**Regular Month Meeting**

**Benton City Council**

**February 20, 2023**

The regular meeting of the Benton City Council was called to order on Monday, February 20, 2023 at 5:00 P.M. at Benton City Hall. Mayor Pre-tem Ann Riley presided and called the meeting to order. Pledge of Allegiance and prayer was offered by Kevin Farley.

Council Members Present: Ann Riley, Laura Craynon, Guy Henton, Rita Murray (5:15 pm), Butch Holland and Kevin Farley.

Other Staff Present: Rob Mattingly, City Attorney; Bethany Cooper, City Clerk/Treasurer; Todd Riley, Gas Manager and Stephen Sanderson, Police Chief.

Bill McGinnis of 222 Ash Street was present to voice his concerns on the proposed sidewalk project. He mentioned that, currently, people walk on the West side where the street lights are. He is concerned about sidewalk messing up his property and the sidewalk maintenance. He says there is an Ash tree on the property near the easement line that he doesn’t want to see destroyed either. Riley explained that the engineers know of his concerns and will take a look.

Josh Kee with Marshall County Fair Board was present to request permission from Council to add a 7th event to their contract for use of the grandstands. They want to hold a truck and tractor pull on July 22. Riley asked to table the decision until a discussion can be held with Mayor Dotson on pricing.

The following trash collection bids were received:

GFL Environmental bid $12.52 for a 3-year period and $13.58 for a 5-year period.

Republic Services bid a tier of $13.45 for the first year, $13.98 for the second year and $14.54 for the third year on the 3-year period and $13.39 for first year, $13.92 for second year, $14.48 for third year, $15.06 for fourth year and $15.66 on fifth year for the 5-year period.

GFL representative, Jeff Simms, stated that Republic’s tiered bid didn’t follow the bid specs of a flat rate and if he’d known he could do that, then GFL would have. After much discussion, Riley took a vote. Holland, Henton and Craynon voted to accept GFL’s bid as presented. Murray, Farley and Riley voted to accept Republic’s bid as presented. With there being a tie, Riley requested both companies resubmit bids with a tier option and flat rate option due March 14. The bid notice will be revised and republished.

Riley made known to both bidders that the contract will have updated information on communication between the service and City of Benton and penalties may apply if not followed.

City Clerk Cooper read a bid for the Valley Road Sewer Project. Murtco was the only bid received at $107,290.00. A motion was made by Farley, seconded by Henton to approve the bid. All agreed. Motion carried.

City Attorney Mattingly and City Clerk Cooper met last Friday with City of Mayfield City Clerk regarding their net profits tax. They discussed their findings. Council would like information from a City who collects gross receipts tax as well. Bethany will get with a City who collects gross receipts tax and find out more information.

A motion was made by Holland, seconded by Henton to re-appoint Darren Smith to the Marshall County Building Code Enforcement Board. All agreed. Motion carried.

Bethany presented the Professional Services Agreement to provide consulting and related services from Retail Strategies, LLC, along with Kentucky Lake CVB. Clarification on the agreement was requested and was tabled for now.

City Attorney Mattingly read the second reading of an ordinance repealing Ordinance no. 01-08-01 and Section 116 of the Benton Code of Ordinances and replacing Section 116 of the Benton Code of Ordinances relating to Communication Services. A motion was made by Farley, seconded by Craynon to approve. All agreed. Motion carried.

City Attorney Mattingly read the first reading of an ordinance amending Chapter 41: Code Enforcement Board related to the amount of the civil penalties that can be addressed by the Code Enforcement Board. Ordinance was sponsored by Craynon.

City Attorney Mattingly read the first reading of an ordinance amending Chapter 90: Animals related to allow Benton’s Planning and Zoning ordinances and the Board of Adjustments to provide exceptions to the prohibition against livestock and poultry in the corporate city limits of Benton and related to the criminal and civil penalties. Ordinance was sponsored by Craynon.

City Attorney Mattingly read the first reading of an ordinance amending Chapter 91: Streets and Sidewalks related to the enforcement of the chapter as either a criminal or civil penalty. Ordinance was sponsored by Craynon.

City Attorney Mattingly read the first reading of an ordinance amending Chapter 92: Nuisances related to the enforcement of the chapter as either a criminal or civil penalty. Ordinance was sponsored by Craynon.

City Attorney Mattingly read the first reading of an ordinance amending Chapter 93: Fireworks, Fire Prevention related to the enforcement of the chapter as either a criminal or civil penalty. Ordinance was sponsored by Craynon.

City Attorney Mattingly read the first reading of an ordinance amending Chapter 94: Litter, Unlawful Accumulations and Weeds related to the enforcement of the chapter as either a criminal or civil penalty. Ordinance was sponsored by Craynon.

City Attorney Mattingly read the first reading of an ordinance amending Chapter 96: Parks and Recreation related to the enforcement of the chapter as either a criminal or civil penalty. Ordinance was sponsored by Craynon.

City Attorney Mattingly read the first reading of an ordinance amending Chapter 150: Building Regulations related to obtaining a Building Permit and Zoning Permit prior to construction within City limits. Ordinance was sponsored by Craynon.

City Attorney Mattingly read the first reading of an ordinance amending Chapter 157: Property Maintenance Code related to the enforcement of the chapter as either a criminal or civil penalty. Ordinance was sponsored by Craynon.

City Attorney Mattingly read the first reading of an ordinance amending Chapter 72: Parking Regulations related to vicarious liability of the owner of the vehicle for parking violations and related to the enforcement of the chapter as either a criminal or civil penalty. Ordinance was sponsored by Craynon.

Chief Sanderson presented the police report for January. There were 1079 calls to service, 12 cases, 16 collisions and 162 citation violations.

A motion was made by Holland, seconded by Murray to approve the minutes of January 17 upon changing them from special called to a regular meeting; approve the special called minutes of January 24 and approve the special called minutes of February 7. All agreed. Motion carried.

In Mayor/Council items, Holland updated the Council that Benton Electric System has installed 500 remote meters already.

There being no further business to come before the Council, meeting adjourned at 6:55 pm.

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Rita Dotson, Mayor

ATTEST:

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Bethany Cooper, City Clerk/Treas.