

**Regular Month Meeting
Benton City Council
January 28, 2019**

A special called meeting of the Benton City Council was called to order on Monday, January 28, 2019 at 5:00 P.M. by Mayor Rita Dotson with the Pledge of Allegiance and opening prayer by Charles Edmonds.

Council Members Present:

Ann Riley	Charles Edmonds
Sherra Riley	Kevin Farley
Rita Murray	Butch Holland

Other Staff Present:

Zach Brien, City Atty	Bethany Cooper, City Clerk/Treas
Todd Riley, Gas Mgr.	Harry Green, Fire Chief
Jeromy Hicks, Police Chief	

Kim Ham was present to review the City's June 30, 2018 audit. The General Fund, Benton Water & Sewer Fund and Benton Gas Fund are all in good standing.

Mayor Dotson read the Pioneer Fire contract to renew for 2019. Lynn Green, President of Pioneer Fire District, was present. A motion was made by Edmonds, seconded by Murray to approve the 2019 contract as read. All agreed. Motion carried.

City Attorney Brien read a zoning recommendation letter from Planning and Zoning Board. They recommend allowing Southwest One Industrial Park to be annexed into the City limits as an Industrial 2 zone instead of being zoned as Residential 1 zone. A motion was made by S. Riley, seconded by Holland to approve Planning and Zoning Board's recommendation. All agreed. Motion carried.

City Attorney Brien read the first reading of an ordinance annexing Southwest One Industrial Park into the City limits of Benton.

City Attorney Brien read the first reading of an ordinance prohibiting the unlawful use of engine and/or compression brakes in certain residential areas.

Mayor Dotson welcomed Judge Kevin Neal; County Commissioners: Justin Lamb, Monty Collins and Kevin Spraggs; County Planner, Josh Tubbs; County Attorney Jason Darnall and County IDA Board members to the meeting. They were present regarding Southwest One discussion. County Attorney Darnall noted that since the Fiscal Court had a quorum at our meeting that he asked them to not sit by each other or make comments during the meeting.

Mayor Dotson spoke about the Sewer Interceptor Project on Mayfield Highway that needs to be upgraded before running water and sewer utilities to Southwest One Industrial Park. She confirmed that the City has had intentions on upgrading the Interceptor Project for a while but it wasn't anticipated to happen this quick. Mayor Dotson read an emailed offer from County Attorney Darnall to offer the City a zero percent interest free loan from the County for 20 years on \$689,400 to complete this project. County Attorney Darnall confirmed the offer. A motion was made by Murray, seconded by Farley to accept the offer from the County of a zero percent interest loan for 20 years for \$689,400. All agreed. Motion carried. There was no formal agreement presented at the meeting but City Attorney Brien will draw up an Interlocal Agreement and review it with County Attorney Darnall to finalize this offer.

Payback options on this loan were discussed. City Clerk/Treasurer, Bethany Cooper mentioned that the bond payment on the water plant would be final April 1, 2019. The current monthly payment of \$18,600 that is set aside for this debt will be available to use. The City hopes to be able to use these funds for the Sewer Interceptor project and for the Main Street water line replacement.

City Attorney Brien has been contacted by an attorney representing West Marshall Fire District requesting the City pay West Marshall Fire District \$9,800 which is a portion of tax revenue they claim to be losing upon annexation of the Southwest One Industrial Park. Brien states that the City does not owe the district anything because there is no tax revenue. West Marshall Fire Districted has requested that if we don't pay them \$9,800 that they want to be the service provider for that area and receive the tax

dollars from it. Brien stated that they can keep the fire district but they will not receive any tax dollars because it doesn't have a taxable value. A motion was made by Holland, seconded by S. Riley to allow West Marshall Fire District to keep Southwest One Industrial park in their district. All agreed. Motion carried.

Mayor Dotson closed the Southwest One discussion by confirming the rumor that the City was under an EPA agreed order to upgrade the Sewer Interceptor project was not true.

Farley would like the City to table the discussion on a grant writer until he is able to search for more individuals who work on commission. The grant writer that he found is paid a consulting fee for searching for grants whether a grant is found or not.

Elena Blevins was present and gave a 2018 year-end review of the events that Benton Partnership held. She mentioned upcoming 2019 events also. Blevins also mentioned for 2019 that Benton Partnership will host the car cruise in June and September only. She would like to have entertainment at those two shows and would like the City to pay for that. Blevins also mentioned that the City might offer H.H. Lovett Park on the other months for a place for the cars to gather which will alleviate the Fire Department having to block off streets. If the City decides on this, Benton Partnership will help advertise.

City Clerk/Treasurer Bethany Cooper asked approval to amend the General Fund budget to move \$10,000 from Reserve Account to Fire Department Vehicle Maintenance Account because of some major repairs that had to be made on the ladder truck. She also asked for an amendment to move another \$10,000 from Reserve Account to put into the Park Equipment and Supplies account for the purchase of a new park mower. A motion was made by Edmonds, seconded by S. Riley to approve. All agreed. Motion carried.

Police Chief Hicks presented the police report for December. There were 17 cases, 23 collisions, 25 citations and 355 calls to service.

A motion was made by Edmonds, seconded by Holland to approve the payroll and invoices. All agreed. Motion carried.

A motion was made by Holland, seconded by S. Riley to approve the regular minutes of December 17, 2018. All agreed. Motion carried.

The following Council items were mentioned:

Sherra Riley asked the status of the burned house (Koehler property) on Greenhill Drive. City Attorney Brien stated that it is currently going through the foreclosure process. Riley also asked the status on the house that was damaged by a vehicle on the corner of W. 10th and Pine Street. Diane Temple was present at the meeting and her mother owns that property. She said that it has been scheduled for demolition through Chambers and Sons and they are waiting for drier weather to begin. Their insurance company had them held up for several months also.

Kevin Farley mentioned the City's animal ordinance and what is the best solution to handle the stray animals through town. He stated that there is no Interlocal Agreement with the County. At one time there was but it expired in 2007. City Attorney Brien stated that the County animal ordinance will apply to Benton and the Animal Control Officer should be abiding by that ordinance. Brien will research the differences in the County's ordinance and the City's ordinance. The County's Animal Control Officer does not have to enforce the City's ordinance but they do need to enforce the County's ordinance. Mayor Dotson was told by a previous 911 employee that they were given strict instructions to not dispatch the Animal Control Officer to Benton or Calvert City. Mayor Dotson was later told by Judge Neal and Former County Attorney Jeff Edwards to disregard that statement. Mayor Dotson has had several citizens contact her to complain that they call the Animal Control Officer but he will not come pick up animals in Benton because of the City's leash law. Mayor Dotson stated that she will email Judge Neal to set up a meeting to discuss this issue.

Ann Riley asked that if or when the City contracts mowing to please make sure that they trim weeds instead of spraying weed killer everywhere.

Charles Edmonds asked if Chambers and Sons were going to continue cleaning out the creeks because they did not finish the area behind DQ. Mayor Dotson will check with Brien Chambers on the status.

Mayor Dotson read a thank you note from Hallie Riley and the MCHS Kindness Club for allowing them to help with Benton's first Kindness mural.

Mayor Dotson showed new brochures that Bethany Cooper had made for City of Benton services and Benton Water & Sewer services available. Brochures are available at City Hall and a link will be posted online.

There being no further business to come before the Council, meeting adjourned at 6:3 P.M.

Rita Dotson, Mayor

ATTEST:

Bethany Cooper, City Clerk/Treas.