAS PROVIDED BY GRANTOR.

SECTION 2: It is hereby found and determined that an immediate passage of this Ordinance is necessary for residential development, which will benefit the growth of the city and local economy; THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2019.

Mayor

Attest: _____
City Clerk

ORDINANCE NO. 44 of 2019

AN ORDINANCE WAIVING CONSTRUCTION RELATED FEES FOR THE CONSTRUCTION OF THE EVERETT FORD DEALERSHIP FACILITY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Benton, Arkansas has assessed certain fees which are to be charged for the issuance of building permits, conducting inspections, and storm-water fees which are associated with the construction of buildings; and

WHEREAS, Everett Ford has announced plans to construct a new facility in Benton and is now ready to proceed with this project; and

WHEREAS, the City Council, as promised in Resolution 20 of 2008 and Resolution 29 of 2009, as an economic incentive for businesses to locate their facilities in Benton, desires to waive the heretofore stated fees which are associated with this project.

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

SECTION 1. All building permit fees, inspection fees, and storm-water fees for the construction of the facility for the Everett Ford dealership are hereby waived. The Contractor and all subcontractors must obtain the permits and call for all required inspections; however, the aforementioned fees will not be required, except all State Surcharge fees must be paid in full at the time the permits are issued.

SECTION 2. All other ordinances in conflict with this Ordinance are hereby repealed to the extent that such a conflict exists, but not otherwise.

SECTION 3. Because of the need to proceed with this project which will be of benefit to the local economy, an emergency is hereby declared and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED and APPROVED this the _____ day of June, 2019.

Tom Farmer
Mayor

Attest:

Cindy Stracener
City Clerk

ORDINANCE NO. 45 of 2019

AN ORDINANCE WAIVING CONSTRUCTION RELATED FEES FOR THE RENOVATION OF THE PALACE THEATER; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton, Arkansas has assessed certain fees which are to be charged for the issuance of building permits, conducting inspections, and storm-water fees which are associated with the construction of buildings; and

WHEREAS, Hipskind Excavating, LLC has purchased the Palace Theater from the City and is presently renovating the facility which has historical significance in the City; and

WHEREAS, the City Council, because of the investment Hipskind Excavating, LLC is making to the downtown area by the renovation of this structure, desires to waive the heretofore stated fees which are associated with this project.

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

SECTION 1. All building permit fees, inspection fees, and storm-water fees for the renovation of the Palace Theater are hereby waived. The Contractor and all subcontractors must obtain the permits and call for all required inspections; however, the aforementioned fees will not be required, except all State Surcharge fees must be paid in full at the time the permits are issued.

SECTION 2. All other ordinances in conflict with this Ordinance are hereby repealed to the extent that such a conflict exists, but not otherwise.

SECTION 3. Because of the need to proceed with this project which will be of benefit to the local economy, an emergency is hereby declared and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED and APPROVED this the _____ day of June, 2019.

Tom Farmer
Mayor

Attest:

Cindy Stracener
City Clerk

ORDINANCE NO. 46 OF 2019

AN ORDINANCE AMENDING, REVISING AND RESTATING THE ANIMAL CONTROL ORDINANCE OF THE CITY OF BENTON; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council in Ordinance 34 of 2013 created the city of Benton Animal Control Code (Code) for the city; and

WHEREAS, the Code has been amended several times since its enactment in 2013; and

WHEREAS, it is the desire of the City Council to restate the Code in its entirety and to add additional modifications to same.

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

Section One. The City Council does hereby adopt the City of Benton Animal Control Code which is attached hereto as Exhibit "A" to this ordinance and is incorporated now as if stated word for word.

Section Two. The City Clerk of the city of Benton shall maintain three copies of this ordinance for the public to view and inspection.

Section Three. Ordinance 34 of 2013 as well as Ordinance 18 of 2014, Ordinance 40 of 2014, Ordinance 41 of 2014, Ordinance 61 of 2018 and Ordinance 17 of 2019 are hereby repealed to the extent of any conflict with the Code adopted herein, but not otherwise.

Section Four. All other ordinances which are in conflict herewith are repealed to the extent of such conflict but not otherwise.

Section Five. If any part of this ordinance shall be held void, such parts shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section Six. All individuals which are not in compliance with Section 12 pertaining to the housing of captive birds and the installation of a trolley system for controlling dogs shall come into compliance within thirty (30) days from the effective date of this Ordinance.

Section Seven. All individuals or businesses shall have sixty (60) days from the effective date of this Ordinance to come into compliance with the housing of snakes as contained within Section 17 of this Ordinance.

Section Eight. Because of the immediate need to make the above and foregoing changes in the existing animal control ordinance and to revise and update the same, an emergency is hereby declared to exist to preserve the peace, health, safety, and welfare and this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2019.

Tom Farmer, Mayor

Attest:

Cindy Stracener, City Clerk

FEDERAL-AID PROJECT RESOLUTION

RESOLUTION NO. 50 OF 2019

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF BENTON
TO UTILIZE FEDERAL-AID FUNDS
FOR THE FOLLOWING CITY PROJECT:**

Construction of the Newcomb Road Sidewalks

WHEREAS, the Metroplan Board has approved Federal-aid Transportation Alternatives Program funds for the project at the following Federal and City participating ratios:

	<u>Work Phase</u>	<u>Federal %</u>	<u>City %</u>
Construction of City Projects	Preliminary Engineering	0	100
	Right-of-Way	0	100
	Utilities	0	100
	Construction	80	20
	Construction Engineering	0	100
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 responsibility in this project including maintenance of this project.

SECTION II: The City Mayor or his designated representative 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 pledges its full support and hereby authorizes the Arkansas Department of Transportation to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2019.

Tom Farmer
Mayor

ATTEST: _____

(SEAL)

ORDINANCE NO. 47 OF 2019

AN ORDINANCE ADOPTING THE STORMWATER DISCHARGE REGULATIONS FOR THE CITY OF BENTON, ARKANSAS; REPEALING ORDINANCE 2 of 2006 AND ORDINANCE 24 OF 2009; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton, Arkansas, adopted certain stormwater rules and regulations in Ordinance 2 of 2006 and in Ordinance 24 of 2009; and

WHEREAS, the City Council has found and determined that it should amend and restate these currently adopted rules and regulations; and

WHEREAS, the City Council has found that the stormwater discharge regulations which are attached hereto as Exhibit "1" are reasonable and necessary and should be adopted to govern stormwater within the City of Benton.

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

SECTION 1. The document entitled "Stormwater Discharge Regulations for Benton, Arkansas," which is attached hereto and marked Exhibit "1" and is incorporated now by reference as if stated word for word is hereby adopted by the City Council as the rules and regulations governing stormwater within the City.

SECTION 2. The City Clerk shall cause a copy of the said Exhibit "1" to be published in a newspaper of general circulation in Saline County, Arkansas, along with this ordinance.

SECTION 3. 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 4. All City of Benton Ordinances, Resolutions, Regulations, and parts thereof, in conflict with the "Stormwater Discharge Regulations for Benton, Arkansas," attached hereto and marked Exhibit "1" are hereby repealed to the extent of such conflict including Ordinance 2 of 2006 and Ordinance 24 of 2009.

SECTION 5. There is an immediate need to adopt the amended "Stormwater Discharge Regulations for Benton, Arkansas" in order to address flooding issues within 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 the _____ day of June, 2019.

Tom Farmer
Mayor

Attest:

Cindy Stracener
City Clerk

DESIGNATED FOR PUBLICATION

ORDINANCE NO. 48 OF 2019

AN ORDINANCE AMENDING ORDINANCE 45 OF 2007; MODIFYING CERTAIN REFERENCES CONTAINED THEREIN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton, Arkansas in Ordinance 45 of 2007 adopted the Little Rock Stormwater and Drainage Manual and all editions hence, to properly manage stormwater within the City in order to meet federal and state regulations; and

WHEREAS, it has been determined that throughout the adopted Little Rock Stormwater and Drainage Manual there exists references to the Public Works Department which should refer to the City of Benton Streets and Drainage Department (SDD) and/or the City Engineer; and

WHEREAS, it has been determined that throughout the adopted Little Rock Stormwater and Drainage Manual there exist statements which say all appeals should go to the Planning Commission and those references should state all appeals go to the Benton City Streets and Drainage Committee.

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

SECTION 1: All references within the Little Rock Stormwater and Drainage Manual that refer to the Public Works Department shall be deemed to state “the City of Benton Streets and Drainage Department (SDD) and/or the City Engineer”.

SECTION 2: All references within the Little Rock Stormwater and Drainage Manual that refer to the appeals body as being the Planning Commission shall be deemed to state “the City of Benton Streets and Drainage Committee”.

SECTION 3: All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4: The City Council hereby determines that the immediate action to clarify the above references are necessary for the preservation of the public health, safety and welfare and an emergency is hereby declared. This ordinance shall be in full force and effect after its passage and approval.

PASSED and APPROVED this the _____ day of June, 2019.

Tom Farmer, Mayor

Attest:

Cindy Stracener, City Clerk

ORDINANCE NO. 49 OF 2019

AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING AND RATIFYING THE STREET AND DRAINAGE REPAIR WORK TO THE EAST MAPLE STREET STORM DRAIN; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

WHEREAS, the box culvert located on Maple Street collapsed and currently presents an emergency situation which affects the public's ability to use the street and has created a public safety hazard in the area; and

WHEREAS, the Mayor declared the matter an emergency and commenced to undertake engineering work in order to make timely repairs to the box culvert and street; and

WHEREAS, the City Council of the City of Benton, Arkansas has determined that it should authorize and ratify the actions of the Mayor and also waive competitive bidding for this project.

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

SECTION 1. All actions of the Mayor in commencing repair work to the box culvert on Maple Street are hereby deemed ratified and approved. The Mayor is also authorized to retain JCon, Inc. to undertake the needed repair work to the box culvert.

SECTION 2. The requirement of competitive bidding for the project because of the need for immediate repairs to Maple Street is deemed not feasible or practical and, therefore, is waived.

SECTION 3. The Mayor and City Clerk are hereby authorized and directed to execute such additional documentation as may be necessary or convenient to affect the purposes of this ordinance. The Mayor is likewise authorized to pay the amounts due on the contract with JCon, Inc. and such authorization is deemed to be an appropriation of the city's funds.

SECTION 4. The immediate repair of the box culvert on Maple Street is needed to address public safety concerns and any delay in the same adds intolerable inconvenience to the delivery of necessary services to the public. 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 June, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

ORDINANCE NO. 50 OF 2019

AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE PARKS FUND AS ADOPTED IN ORDINANCE 1 OF 2019; AUTHORIZING CERTAIN IMPROVEMENTS AT HOLLAND PARK AND TYNDALL PARK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council adopted the 2019 Parks Fund Budget in Ordinance 1 of 2019;
and

WHEREAS, the City Council needs to amend the 2019 Parks Fund budget to appropriate funds for certain improvements which are needed at Holland Park and Tyndall Park as set forth in Exhibit "1" to this Ordinance.

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. Sec. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2019 City of Benton Budget as adopted in Ordinance 1 of 2019. The revised expenditures for the operations of the city are attached hereto as Exhibit "1" to this ordinance and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation pursuant to the foregoing statutes as well as any other applicable ordinance of the city.

SECTION 2: It is hereby found and determined that there is an immediate need to amend the budget to appropriate funds as set forth herein. 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 June, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

NOT DESIGNATED FOR PUBLICATION



EXHIBIT "2"

FY2019 Operating Budget

The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2019. This submittal includes a revision for the Parks Fund.

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

Section 2 is a detailed explanation of the amended Funding and Disbursements that make up this Fiscal Year 2019 budget amendment.

Section 1: Amended Appropriations – Fiscal Year 2019

Parks Fund

	Beg Approved Amt	Amendment	End Revised Amt
Receipts	\$4,492,052.93	-0-	\$4,492,052.93
Personnel	\$1,934,732.00	-0-	\$1,934,732.00
Operations & Maintenance	\$1,814,503.00	-0-	\$1,814,503.00
Capital Items	\$ 731,125.00	\$1,200,000	\$1,931,125.00

Section 2: Funding & Disbursements - Fiscal Year 2019

Parks Fund

Capital

This budget amendment allows for an increase the budget for Holland Park improvements in the amount of \$700,000.00 (850.40.35.00).

This budget amendment allows for an increase the budget for Tyndall Park improvements in the amount of \$500,000.00 (850.40.35.00).

RESOLUTION NO. 51 OF 2019

A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID
FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT AT
RALPH BUNCHE PARK; AND FOR OTHER PURPOSES

WHEREAS, the City of Benton, after having advertised for bids for the installation of new playground equipment at Ralph Bunche Park the City Council has determined that the bid submitted by ACS Playground Adventures is the lowest acceptable bid for this project and that the City should award the contract to this lowest acceptable bidder.

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

SECTION 1: The bid of ACS Playground Adventures in the amount of \$81,000.00 is the lowest acceptable bid for the installation of playground equipment at Ralph Bunche Park.

SECTION 2: The Mayor is authorized to execute, on behalf of the City of Benton a contract for the installation of playground equipment at Ralph Bunche Park with the successful bidder and to execute such other documents as may be necessary and convenient to accomplish this purpose. The Mayor is likewise authorized on behalf of the City to pay ACS Playground Adventures those sums which become due and payable over the course of the contract term.

PASSED AND APPROVED this the _____ day of June, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk



ALL PURCHASE ORDERS, CONTRACTS, AND
CHECKS TO BE MADE OUT TO:
ACS Playground Adventures
8501 Mantle Ave.
Oklahoma City, OK 73132
PH: 405-721-3506
Fax: 405-721-3514

PROPOSAL

May 22, 2019
DATE

Customer Information

CONTACT: Stephanie Jones
PHONE: 501-860-4469
FAX: _____

SHIP TO: Please Advise

BILL TO: Please Advise

Destination _____
F.O.B. _____

FREIGHT Prepaid Collect

50% down , net 15

TERMS (Subject To Credit Approval By ACS)

3 - 4 week

SHIPPING TIME

Pricing Good for 60 days from Date of Proposal

We are pleased to submit this proposal to supply the following items:

QTY	ITEM NO.	DESCRIPTION	UNIT WT	UNIT PRICE	WEIGHT	EXTENDED AMT
1	Demo	Demo of Existing Surfacing, Timbers, Playground, and Swing Set		6,025.00		\$ 6,025.00
1	1136164-01	Playbooster Playground		11,868.00		\$ 11,868.00
1	1136164-01	Saddle Spinner		848.00		\$ 848.00
1	1136164-01	Rhapsody Collection Musical Equipment		11,138.00		\$ 11,138.00
1	1136164-01	Double Bay Swing w/ Toddler Extension		3,784.00		\$ 3,784.00
824	Surfacing	Turf Surfacing for Playbooster Use Zone		13.00		\$ 10,712.00
48		-New BorderTimbers and SB2 Base		38.00		\$ 1,824.00
964	Surfacing	Turf Surfacing for Swings Use Zone		13.00		\$ 12,532.00
30		-New Border Timbers SB2 Base		38.00		\$ 1,140.00
						\$ -
2	Ramp	ADA Half-Ramp		420.00		\$ 840.00

Standard Terms and Conditions for Installation Apply

SIGNATURE BELOW ACCEPTING THIS PROPOSAL WILL CONSTITUTE A PURCHASE ORDER ONLY UPON APPROVAL BY LANDSCAPE STRUCTURES, INC. CUSTOMER RECEIPT OF AN ORDER ACKNOWLEDGEMENT CONSTITUTES SUCH APPROVAL.

Total Weight

-

SUBTOTAL MATERIAL \$ 60,711.00

INSTALLATION \$ 11,534.84

FREIGHT \$ 2,800.00

Tax Rate
9.375% SALES TAX \$ 5,954.16

TOTAL \$ 81,000.00

ACCEPTED BY CUSTOMER _____ DATE _____

PRINT NAME _____

PROPOSED BY LSI REPRESENTATIVE _____ DATE _____

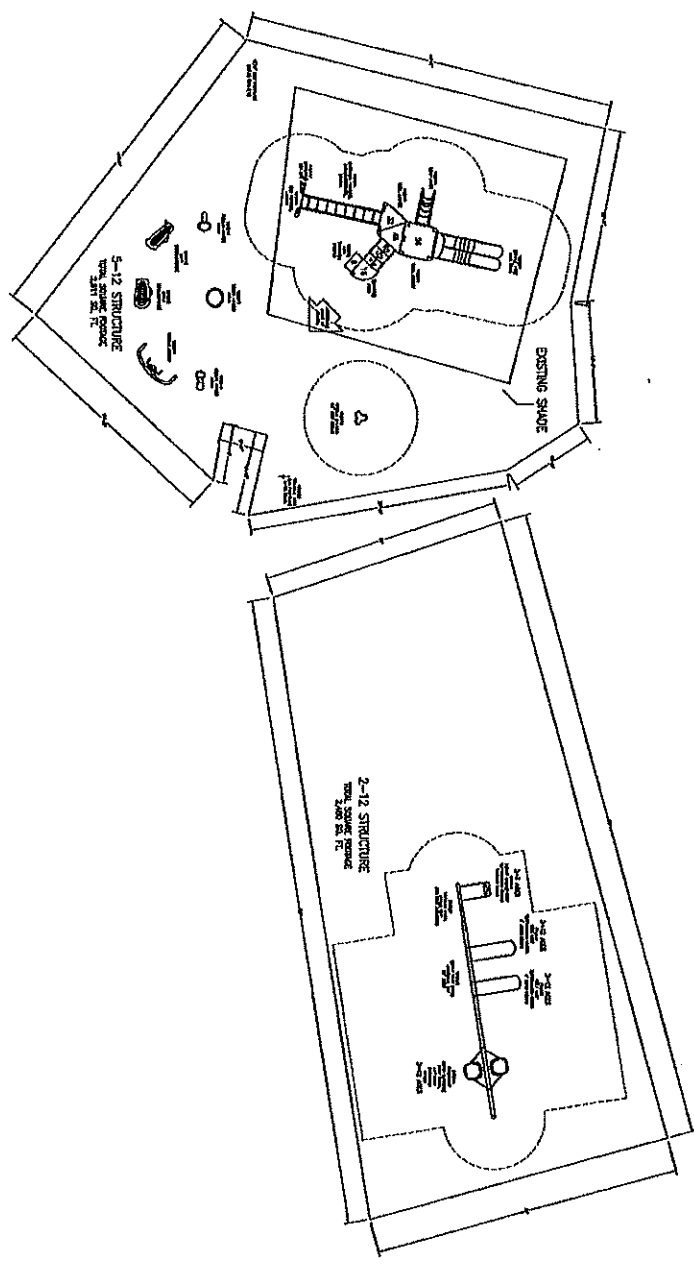
Cameron Wood (501) 772-2075

PRINT NAME _____

Taxable: Freight X Installation _____

PERMITTED CONSTRUCTION WITHIN THE ZONES OF THE PLAY AREA IS LIMITED TO THE PLAY AREA. ANY OTHER CONSTRUCTION SHALL BE AT LEAST 5' FROM THE PLAY AREA. DISCONTINUED PLAY STRUCTURE OR 5' FROM (250mm) ABOVE THE PLAY AREA OR SHALL.

NOTE: PLEASE VERIFY ALL DIMENSIONS OF PLAY AREA, LOCATION OF ALL EXISTING UTILITIES, AND ALL OTHER INFORMATION BEFORE ANY CONSTRUCTION. STAKE SHOULD BE SET FOR PROVISION AND

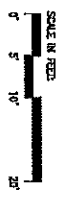


5-12 STRUCTURE

TOTAL ELEVATED PLAY COMPONENTS	5	REQUIRED	0
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP	0	REQUIRED	0
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRAYS/STEPS	5	REQUIRED	3
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN	2	REQUIRED	2
TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS	2	REQUIRED	2

2-12 STRUCTURE

TOTAL ELEVATED PLAY COMPONENTS	0	REQUIRED	0
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP	0	REQUIRED	0
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRAYS/STEPS	0	REQUIRED	0
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN	4	REQUIRED	0
TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS	1	REQUIRED	1



Ralph Bunche
Park
Benton, AR

ACS Playground
Adventures
Cameron Wood

STRIP TYPE
PlayBooster
Spacing: 5'
1136164-01-01



landscape structures



The IPEMA logo is a mark of certification for playground equipment. It is issued by IPEMA, the International Playground Equipment Manufacturers Association, and is a mark of quality and safety. The logo is a circular seal with the text 'IPEMA CERTIFIED' and 'INTERNATIONAL PLAYGROUND EQUIPMENT MANUFACTURERS ASSOCIATION' around the perimeter.

THIS PLAY AREA IS THE PROPERTY OF THE CITY OF BENTON, ARKANSAS. IT IS THE MANUFACTURER'S RESPONSIBILITY TO ASSURE THAT THE PLAY AREA COMES WITH ALL NECESSARY SAFETY INFORMATION AND INSTRUCTIONS. THE MANUFACTURER SHALL BE RESPONSIBLE FOR THE PROPER INSTALLATION AND MAINTENANCE OF THE PLAY AREA.

THE MANUFACTURER SHALL BE RESPONSIBLE FOR THE PROPER INSTALLATION AND MAINTENANCE OF THE PLAY AREA. THE MANUFACTURER SHALL BE RESPONSIBLE FOR THE PROPER INSTALLATION AND MAINTENANCE OF THE PLAY AREA. THE MANUFACTURER SHALL BE RESPONSIBLE FOR THE PROPER INSTALLATION AND MAINTENANCE OF THE PLAY AREA.

DESIGNED BY:
DATE: 11/11/11
PROJECT: 1136164-01-01

DATE	11/11/11
PROJECT	1136164-01-01
DESIGNED BY	
CHECKED BY	
APPROVED BY	

Ordinance No. 51 of 2019

AN ORDINANCE AMENDING THE 2019 USAGE RATES FOR THE PARKS AND RECREATION DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council adopted certain rental rates in Ordinance 14 of 2019 and has determined it is in the best interest of the city to set a rate for the usage of the sand volleyball courts for the City of Benton park facilities which will help fund the operations of the Parks and Recreation Department.

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

SECTION 1. The City Council does hereby adopt the amended usage rates are attached hereto collectively as Exhibit "1" to this ordinance. The fees collected from these rates shall be used by the Parks and Recreation Department to fund its operations and expenses. This ordinance amends Ordinance 14 of 2019.

SECTION 2. The rates established herein shall remain in effect until such time as the City Council modifies them by ordinance.

SECTION 3. Because of the need to set usage rates for the City of Benton Parks and Recreational Department, an emergency is hereby declared and this ordinance shall be in full force and effect from an after its passage and approval.

PASSED AND APPROVED this _____ day of June, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

Price Sheet: Effective March 1st, 2019

Pavilions	Rate Cost	Aquatics	Rate Cost
Tyndall Park #1	\$10/hr.	Competitive Pool	TBD
Tyndall Park #2	\$10/hr.	Leisure Pool	TBD
Tyndall Park #3	\$10/hr.	Sand Volleyball	\$5/hr. Per Court
Splash Pad #1	\$10/hr.		
Splash Pad #2	\$10/hr.		
Splash Pad #3	\$10/hr.		
Ralph Bunche #1	\$10/hr.	CW Lewis Stadium	
Ralph Bunche #2	\$10/hr.	Field	\$100/Day
Sunset Lake	\$10/hr.	Tournament Deposit	\$250
Skate Park	\$10/hr.	Tournament Trash Fee	\$250
Farmers Market (min. 2 hrs)	\$25/hr.		
		Softball Fields	
Amphitheater		Per Day/Per Field	\$150
Tyndall Park	\$10/hr.	Tournament Deposit	\$250
Ralph Bunche	\$10/hr.	Tournament Late Fee	\$30/hr.
		<u>Tournament Trash Fee</u>	
Gazebos		\$250....Tyndall & Holland	
Tyndall Park	\$10/hr.	\$500....Riverside	
Tennis Courts		Soccer Fields	
Court	\$25/hr.	Field	\$100/Day
		Tournament Deposit	\$250
River Center Gymnasium		Tournament Trash Fee	\$250
Full Court	\$75/hr.	Tournament Late Fee	\$30/hr.
Half Court	\$60/hr.		
Max Daily	\$1,800/day		
Tournament Deposit	\$250		
Tournament Trash Fee	\$150		
Tournament Late Fee	\$30/hr.		
		Gene Moss Building	\$100/Day
Pool Party Room (1 &3)	\$200/2 hr.		
Pool Party Room (2)	\$150/2hr.		

Rental Deposit

If damages are incurred to either equipment and/or facility, renter of record on the contract will be billed accordingly. Renter will not be able to utilize parks facilities or programs until payment is made.

Tournament /Grounds Maintenance Charge

A \$17 per hour fee will be charged in addition to the facility rental fee for grounds employee(s) to be onsite for entirety of tournament. \$25 field/court prep (per day) and custodial fee will apply accordingly.

Late Fee

Tournaments that are scheduled past parks hours and/or River Center hours of operation will be charged a \$30 late fee per hour per field/court.

RESOLUTION NO. 52 OF 2019

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE BENTON SCHOOL DISTRICT FOR THE OPERATION OF THE HIGH SCHOOL TENNIS TEAM AT TYNDALL PARK; AND FOR OTHER PURPOSES

WHEREAS, the City Council has determined that it needs to enter into a contract with the Benton School District for using Tyndall Park for operating the high school tennis team.

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

SECTION 1: The Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Benton, the agreement with the Benton School District which is attached hereto as Exhibit "1" for the operation of the high school tennis team at Tyndall Park and to execute such other documents as may be necessary or convenient to accomplish the purpose of this resolution.

PASSED AND APPROVED this the _____ day of June, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

**Benton Parks and Recreation Department
2019 Program Agreement**

This agreement made and entered into on _____, 2019 by and between the CITY OF BENTON PARKS AND RECREATION DEPARTMENT, doing business at 913 E. Sevier St., Benton, Arkansas (hereinafter called "THE CITY"), and Benton High School, doing business at 211 North Border street, Benton, Arkansas (hereinafter called "BHS").

WITNESSETH

WHEREAS, THE CITY maintains property at Tyndall Park in Benton, Arkansas; and

WHEREAS, the use of said property for the purpose of the BHS has been considered the best use of this property for recreational purpose and to better service the citizens of Benton, Arkansas.

WHEREAS, the City provides and maintains certain recreational facilities for programs and parks in Benton, and

WHEREAS, BHS provides program administration and operations of the High School Tennis Team in Benton,

NOW, THEREFORE, in consideration of mutual covenants and promises set forth herein, the parties agree as follows:

THE CITY agrees to grant use of Tyndall Park between June 1st, 2019 and October 20th, 2019, as outlined here to BHS for the operation of the High School Tennis Team.

Named property will be used by BHS for tennis matches, practices and tryouts on the dates and times listed on the schedules provided to THE CITY.

The general conditions of this program agreement will be:

1. BHS will operate in accordance with nondiscrimination requirements of Title VI of the 1964 Civil Rights Act.
2. It is further agreed that program personnel must adhere to all provisions of the Americans with Disabilities Act (ADA) that apply to a particular program.
3. Program personnel and participants agree to abide by all Federal, State, and Local laws in addition to the policies of THE CITY pertaining to parks and facilities.
4. It is understood that THE CITY will not be liable for any injuries incurred by participants who are participating in activities on or in THE CITY facility. BHS indemnify and hold the City of Benton, its departments and all of its employees harmless against losses, claims, causes of action and liabilities on account of damage to property or injury to or death of persons arising out of negligent acts by BHS, its agents, employees, or program participants.
5. It is agreed that the named facility, area, or property may not be assigned, subleased, rented, reserved or loaned to any other group, business, individual, or entity by BHS without prior approval by THE CITY.

6. No alterations, changes, or modifications to change the intended use may be made to facilities by BHS, without first receiving written approval from THE CITY. BHS must submit a detailed request in writing to THE CITY'S Park Department.
7. BHS assumes full responsibility and liability for damage caused by participants of their programs. Any damage caused will be fixed by BHS. If the repair is neglected for a long period of time, THE CITY will make the necessary repairs and bill the BHS.
8. BHS must inspect facilities prior to each use. If damage is discovered to equipment or that the facility poses an immediate hazard or danger, BHS must immediately notify THE CITY'S Park Department. Damaged equipment or facilities that do not pose a danger or hazard should be discussed with THE CITY. BHS must report any vandalism or theft to THE CITY within 24 hours or next business day.
9. With this agreement, BHS agrees to pay the charge of \$0 for use of the facilities during the agreed times and court usage for practice purposes in exchange for THE CITY to run track programming on the BHS Track Complex (Youth Track Clinics, Family Track Night).
10. BHS will be granted use of 4 courts for practice purposes on Monday-Friday from 3:00 to 5:30 PM between June 1st, 2019 and October 20th, 2019.
11. A team roster must be turned in before June 1st, 2019. The roster must include First Name, Last Name, DOB, address, phone number, email address, emergency contact, and emergency contact phone number and guardians signature.
12. There will be a \$50/hour cleaning fee if the facility is not cleaned up after any tennis match.
13. BHS agrees to return this agreement signed by the appropriate persons, and any and all additional requested material before June 1st, 2019.
14. BHS will control all litter by picking up litter their program creates after each time the facility is used. The litter must be placed in the proper receptacle by BHS.
15. BHS will provide proper insurance for the programs they will be operating on city property. Proof of insurance must be attached to this program agreement before regular season starts. BHS understands that their program participants are in no way covered by insurance by THE CITY.
16. BHS will submit contact person(s) for after business hours' emergencies.
17. At the request of THE CITY, BHS will remove all their equipment at the completion of this agreement period.
18. BHS will insure that their employees or participants do not attempt to operate equipment belonging to THE CITY.
19. THE CITY agrees to the following specific conditions and assurances:
 - A. The Tennis Courts will be maintained on a regular schedule.
 - B. THE CITY will purchase and replace light bulbs. If extensive damage is caused by weather or vandalism, the replacement time for lights may be longer than usual.
 - C. THE CITY will attempt to repair damage to facilities in a timely manner, according to repairs needed.
 - D. Permanent improvements to facilities and fields will become property of THE CITY.
 - E. Non-permanent improvements will be retained by BHS Tennis Team.
20. The term of this agreement shall be one (1) year, and shall begin on the first day of the month in which this agreement is executed by the parties.
21. This agreement shall automatically be renewed for like terms for successive one (1) year periods until this agreement is terminated by either party.
22. The party electing to terminate this agreement shall do so by providing ninety (90) days written notice before the end of the term of this agreement, of that party's intent not to renew this agreement.

23. THE CITY or BHS may amend this agreement by the mutual assent of both parties.

If this agreement is amended, it will be written, signed by both parties stated and attached to this original agreement.

IN WITNESS, WHEREOF the parties hereto have caused this agreement to be executed in their behalf on BHS; and supersede any and/or all previous agreements, contracts, or leases.

City of Benton

A municipal Corporation,

_____, Mayor

Parks Department

_____ Parks Director

BHS Authorized Representative,

Dated this ____ day of _____, 2019

RESOLUTION NO. 53 OF 2019

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE BENTON SCHOOL DISTRICT FOR THE OPERATION OF THE HIGH SCHOOL SWIM TEAM AT RIVERSIDE PARK; AND FOR OTHER PURPOSES

WHEREAS, the City Council has determined that it needs to enter into a contract with the Benton School District for using the River Center Natatorium for operating the high school swim team.

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

SECTION 1: The Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Benton, the agreement with the Benton School District which is attached hereto as Exhibit "1" for the operation of the high school swim team at Riverside Park and to execute such other documents as may be necessary or convenient to accomplish the purpose of this resolution.

PASSED AND APPROVED this the _____ day of June, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

**Benton Parks and Recreation Department
2019 Program Agreement**

This agreement made and entered into on _____, 2019 by and between the CITY OF BENTON PARKS AND RECREATION DEPARTMENT, doing business at 1800 Citizens Drive, Benton, Arkansas (hereinafter called "THE CITY"), and Benton High School, doing business at 211 North Border street, Benton, Arkansas (hereinafter called "BHS").

WITNESSETH

WHEREAS, THE CITY maintains property at River Center Natatorium in Benton, Arkansas; and

WHEREAS, the use of said property for the purpose of the BHS has been considered the best use of this property for recreational purpose and to better service the citizens of Benton, Arkansas.

WHEREAS, the City provides and maintains certain recreational facilities for programs and parks in Benton, and

WHEREAS, BHS provides program administration and operations of the High School Swim Team in Benton,

NOW, THEREFORE, in consideration of mutual covenants and promises set forth herein, the parties agree as follows:

THE CITY agrees to grant use of River Center Natatorium between Oct 6th, 2019 and Feb 24th, 2020, as outlined here to BHS for the operation of the High School Swim Team.

Named property will be used by BHS for swim meets, practices and try-outs on the dates and times listed on the schedules provided to THE CITY.

The general conditions of this program agreement will be:

1. BHS will operate in accordance with nondiscrimination requirements of Title VI of the 1964 Civil Rights Act.
2. It is further agreed that program personnel must adhere to all provisions of the Americans with Disabilities Act (ADA) that apply to a particular program.
3. Program personnel and participants agree to abide by all Federal, State, and Local laws in addition to the policies of THE CITY pertaining to parks and facilities.
4. It is understood that THE CITY will not be liable for any injuries incurred by participants who are participating in activities on or in THE CITY facility. BHS indemnify and hold the City of Benton, its departments and all of its employees harmless against losses, claims, causes of action and liabilities on account of damage to property or injury to or death of persons arising out of negligent acts by BHS, its agents, employees, or program participants.
5. It is agreed that the named facility, area, or property may not be assigned, subleased, rented, reserved or loaned to any other group, business, individual, or entity by BHS without prior approval by THE CITY.
6. No alterations, changes, or modifications to change the intended use may be made to facilities by BHS, without first receiving written approval from THE CITY. BHS must submit a detailed request in writing to THE CITY'S Park Department.

7. BHS assumes full responsibility and liability for damage caused by participants of their programs. Any damage caused will be fixed by BHS. If the repair is neglected for a long period of time, THE CITY will make the necessary repairs and bill the BHS.
8. BHS must inspect facilities prior to each use. If damage is discovered to equipment or that the facility poses an immediate hazard or danger, BHS must immediately notify THE CITY'S Park Department. Damaged equipment or facilities that do not pose a danger or hazard should be discussed with THE CITY. BHS must report any vandalism or theft to THE CITY within 24 hours or next business day.
9. With this agreement, BHS agrees to pay the charge of \$1,000 for use of the facilities during the agreed times and lane usage for practice purposes and swim meets. Payment must be received by November 1st, 2019.
10. BHS will be granted use of 3 lanes (lanes 6,7,8) for practice purposes on Monday-Thursday from 7:15-8:15 PM between Oct 6th, 2019 and Feb 23rd, 2020. In addition WED/FRI from 6-7AM. A tryout will be allowed on _____ between 7:15 and 8:15 PM. Use of two lanes will be permitted for try-outs.
11. With this agreement, BHS swimmers MUST present their facility IDs to Park Staff every time they enter the facility and sign in. A team roster must be turned in before October 4th, 2019. The roster must include First Name, Last Name, DOB, address, phone number, email address, emergency contact, and emergency contact phone number.
12. In order to participate on the BHS Swim Team in practices and meets, BHS swimmers will not be required to be members of the River Center. However, swimmers who are not members may not under any circumstances be in the River Center Natatorium without a high school coach or teacher present in charge of supervising them. When the practice ends, all non-members must leave before the coach or teacher leaves.
13. BHS is allowed use of the River Center Natatorium and Pool Party Room (with advanced notice) only.
14. THE CITY will complete meet set up and provide a console operator for \$100 per meet.
15. BHS agrees to host a maximum of 2 swim meets per year for the rates above. Meets will be held on _____, 2019/2020.
16. BHS will be responsible for meet cleanup and providing volunteers. There will be a \$50/hour cleaning fee if the facility is not cleaned up after the swim meet.
17. BHS will be responsible for providing their own meet officials, timers, and meet marshals.
18. BHS has the first option to charge admission fees during those meets.
19. BHS will have access to the timing system, starting system, and the scoreboard for the duration of the swim meets under THE CITY supervision. Advertising on scoreboard and hanging sponsor banners requires an approval from THE CITY.
20. BHS will be allowed to promote themselves on scoreboard and with signage around the facility.
21. BHS agrees to return this agreement signed by the appropriate persons, and any and all additional requested material before September 1st, 2019.
22. BHS will control all litter by picking up litter their program creates after each time the facility is used. The litter must be placed in the proper receptacle by BHS.
23. BHS will provide proper insurance for the programs they will be operating on city property. Proof of insurance must be attached to this program agreement before regular season starts. BHS understands that their program participants are in no way covered by insurance by THE CITY.
24. BHS will submit contact person(s) for after business hours' emergencies.
25. At the request of THE CITY, BHS will remove all their equipment at the completion of this agreement period.

26. BHS will insure that their employees or participants do not attempt to operate equipment belonging to THE CITY.
27. THE CITY agrees to the following specific conditions and assurances:
 - A. The Natatorium will be maintained on a regular schedule.
 - B. THE CITY will be responsible Monday-Sunday for the pool chemicals.
 - C. THE CITY will purchase and replace light bulbs. If extensive damage is caused by weather or vandalism, the replacement time for lights may be longer than usual.
 - D. THE CITY will attempt to repair damage to facilities in a timely manner, according to repairs needed.
 - E. THE CITY upon written request by the BHS will provide a liaison to the BHS Swim Meetings to assure the maintenance program is satisfactory.
 - F. Permanent improvements to facilities and fields will become property of THE CITY.
 - G. Non-permanent improvements will be retained by BHS Swim Team.
28. The term of this agreement shall be one (1) year, and shall begin on the first day of the month in which this agreement is executed by the parties.
29. This agreement shall automatically be renewed for like terms for successive one (1) year periods until this agreement is terminated by either party.
30. The party electing to terminate this agreement shall do so by providing ninety (90) days written notice before the end of the term of this agreement, of that party's intent not to renew this agreement.
31. THE CITY or BHS may amend this agreement by the mutual assent of both parties.

If this agreement is amended, it will be written, signed by both parties stated and attached to this original agreement.

IN WITNESS, WHEREOF the parties hereto have caused this agreement to be executed in their behalf on BHS; and supersede any and/or all previous agreements, contracts, or leases.

City of Benton

A municipal Corporation,

_____, Mayor

Parks Department

_____ Parks Director

BHS Authorized Representative,

Dated this ____ day of _____, 2019

ORDINANCE NO. 52 OF 2019

AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING AND RATIFYING THE PURCHASE OF ONE (1) MYERS 4VL600M4-43-60HP 460V 3PH PUMP WITH 50' CORD WITH LIFTING BAIL AND BOLT AND GASKET SYSTEM WITH ADAPATION TO CURRENT RAIL SYSTEM FOR THE BENTON UTILITIES WASTEWATER COLLECTION DEPARTMENT; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

WHEREAS, the two pumps which collect wastewater are failing which requires emergency replacement in order to maintain the operation of the system; and

WHEREAS, the Mayor and the City Council of the City of Benton, Arkansas have determined that the City should purchase one (1) Myers 4VL, Model 4VL600M4-43, 60 HP 460V 3PH Pump with 50' Cord, Lifting Bail & Bolt & Gasket Kit with Adaptation of Current Rail System Included for the Benton Utilities Wastewater Collections Department, without competitive bidding in connection therewith; and

WHEREAS, the City Council wishes to authorize and approve transaction described below;

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

SECTION 1. It is in the best interest of the City to purchase from Jack Tyler Engineering, Incorporated, one (1) Myers 4VL, Model 4VL600M4-43, 60 HP 460V 3PH Pump with 50' Cord, Lifting Bail & Bolt & Gasket Kit with Adaptation of Current Rail System Included for \$28,437.50. Copies of said quote and supporting documents are attached to this ordinance and incorporated herein by reference. The Wastewater Collections Department is authorized and directed to purchase, from the vendors set out in said quote, one (1) Myers 4VL, Model 4VL600M4-43, 60 HP 460V 3PH Pump with 50' Cord, Lifting Bail & Bolt & Gasket Kit with Adaptation of Current Rail System Included for \$28,437.50. All actions of the Benton Utilities Wastewater Collection Department in pursuing the purchase authorized herein from Jack Tyler Engineering Incorporated prior to the formal adoption of this ordinance are hereby confirmed, ratified and approved.

SECTION 2. The requirement of competitive bidding for the purchase hereby authorized is deemed not feasible or practical and, therefore, is waived.

SECTION 3. The Mayor and City Clerk are hereby authorized and directed to execute such additional documentation as may be necessary or convenient to affect the purposes of this ordinance.

SECTION 4. The immediate entry into, implementation of, and payment for one (1) Myers 4VL, Model 4VL600M4-43, 60 HP 460V 3PH Pump with 50' Cord, Lifting Bail & Bolt & Gasket Kit with Adaptation of Current Rail System Included for \$28,437.50, are authorized herein, and the ratification of actions taken to date, are necessary for the City to properly and timely perform tasks required of the Benton Utilities Wastewater Collection Department currently underway, and any delay in the same adds intolerable inconvenience to the delivery of necessary services to the public. 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 24th day of June, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

Sales Order



Jack Tyler Engineering, Incorporated
6112 Patterson Road
Little Rock, AR 72209-2430
(501) 562-2296 Phone
(501) 562-4273 Fax

Order Number: 0129716
 Order Date: 5/31/2019

Entered by: cory
 Salesperson: 0316
 Customer Number: 0001729

Customer Fax: (501) 776-5937

Sold To:
 Benton WW Conveyance Dept
 1827 Dale Ave
 Benton, AR 72015

Ship To:
 BENTON WW UTILITIES
 PUCKETT LS
 Benton, AR 72015

Confirm To:
 Nathan Shultz

Customer P.O.	Ship VIA	Freight	F.O.B.	Terms		
100741	JTE DELIVERY			Net 15		
Item Number	Unit	Ordered	Shipped	Back Order	Price	Amount
26890F012	EACH	1.00	0.00	1.00	26,000.00	26,000.00
Pump, Myers 4VL600M4-43, 4" 60HP 460V 3Ph			Whse: 001			
*** WITH TC LOWER SEAL, IMPELLER TRIM 12.63" ***						
25371A040	EACH	1.00	0.00	1.00	0.00	0.00
LIFTING BAIL, LB4			Whse: 001			
BOLTSET	EACH	1.00	0.00	0.00	0.00	0.00
4"-150# FLG BOLT SET304 SS w/ RRFF GKT			Whse: 001			
/LABOR	HR	1.00	0.00	0.00	0.00	0.00
RAIL ADAPTER INSTALL						
/FREIGHT	EA	1.00	0.00	0.00	0.00	0.00
Freight, Shipping & Handling						

Net Order: 26,000.00
 Freight/Handling:
 Sales Tax: 2,437.50
Order Total: 28,437.50

ORDINANCE NO. 53 OF 2019

AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING AND RATIFYING THE PURCHASE OF ONE (1) CLARIFIER DRIVE ASSEMBLY AND ADDITIONAL PARTS WITH INSTALLATION FOR THE BENTON UTILITIES WASTEWATER TREATMENT DEPARTMENT; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

WHEREAS, it has been determined that the clarifier which is used by the wastewater treatment facility needs immediate replacement in order to continue providing needed services to the community; and

WHEREAS, The Mayor and the City Council of the City of Benton, Arkansas have determined that the City should purchase one (1) clarifier drive assembly, additional parts, plus installation for the Benton Utilities Wastewater Treatment Department, without competitive bidding in connection therewith; and

WHEREAS, The City Council wishes to authorize and approve transaction described below;

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

SECTION 1. It is in the best interest of the City to purchase from Environmental Technical Sales, Inc. one (1) clarifier drive assembly, additional parts and installation in the amount of \$66,062.00.00. Copies of said quote and supporting documents are attached to this ordinance and incorporated herein by reference. The Wastewater Treatment Department is authorized and directed to purchase, from the vendors set out in said quote, one (1) clarifier drive assembly, additional parts and installation listed, at a total cost of 66,062.00. All actions of the Benton Utilities Wastewater Treatment Department in pursuing the purchase authorized herein from Environmental Technical Sales Incorporated prior to the formal adoption of this ordinance are hereby confirmed, ratified and approved.

SECTION 2. The requirement of competitive bidding for the purchase hereby authorized is deemed not feasible or practical and, therefore, is waived.

SECTION 3. The Mayor and City Clerk are hereby authorized and directed to execute such additional documentation as may be necessary or convenient to affect the purposes of this ordinance.

SECTION 4. The immediate entry into, implementation of, and payment for one (1) clarifier, additional parts and installation, are authorized herein, and the ratification of actions taken to date, are necessary for the City to properly and timely perform tasks required of the Benton Utilities Wastewater Treatment Department currently underway, and any delay in the same adds intolerable inconvenience to the delivery of necessary services to the public. 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 24th day of June, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

ORDINANCE NO. 54 OF 2019

AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING AND RATIFYING THE PURCHASE OF TWO (2) 1600 AMP TRANSFER SWITCHES, ONE (1) WITH A 1600 AMP PLUG AND ONE (1) WITH A 1300 AMP TRIP PLUG PLUS INSTALLATION FOR THE BENTON UTILITIES WATER PURIFICATION DEPARTMENT; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

WHEREAS, the transfer switches for the pumps which transmit water to the community are failing and need immediate repair; and

WHEREAS, The Mayor and the City Council of the City of Benton, Arkansas have determined that the City should purchase two (2) 1600 AMP transfer switches, one (1) with 1600 AMP trip and one (1) with a 1300 AMP trip plug plus installation for the Benton Utilities Water Purification Department, without competitive bidding in connection therewith; and

WHEREAS, The City Council wishes to authorize and approve transaction described below;

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

SECTION 1. It is in the best interest of the City to purchase from H & H Electric, Incorporated, two (2) 1600 AMP transfer switches, one (1) with 1600 AMP trip and one (1) with a 1300 AMP trip plug and installation in the amount of \$66,072.00.00. Copies of said quote and supporting documents are attached to this ordinance and incorporated herein by reference. The Water Purification Department is authorized and directed to purchase, from the vendors set out in said quote, the two (2) 1600 AMP transfer switches, one (1) with 1600 AMP trip and one (1) with a 1300 AMP trip plug and installation listed, at a total cost of 66,072.00. All actions of the Benton Utilities Water Purification Department in pursuing the purchase authorized herein from H & H Electric, Incorporated prior to the formal adoption of this ordinance are hereby confirmed, ratified and approved.

SECTION 2. The requirement of competitive bidding for the purchase hereby authorized is deemed not feasible or practical and, therefore, is waived.

SECTION 3. The Mayor and City Clerk are hereby authorized and directed to execute such additional documentation as may be necessary or convenient to affect the purposes of this ordinance.

SECTION 4. The immediate entry into, implementation of, and payment for two (2) 1600 AMP transfer switches, one (1) with 1600 AMP trip and one (1) with a 1300 AMP trip plug and installation, are authorized herein, and the ratification of actions taken to date, are necessary for the City to properly and timely perform tasks required of the Benton Utilities Water Purification Department currently underway, and any delay in the same adds intolerable inconvenience to the delivery of necessary services to the public. 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 24th day of June, 2019.

Tom Farmer, Mayor

Cindy Stracener, City Clerk

H&H Electric, Inc.

P.O. Box 6425
Hot Springs, AR 71902-6425

Quote

Date	Quote #
5/21/2019	551

Name / Address
CITY OF BENTON 1827 DALE BENTON, AR 72015

Rep	Project
IVAN	3010 Benton Water ...

Description	Qty	U/M	Total
2-1600 AMP Transfer Switches (1) with 1600 AMP Trip, Plug,(1) with a 1300AMP Trip Plug. 480 Volts,3 Aut, 4 Wire Nema 3R, Service	1		64,072.00
If you want the Factory Technician to start the units up. You need to add \$2,000.00	1		2,000.00
Delivery Time: Six (6) Weeks from Order Date			
Thank you, We Appreciate Your Business!			Total \$66,072.00