

## MINUTES OF BENTON COUNTY QUORUM COURT

**February 25, 2016**

A regular meeting of the Benton County Quorum Court was held on Thursday, February 25, 2016 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Bob Clinard called the meeting to order.

Quorum Court Coordinator Stefanie Laputz called roll as follows:

12 JPs Present: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers

3 JPs Absent: Shadlow, Allen, Moehring

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Circuit Judge Tom Smith led the prayer.

### **CHANGES TO THE AGENDA:**

None.

### **MINUTES:**

JP J. Harrison made motion to approve the minutes of the January 28, 2016 Quorum Court meeting as distributed, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers

3 Absent: Shadlow, Allen, Moehring

Minutes approved as distributed.

Judge Clinard announced that Justice of the Peace Jerry Sheridan has been appointed by Governor Hutchinson to fill the vacancy in District No. 1 and thanked JP Sheridan for his service.

### **ELECTED OFFICIALS REPORTS:**

Circuit Judge Tom Smith spoke about adding a shelter for at-risk juveniles to the Juvenile Detention Center through the Endeavor Foundation Grant. He stated that there is an opportunity to receive up to

\$350,000 that could be used to make the Juvenile Detention facility dual purposed - one part could be used for a detention ward and one part could be used for a shelter. He stated that he would like to request a resolution from the Quorum Court in support of this idea.

After a short discussion, JP Jones recommended calling a Public Safety Committee meeting to discuss this matter further. He also recommended that Judge Smith contact Comptroller Brenda Guenther to have it on the Grants Administrator Report at the next Finance Committee if they want to get it on the agenda for next month's Committee of the Whole and Quorum Court meetings.

### **COUNTY JUDGE'S REPORT/COUNTY PROPERTY DISPOSAL REPORT:**

County Judge Bob Clinard presented the County Judge's report as follows:

- Great River Engineering is working on the rehabilitation design for the War Eagle Bridge project. He has negotiated a reduction in their fee which will be for a seven month delivery time on plans in order to start work approximately November 01, 2016. This will allow the fall programs at War Eagle to be held on schedule. He stated that he received a lot of feedback from the residents in the area and they want to wait until after the fall fair to begin construction. He said that the resolution on the agenda calling for a five month time schedule will need to be amended to say seven months.
- The Benton County Historic Courthouse exterior and interior renovations per the Walton Foundation Grant are in progress.
- Treanor Architects plans are complete on the Benton County Jail expansion for the misdemeanor holding area. Nabholz Construction is the Construction Manager for the project and has taken construction bids for the project. Total cost estimates will be presented at the March Finance Committee meeting.
- The Rogers Benton County Offices parking lot expansion is complete.
- The design team selected for the new justice facility is Perkowitz+Ruth/Cromwell/Dewberry. They are working on the needs assessment study.
- We have received notification of a Presidential Disaster Declaration for Arkansas for the recent flooding. Grants and payment terms are in process to repair the damage.
- Benton County has been designated as a Purple Heart County. We will accept that designation at this time.

Judge Clinard then read a proclamation designating Benton County as a Purple Heart County. Chuck Adkins, Senior Vice-Commander for the Department of Arkansas, Chapter 460 of the Military Order of the Purple Heart, along with the VSO team, presented a plaque to Judge Clinard. Chuck Adkins then gave a brief history of the Purple Heart award.

The February Property Disposal Report was presented to the JPs from the dashboard.

**COMMITTEE REPORTS:**

None.

**PUBLIC COMMENTS:**

Mike Clifford stated that the case for a new courthouse has not been presented to the citizens of Benton County. He said that the difference in the cost between the downtown and jail locations is more than a 50% increase and he cannot support that. He emphasized that all options need to be considered.

Johnny Gonzales, Staff Chair of the Benton County Co-Op Extension announced their Ag-Day event on March 15, 2016 at Northwest Arkansas Community College and distributed flyers about the event to the JPs.

Sharon Whelchel, a Justice of the Peace candidate for District No. 1, announced the Arkansas Veterans Village event on April 02, 2016 and distributed information about the event and the program to the JPs. She added that 100% of the proceeds from this event would go directly to the Arkansas Veterans Village program to help veterans.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

- (A) Proposed Resolution in Recognition of Justice of the Peace Curtis S. "Steve" Curry;  
Sponsor: JP Mary L. Slinkard

JP Slinkard read the proposed resolution in its entirety.

JP Slinkard made motion to adopt, seconded by JP Jones.

Motion passed by unanimous voice vote.

Resolution duly adopted and assigned **No. R-2016-03**.

County Judge Bob Clinard presented a plaque to JP Curry's family honoring his service to the citizens of Benton County.

JP J. Harrison made motion to suspend the rules and read all remaining ordinances and resolutions by title only, seconded by JP Adams.

A roll call vote recorded as follows:

12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers

3 Absent: Shadlow, Allen, Moehring

Motion passed.

- (B) Proposed Resolution Confirming the County Judge's Appointment of Ken Farmer to the 9-1-1 Administration Board, Law Enforcement Position; Sponsor: JP Mary L. Slinkard

County Attorney George Spence read the proposed resolution by title only.

JP Slinkard made motion to adopt, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

- 12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
- 3 Absent: Shadlow, Allen, Moehring

Resolution duly adopted and assigned **No. R-2016-04**.

- (C) Proposed Resolution Confirming the County Judge's Re-appointment of Jimmy Thompson to the 9-1-1 Administration Board, Member at Large, Position No. 1; Sponsor: JP J. Harrison

County Attorney George Spence read the proposed resolution by title only.

JP J. Harrison made motion to adopt, seconded by JP Adams.

There being no discussion, a roll call vote was recorded as follows:

- 12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
- 3 Absent: Shadlow, Allen, Moehring

Resolution duly adopted and assigned **No. R-2016-05**.

- (D) Proposed Resolution Confirming the County Judge's Re-appointment of Nathan Atchison to the Benton County Dive Team Board, Sheriff – Position No. 1; Sponsor: JP J. Harrison

County Attorney George Spence read the proposed resolution by title only.

JP J. Harrison made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

- 12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers

3 Absent: Shadlow, Allen, Moehring

Resolution duly adopted and assigned **No. R-2016-06.**

- (E) Proposed Resolution Confirming the County Judge's Re-appointment of Shawn Holloway to the Benton County Dive Team Board, Sheriff – Position No. 2; Sponsor: JP J. Harrison

County Attorney George Spence read the proposed resolution by title only.

JP J. Harrison made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers

3 Absent: Shadlow, Allen, Moehring

Resolution duly adopted and assigned **No. R-2016-07.**

- (F) Proposed Resolution Confirming the County Judge's Re-appointment of Jimmy Thompson to the Benton County Dive Team Board, 9-1-1 Admin Position; Sponsor: JP J. Harrison

County Attorney George Spence read the proposed resolution by title only.

JP J. Harrison made motion to adopt, seconded by JP Anglin.

There being no discussion, a roll call vote was recorded as follows:

12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers

3 Absent: Shadlow, Allen, Moehring

Resolution duly adopted and assigned **No. R-2016-08.**

- (G) Proposed Resolution Confirming the County Judge's Appointment of Vester Cripps to the Benton County Dive Team Board, Fire – Position No. 1; Sponsor: JP J. Harrison

County Attorney George Spence read the proposed resolution by title only.

JP J. Harrison made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers

3 Absent: Shadlow, Allen, Moehring

Resolution duly adopted and assigned **No. R-2016-09**.

(H) Proposed Resolution Confirming the County Judge's Re-appointment of Jeff Parks to the Benton County Dive Team Board, Fire – Position No. 2; Sponsor: JP J. Harrison

County Attorney George Spence read the proposed resolution by title only.

JP J. Harrison made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers

3 Absent: Shadlow, Allen, Moehring

Resolution duly adopted and assigned **No. R-2016-10**.

(I) Proposed Resolution Confirming the County Judge's Re-appointment of Marshal Watson to the Northwest Arkansas HIV Clinic Board; Sponsor: JP J. Harrison

County Attorney George Spence read the proposed resolution by title only.

JP J. Harrison made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers

3 Absent: Shadlow, Allen, Moehring

Resolution duly adopted and assigned **No. R-2016-11**.

(J) Proposed Resolution Supporting the Design Work on Repairing War Eagle Bridge in Benton County on a Five Month Time Schedule; Sponsor: JP Barry Moehring

JP Adams made motion to amend the resolution to read "seven months" as opposed to "five months" and to reduce the total cost by \$9,500, seconded by K. Harrison.

Motion to amend passed by unanimous show of hands vote.

County Attorney George Spence read the proposed amended resolution by title only.

JP Adams made motion to adopt, seconded by JP K. Harrison.

There being no discussion, a roll call vote was recorded as follows:

12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers

3 Absent: Shadlow, Allen, Moehring

Resolution duly adopted and assigned **No. R-2016-12**.

(K) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items; Dept. 0101, County Clerk, Fund 1000; Sponsor: JP Mary L. Slinkard

County Attorney George Spence read the appropriation ordinance by title only.

JP Slinkard made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers

3 Absent: Shadlow, Allen, Moehring

Appropriation ordinance adopted and assigned **No. O-2016-03**.

(L) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items; Dept. 0480, Juvenile Probation, Fund 3702; Sponsor: JP Joel Jones

County Attorney George Spence read the appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers

3 Absent: Shadlow, Allen, Moehring

Appropriation ordinance adopted and assigned **No. O-2016-04**.

(M) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Creating a New Line Item and Appropriating Additional Monies and Authorizing Addition Expenditures in Capital Projects Fund, Department 0108, Non-Dept. & Maintenance, Fund 4000; Sponsor: JP Joel Jones

County Attorney George Spence read the appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Anglin.

There being no discussion, a roll call vote was recorded as follows:

12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers

3 Absent: Shadlow, Allen, Moehring

Appropriation ordinance adopted and assigned **No. O-2016-05**.

(N) Proposed Ordinance Calling a Special Election on the Question of Increasing the Annual Dues of the Beaver Lake Fire Department for Fire Protection Services; Designating the County Official Who Will Collect and Remit the Annual Dues Charged by the Department; and Prescribing Other Matters Pertaining Thereto; Sponsor: JP J. Harrison

County Attorney George Spence read the appropriation ordinance by title only.

JP J. Harrison made motion to adopt, seconded by JP Sandlin.

JP Jones asked if this ordinance would take three readings.

County Attorney George Spence stated that it would.

JP Adams asked who pays for the special election.

JP Jones stated that the fire department pays for it.

JP Meyers asked why they are requesting a special election instead of waiting until November's election.

George Spence said that it has to be done by August 01, 2016 in order to get the increase on the next year's tax statements.

There being no further discussion, a roll call vote was recorded as follows:

12 Yeas: Sheridan, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers

3 Absent: Shadlow, Allen, Moehring

First reading, passed.

**OTHER BUSINESS:**

Administrator of Public Services Jeff Clark presented the 2016 Road Improvement Plan to the Quorum Court from the dashboard. He thanked Ashley Kirby, Jared Peters, and Jay Frasier for their hard work in putting together the presentation. He reported that they have set a goal of 53 miles for 2016. He said that they are planning to do a lot of maintenance and dirt work in 2017. He also updated the JPs on the FEMA damage, stating that they will have a site manager look at the sites within the next two to three weeks. He said that much of the repairs will be done this year but it is on FEMA's timeline. He reported that they have been approved for the funding on the Spanker Creek project. The grant is for about \$435,000. He continued with the Road Improvement Plan presentation by showing before and after pictures of road projects currently in progress. He stated that there was a small malfunction on Gamble Road, which was not on their part. They had agreed to do a certain footage but there was about 700 feet there that no one was going to do. They are working with the City of Centerton and are going to add about 700 feet to what they did. It is going to affect the schedule some but they are still in good shape. The one issue is the massive pile of dirt they talked about a couple of years ago. The dirt is still there. They are going to move forward with the project. The contractor that is moving the dirt has put a bond up and they are supposed to repair any damage to the road caused by moving the dirt.

Judge Clinard reminded the Quorum Court that, when they built the Bentonville West High School in Centerton, something was wrong with the grades so the earthwork contractor ended up with 50,000-60,000 yards of dirt that was not accounted for in their bidding process. They just piled it up on their site and built a mountain of excess dirt. The City of Centerton came to the county last year and wanted it paved so it would be done before the school opened. The Road Department knew the dirt was there and they did not have it in their plan for last year. They said no, they wanted to do it in 2016, after the dirt was moved because that would mean 3,000 to 4,000 truckloads of dirt coming out on the brand new paved road. The road should withstand it but that is wear and tear that is not normal. They are ready to start paving in about two weeks but the dirt has not been moved yet and they do not know when it will be moved. The county is going to go ahead and pave it and, if the contractor taking the dirt out damages the road unduly, they are going to have to fix it. They cannot delay any longer because this road must be paved before school starts.

Jeff Clark reported that the two bridge projects (Stagecoach Bridge and the Corinth project) are going well and are on schedule. They are hoping to get Spanker Creek under construction this year as well.

JP Jones made motion to move the next Quorum Court meeting date from March 24, 2016 to March 17, 2016, seconded by JP Moore.

Motion passed by unanimous show of hands vote.

JP Jones said that he would be scheduling a Public Safety Committee meeting for early March to discuss the creation of a shelter at the Juvenile Detention Center. A short discussion was held concerning potential dates for this meeting, with March 07, 2016 being suggested as a tentative date.

**ANNOUNCEMENTS:**

None.

**ADJOURNMENT:**

JP J. Harrison made motion to adjourn.

Meeting adjourned at 7:25 p.m.

Respectfully submitted,

Tena O'Brien  
County Clerk

Prepared by: Stefanie Laputz