



BENTONVILLE CITY COUNCIL AGENDA

**Committee of the Whole
Community Development
Planning Commission Meeting Room**

**Tuesday, March 25, 2014 6:00 p.m.
305 SW "A" Street**

**Regular City Council Meeting
Community Development
Planning Commission Meeting Room**

**Tuesday, March 25, 2014 6:00 p.m.
305 SW "A" Street**

**Pledge of Allegiance
Moment of Silence – For our Military Forces
Roll Call
Approval of Minutes: March 11, 2014**

AGENDA

1. Annual Parks and Recreation Department Report – David Wright,
2. Planning:
- 2a. **Richard and Peggy Smith: Property Line Adjustment, Lot 14, Block 14, Deming's Second Addition, 501 North Main Street, Zoned R-1, Single Family Residential.**

(Pages 4-7)

The planning commission voted 6-0 recommending approval.

The applicant has submitted a request to complete a Property Line Adjustment for property located at 501 North Main Street. The plat as provided indicates the creation of one lot from two existing lots to be known as (Lot 14, 0.33 acres) of Dickson's Addition. Additional right of way is being dedicated along North Main Street.

- 2b. **James & Brenda Patton, Trustees of the Patton Family Trust:: Land Use Map Amendment, East Centerton Boulevard(State Highway 102 & Greenhouse Road), Zoned A-1, Agricultural, Future Lane Use Map Designation to Proposed Land Use Map Designation: Commercial.**

(Pages 8-14)

The planning commission voted 6-0 recommending approval.

An amendment to the land use map to commercial at this location will not adversely impact city infrastructure. The additional commercial property will provide goods and services for the large area of single family residential to the

north. A commercial designation will allow those residents in the vicinity to work and shop within a short distance of their home further reducing the impact on Bentonville transportation infrastructure. A commercial designation at an intersection of two Arterial Streets will provide convenient access to a large population of western Bentonville.

3. Request City Council approval for a budget adjustment of \$50,500.00 for line item 020-3810-430-44-50 (Street Maintenance) and \$12,500 for line item 020-3810-430-20-30 (fuel). **(Pages 15-18)**
4. Resolution approving renewal of the financial assurance contract of obligation with the Arkansas Department of Environmental Quality. A financial assurance contract of obligation for the compost facility is a permit requirement and must be renewed every five years. **(Pages 19-25)**
5. Adopt a revised Missing Adult/Missing Juvenile policy, General Order 65, for the Police Department Policy and Procedures manual. See attached updated policy. **(Pages 26-36)**

**City Council
Planning Agenda
March 26, 2014**

Richard and Peggy Smith: Property Line Adjustment, Lot 14, Block 14, Deming's Second Addition, 501 North Main Street, Zoned R-1, Single Family Residential.

The planning commission voted 6-0 recommending approval.

The applicant has submitted a request to complete a Property Line Adjustment for property located at 501 North Main Street. The plat as provided indicates the creation of one lot from two existing lots to be known as (Lot 14, 0.33 acres) of Dickson's Addition. Additional right of way is being dedicated along North Main Street.

James & Brenda Patton, Trustees of the Patton Family Trust: Land Use Map Amendment, East Centerton Boulevard (State Highway 102 & Greenhouse Road), Zoned A-1, Agricultural, Future Lane Use Map Designation to Proposed Land Use Map Designation: Commercial.

The planning commission voted 6-0 recommending approval.

An amendment to the land use map to commercial at this location will not adversely impact city infrastructure. The additional commercial property will provide goods and services for the large area of single family residential to the north. A commercial designation will allow those residents in the vicinity to work and shop within a short distance of their home further reducing the impact on Bentonville transportation infrastructure. A commercial designation at an intersection of two Arterial Streets will provide convenient access to a large population of western Bentonville.

Planning Commission Staff Report
Property Line Adjustment: Lot 14, Block 14, Deming's Second Addition

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: March 18, 2014

GENERAL INFORMATION:

Project Number: 14-07000005

Owner: Richard and Peggy Smith

Applicant/Representative: Terry Ging Services

Requested Action: Property Line Adjustment Approval

Location: 501 North Main Street

Existing Zoning: R-1, Single Family Residential

Land Use Plan: Low Density Residential

BACKGROUND:

The applicant has submitted a request to complete a Property Line Adjustment for property located at 501 North Main Street. The plat as provided indicates the creation of one lot from two existing lots to be known as (Lot 14, 0.33 acres) of Dickson's Addition. Additional right of way is being dedicated along North Main Street.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	R-1, Single Family Residential	Low Density Residential
South	R-1, Single Family Residential	Downtown Mixed Use
East	R-1, Single Family Residential	Low Density Residential
West	R-1, Single Family Residential	Low Density Residential

STREETS

Direction	Name	Classification
North	-	-
South	Northwest 5 th Street	Collector
East	North Main Street	Local
West	-	-

STANDARD CONDITIONS OF APPROVAL

1. A digital copy of the plat.
2. All technical review comments must be addressed before building permits will be issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this site is currently an occupied residence within a single family subdivision.

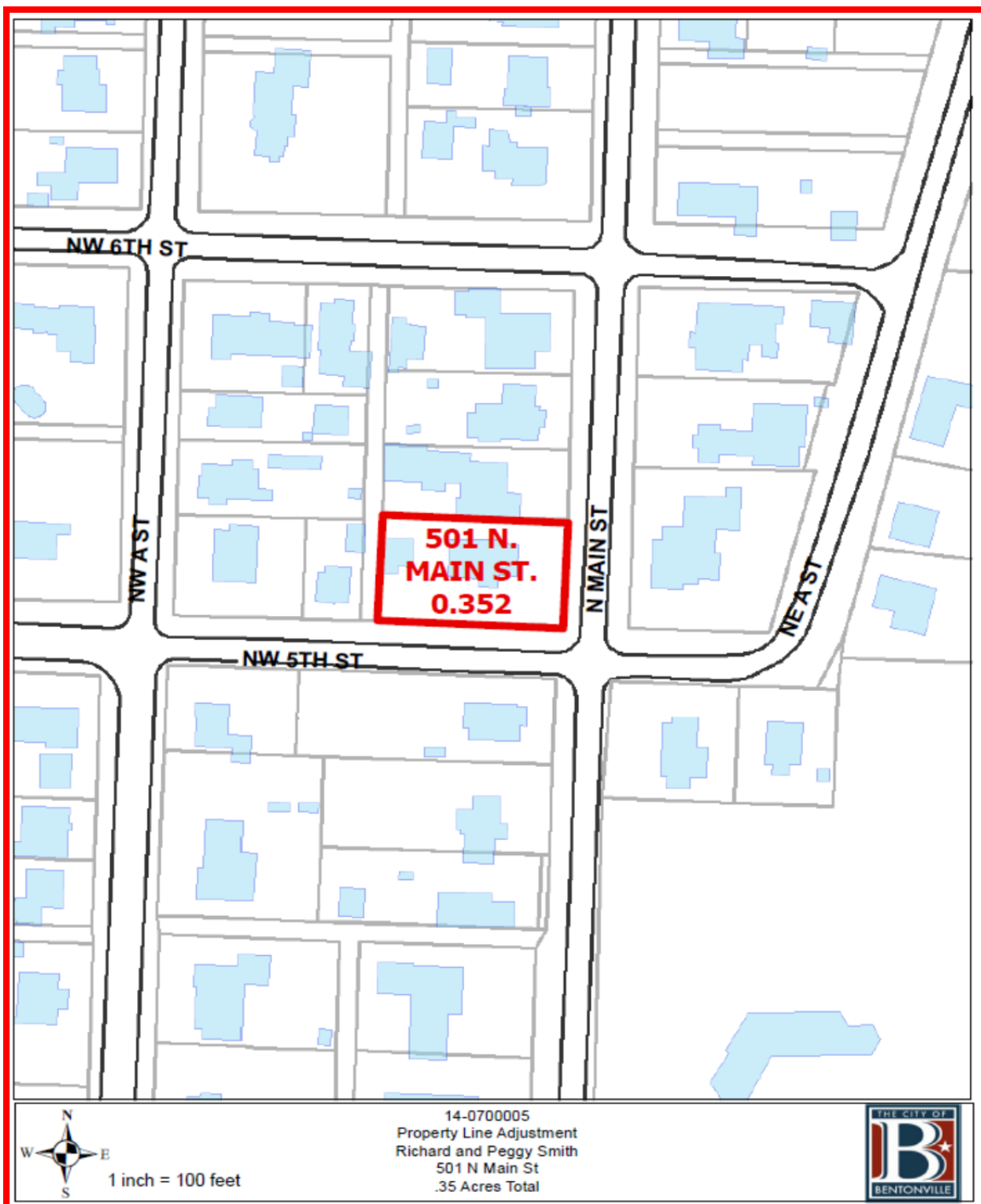
Drainage Report: A drainage report is not required for this property line adjustment.

Water / Sewer: Per the G.I.S. site, water and sewer are currently available to the site.

Analysis / Conclusion: This property line adjustment MEETS the minimum requirements of the subdivision regulations.

RECOMMENDATION:

Staff has reviewed this application and recommends APPROVAL.



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOT 14, BLOCK 14, DEMING'S SECOND ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS.

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the Property Line Adjustment of Lot 14, Block 14, Deming's Second Addition, to the City of Bentonville, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 18th day of March, 2014 and

WHEREAS, said Property Line Adjustment is attached hereto as Exhibit "A" and

WHEREAS, the Bentonville Planning Commission considered said Property Line Adjustment on the date stated and at other times, and voted to recommend the approval of said Property Line Adjustment to the City Council; and

WHEREAS, the Property Line Adjustment of real property as described herein has been submitted to the City Council of the City of Bentonville, and after consideration and deliberation said Council is of the opinion that said Property Line Adjustment should be approved.

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

Section 1: That the Property Line Adjustment of Lot 14, Block 14, Deming's Second Addition, to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said Property Line Adjustment by certifying said acceptance on the approved Property Line Adjustment .

PASSED AND APPROVED THIS _____ DAY OF _____, 2014

ATTEST

APPROVED

CITY CLERK

MAYOR



PC Meeting of: March 18, 2014

The City of Bentonville, Arkansas

305 S.W. "A" Street
Bentonville, AR 72212
Telephone: (479) 271-3126
Fax: (479) 271-5906

LAND USE MAP AMENDMENT: Patton, Agricultural to Commercial

TO: City of Bentonville, Arkansas Planning Commission
FROM: Jon Stanley, City Planner
THRU: Troy Galloway AICP, Community Development Director
DATE: March 18, 2014

GENERAL INFORMATION

H.T.E. Project Number: 14-01800001

Applicant/Current Owner: James & Brenda Patton, Trustees of the Patton Family Trust

Representative: Stephen R. Giles and CEI Engineers

Requested Action: Land Use Map Amendment

Location: East Centerton Boulevard (State Highway 102 & Greenhouse Road)

Existing Zoning: A-1, Agricultural

Future Land Use Map Designation: Low Density Residential

Proposed Land Use Map Designation: Commercial

BACKGROUND / HISTORY

Property Description/Site Inspection: A site inspection was completed; this property is vacant along a commercial corridor.

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Vacant Agricultural Land	A-1, Agricultural	Low Density Residential
South	Vacant Commercial	C-1, Neighborhood Commercial	Commercial
East	Vacant Single Family	R-1, Single Family Residential	Low Density Residential
West	Agricultural	C-1, Neighborhood Commercial	Agricultural

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan Classification	Current Condition
North	-	-	-
South	East Centerton Boulevard (State Highway 102)	-	4 Lane state highway with center turn lane and shoulders
East	-	-	-

West	-	-	-
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LEGAL NOTIFICATIONS

Public Notice: Staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on February 17, 2014. In addition, staff posted a notice of public hearing sign on the property on March 3, 2014. This does meet legal noticing requirements and is adequate for the scope of this rezoning application.

RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP

1. A determination of how the proposed change impacts the overall intent of the General Plan or the land use mix on the Future Land Use Map, how the proposed change affects other land uses.

Finding(s) of Staff: The intent of the General plan and the Master Land Use plan is to create activity and commercial nodes at major intersections in the southwest area of Bentonville. The intersection of East Centerton Boulevard (State Highway 102) and Greenhouse Road will be a major commercial node for the southwest area. East Centerton Boulevard is currently an arterial street and is currently being constructed into a 4 lane road with a signalized intersection at Greenhouse Road. The signalized intersection will facilitate safe protected turning movements for a large number of automobiles that utilize East Centerton Boulevard as a means to obtain goods and utilize services at the city's core.

2. A determination as to whether the proposed land use designation would create or appreciably increase traffic danger and congestion.

Finding(s) of Staff: The property is located along a State Highway that has a considerable amount of large vehicle traffic at this time. Improvements are underway along East Centerton Boulevard to better help facilitate traffic to and from the proposed commercial node.

3. A determination as to whether the proposed land use would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities.

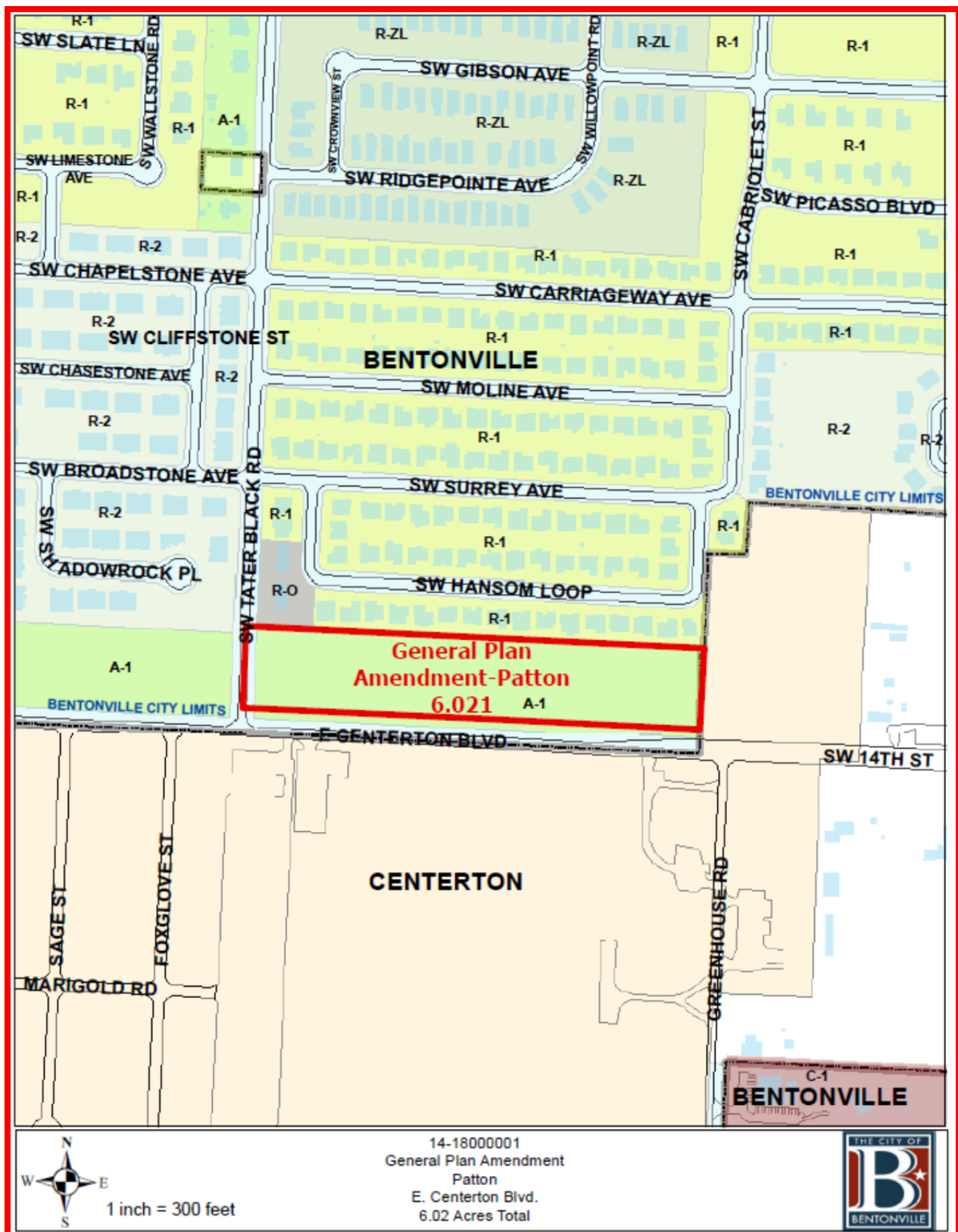
Finding(s) of Staff: Water and sewer is adequate at this location. There are no foreseen adverse impacts to public services or emergency services at this location.

ANALYSIS, CONCLUSION, & SUMMARY

An amendment to the land use map to commercial at this location will not adversely impact city infrastructure. The additional commercial property will provide goods and services for the large area of single family residential to the north. A commercial designation will allow those residents in the vicinity to work and shop within a short distance of their home further reducing the impact on Bentonville transportation infrastructure. A commercial designation at an intersection of two Arterial Streets will provide convenient access to a large population of western Bentonville.

STAFF RECOMMENDATION

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends APPROVAL of this Land Use Map Amendment from Agricultural to Commercial.



The Law Firm of
Stephen R. Giles
A Professional Association

Telephone
(501) 374-0836

425 West Capitol Avenue
Suite 320C
Little Rock, Arkansas 72201-3669
E-mail: sg.ros@stephenr.net

Facsimile
(501) 374-5992

February 10, 2014

Via E-Mail

Mr. Troy Galloway, AICP
Director
Department of Planning and Development
305 Southwest A Street
Bentonville, AR 72712

Re: Patton Property Land Use Plan Amendment Application

Dear Mr. Galloway:

I and CEI Engineers have been designated as agents of the Patton Family Revocable Trust, owners of approximately 6.02 acres (the "Patton Property") intended for sale to a potential buyer for retail development. The Patton Property is located adjacent to a Walmart Neighborhood Market currently under construction. The narrative in this letter accompanies the Application to change the current Bentonville Future Land Use Plan from Low Density Residential to Commercial land use.

- The Patton Property described in this Application is undeveloped and situated adjacent to the City Limits of Centerton. While the area to the north is a single family residential neighborhood, the Patton Property is oriented to the south and away from the adjacent homes. This property has significant frontage on U.S. Highway 102 (E. Centerton Boulevard) where commercial projects are underway. For example, just west of this property is a Walmart Neighborhood Market currently under construction.
- The proposed land use change to Commercial would benefit the Patton Property without causing a negative impact on the nearby neighborhoods. All construction on the property will be in compliance with the applicable development codes of the city as well as provide landscaping, and would comply with the City's buffers and setbacks to reduce negative effects on the neighborhoods.

Mr. Troy Galloway, AICP
Community Development Director
February 10, 2014
Page 2

- The Arkansas Highway and Transportation Department ("AHTD") is widening and improving Highway 102 to a five lane arterial along the Patton Property frontage. These changes in the area since the adoption of the current land use plan make the Patton Property more suitable for commercial development than for Low Density Residential.
- If the Land Use Plan amendment and current A-1 zoning is not amended to permit commercial uses, the proposed project will not occur.
- The owners of this land propose to prepare the property for sale to a potential buyer for retail development.
- The owners have not discussed any agricultural or residential use of the property with any potential buyer. The City of Bentonville requires that a land use plan amendment be approved prior to any zoning change necessary for the proposed commercial development.
- Located on a major highway connecting Bentonville to Centerton and communities to the west, the Patton Property is in the middle of an expanding commercial area and is ideally suited for the buyer's proposed project.
- Attachment A to this letter is the legal description of the property proposed for land use plan amendment.

If you need any additional information, please let us know.

Sincerely,


Stephen R. Giles
Agent of Patton Family Revocable Trust

S:\a\WAI\MARCO\CENTERTON (Greenhouse) #6953\GAS PARCEL 7B-4\Galloway.Ltr.docx

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CLASSIFICATION OF PROPERTY FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL ON THE FUTURE LAND USE MAP FOR THE CITY OF BENTONVILLE, ARKANSAS.

WHEREAS, James & Brenda Patton, Trustees of the Patton Family Trust, duly filed a petition with the City Planning Commission requesting that the hereinafter described real property situated in Benton County, Arkansas, be changed from its present classification of Low Density to Commercial on the City of Bentonville Future Land Use Map.

Said tract or parcel commonly described as: 1709 E. Centerton Boulevard.

A tract of land being Deed Book 2006, Page 2664 and situated in part of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section 35, Township 20 North, Township 31 West, Benton County, Arkansas, being more particularly described as follows;

COMMENCING at a found cotton spindle for the Southwest (SW) corner of said Section 35 as shown on Plat Book 2005, Page 1304;
Thence along the West line of said Section North 02° 15' 45" East, a distance of 62.94 feet to the **POINT of BEGINNING**;

Thence continuing along said West line North 02° 15' 45" East a distance of 216.62 feet to the South line of Carriage Square Subdivision as shown on Plat Book 4, Page 889;
Thence along said South line South 87° 14' 46" East a distance of 1217.36 feet;
Thence South 03° 09' 27" West a distance of 216.43 feet to a found 5/8" rebar with cap (LS #1337) at the North Right-of-Way of Arkansas Highway 102 per AHTD Job #090179;
Thence along said North Right-of-Way the following two (2) courses:

- (1) North 87° 05' 36" West a distance of 561.06 feet;
- (2) North 87° 23' 38" West a distance of 652.92 feet to the **POINT of BEGINNING** and containing 262,257 square feet or 6.02 acres, more or less.

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 18th day of March, 2014 in the Council Room of the City of Bentonville; notice of said hearing having been published in the Benton County Daily Record for the time and in the manner required by law; and

WHEREAS, the City Planning Commission voted to recommend to the City Council that the petition be approved and that said future land use classification as presented on the Future Land Use Map for this property be changed from its present classification of Low Density Residential to Commercial;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE
CITY OF BENTONVILLE, ARKANSAS:**

Section 1: That the above described real property is hereby changed from its present
classification of Low Density Residential to Commercial, on the Future Land Use Map.

PASSED AND APPROVED this _____ day of _____, 2014

ATTEST

APPROVED

CLERK

MAYOR



CHECK ALL THAT APPLY			
	Bid Award	Bid #	
x	Budget Adjustment		
	Change Order		
	Informational		
	Ordinance		
	Resolution		
	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

March 17, 2014

Submitted by: Tony Davis

Department: Street

Phone: 271-3130

ACTION REQUIRED:

Request City Council approval for a budget adjustment of \$50,500.00 for line item 020-3810-430-44-50 (Street Maintenance) and \$12,500 for line item 020-3810-430-20-30 (fuel). Please see attachment and memo.

COST TO CITY:

Cost of this Request: \$63,000

Additional Budget Amount \$63,000

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	
Budget Adjustment	63,000
Remaining After Adjustment	\$ 63,000

Department Head: TD Date: 3-17-14

Purchasing Agent: _____ Date: _____

Finance Director: DC Date: 3-20-14

Staff Attorney: CT Date: 3/20/14

Mayor: RAM Date: 3/20/14

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712
www.bentonvillear.com



PLEASE RECYCLE





Date of Request: March 20, 2014

Justification:	
See attached Memo	

Date: _____ Date entered: _____ By: _____

PLEASE RECYCLE





Bentonville Street Department
501 SE Third Street
Bentonville, AR 72712
Phone: (479) 271-3130

MEMORANDUM

DATE: 3-17-2014
TO: City Council, Mayor McCaslin
FROM: Tony Davis, Street Manager
RE: Budget Adjustment

Due to the previous winter storm events this year the Street Department is requesting a budget adjustment for two line items in its 2014 budget. The Petroleum line item has expended approximately 50% of its budgeted monies and the Street Maintenance line item has expended approximately 67% of its budgeted monies during the first two months of this year.

The Street Department is requesting \$12,500.00 be added to the Petroleum line item #020-3810-430-20-30 and \$50,500.00 to the Street Maintenance line item #020-3810-430-44-50. The attached information provides the total costs associated with the winter events. The requested amount as stated above would make our line items whole for operational purposes for the rest of the year.

Sincerely,

Tony Davis
Street Manager

Street Department City of Bentonville Winter Event Costs for 2014		
Sand/Grit Mixture	\$8,476.00	
Salt	\$41,582.00	
Truck/Plow Repairs	\$8,072.00	
Blades/ Misc.	\$3,626.00	
Rented Grader w/ Operator	\$14,145.00	
Pre-Treatment Set Up	\$5,731.00	
Total:	\$81,632.00	
Fuel:	\$12,507.00	
Overall Total:	\$94,139.00	



CHECK ALL THAT APPLY		
	Bid Award	Bid #
	Budget Adjustment	
	Change Order	
	Informational	
	Ordinance	
XX	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

March 25, 2014

Submitted by: Mike Roberts

Department Wastewater

Phone 271-3160

ACTION REQUIRED:

Resolution approving renewal of the financial assurance contract of obligation with the Arkansas Department of Environmental Quality. A financial assurance contract of obligation for the compost facility is a permit requirement and must be renewed every five years.

COST TO CITY:

Cost of this Request: N/A

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$ N/A
Funds Expended to Date	-
Remaining Budget	N/A
Budget Adjustment	-
Remaining After Adjustment	\$ N/A

Shirley 3-17-2014
Department Head Date

Purchasing Agent Date

PD 3/20/14
Finance Director Date

CT 3/20/14
Staff Attorney Date
B.M. 3/20/14
Mayor Date

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





WASTEWATER MEMO

TO: City Council, Mayor McCaslin
From: Mike Roberts, Wastewater Utilities Manager *MR*
DATE: March 25, 2014
Subject: Contract of Obligation Renewal for the Compost Facility

The Arkansas Department of Environmental Quality Solid Waste Management Division requires a facility closure plan as part of the Bentonville Composting Facility's composting permit. The closure plan must include a closure cost estimate, which is based on hiring a third party to close the compost facility site, and the financial assurance in an allowable mechanism to do so, which is the contract of obligation. ADEQ requires the contract of obligation to be renewed every five years.

The contract of obligation was last approved on December 8, 2009 when the Bentonville City Council passed Resolution 12-08-09F authorizing the City of Bentonville to enter into a Contract of Obligation with the Arkansas Department of Environmental Quality in the amount of \$428,422.

Therefore, a resolution approving renewal of the financial assurance contract of obligation with the Arkansas Department of Environmental Quality is requested.

CONTRACT OF OBLIGATION

THIS AGREEMENT is made and entered into, by, and between The City of Bentonville, Arkansas, hereinafter referred to as the County/Municipality, and the Arkansas Department of Environmental Quality, hereinafter referred to as the Department.

Whereas County/Municipality has submitted a permit application for the construction, operation, and maintenance of a solid waste disposal or processing facility pursuant to the requirements of the Arkansas Solid Waste Management Act (Arkansas Code Annotated §8-6-201 et.seq.) and the regulations promulgated thereunder.

Whereas, pursuant to Arkansas Code Annotated §8-6-1603, a municipality or county may execute a "Contract of Obligation" in lieu of a performance bond to provide financial assurance for corrective actions, closure, or post-closure care of the site, in consideration of the issuance of Permit No. 0297-SC-R1 by the Department to The City of Bentonville for the operation of solid waste disposal site and solid waste management systems, and in consideration of the mutual covenants contained herein, the Department and the County/Municipality, hereby agree as follows:

1. The County/Municipality is hereby bound unto the Department in the sum of

Four Hundred Twenty-Eight Thousand Four Hundred Twenty- Two Dollars (\$ 428,422.00)

and hereby authorizes the Director of the Department, or designee, to collect said sum from any general revenues being disbursed or to be disbursed from the State of Arkansas to the County/Municipality upon failure of the County/Municipality to perform required corrective actions, close the facility or provide post-closure care where applicable in accordance with the requirements of the Act and regulations promulgated thereunder.

2. Should the Department find that the County/Municipality has failed to perform corrective actions, properly close the facility, or provide proper post-closure care where applicable, the Department shall notify the County/Municipality of such finding and shall afford the opportunity for administrative and judicial review of such finding prior to seeking collection of any funds as authorized under this contract.
3. The County/Municipality hereby authorizes the Commissioner of Revenues and the State Treasurer to withhold any funds from general revenues being disbursed or to be disbursed from the State of Arkansas to the County/Municipality upon receiving notice from the Director of the Department of the County/Municipality's failure to perform corrective action, properly close the facility, or provide proper post-closure care.
4. This contract shall terminate upon written approval from the Department that:
 - (a) the facility has been closed in compliance with the requirements of the Act and the regulations or
 - (b) the owner or operator has completed post-closure care in compliance with the requirements of the Act and the regulations or
 - (c) the corrective action has been successfully completed in accordance with the Act and the regulation and financial assurance is no longer required.

If the County/Municipality desires to terminate this contract prior to proper closure or post-closure care of the facility or if the facility decides to provide an alternative form of corrective action financial assurance, where applicable, it must:

- (a) send a notice of termination in writing addressed and delivered to the Department and
- (b) post with the Department an acceptable alternative as provided for in the regulations promulgated in accordance with Arkansas Code Annotated §8-6-1603, or by any rules and regulations adopted pursuant to the Act and

(c) receive a written acknowledgment from the Department of receipt by the Department of an acceptable alternative assurance of financial performance.

5. The County/Municipality has, by resolution attached hereto and which is hereby incorporated herein and expressly made a part of this agreement, authorized the signatory thereof to execute this contract of obligation and bind the County/Municipality to the terms hereof.

6. The effective date of this contract is the date this contract is executed by the Director of the Department.

IN WITNESS WHEREOF the parties hereto have set their hands and seals.

City of Bentonville
County/Municipality

Arkansas Department of Environmental Quality
Department

Robert McCaslin, Mayor
Typed Name &
Title of Signatory Agent

Teresa Marks, Director
Ryan Benefield, Deputy Director
Benjamin Jones, Chief, SWMD

Signature of Agent

For Teresa Marks

Date

Date

RESOLUTION

WHEREAS The City of Bentonville, Arkansas ,
County/Municipality

deems it necessary and proper to enter into a Contract of Obligation with the Department
of Environmental Quality as authorized Arkansas Code Annotated § 8-6-1603.

NOW, THEREFORE, BE IT RESOLVED by the above named city or county that

Robert McCaslin, Mayor, as the Signatory Agent of
County Judge/Mayor

The City of Bentonville, is hereby authorized to enter into the Contract of
County/Municipality

Obligation affixed hereto and to sign the Contract of Obligation on behalf of the above
named city or county.

PASSED, APPROVED, AND ADOPTED this 25th day of
March, 20 14.

Mayor
Signature and Title of Governing Body Official

Attest: City Clerk
Signature of City Clerk, County Clerk, etc.

FINANCIAL ASSURANCE CHECKLIST
CONTRACT OF OBLIGATION

Company Name: City of Bentonville Permit No.: 0297-SC-R1

YES NO QUESTION

☐	☐	Is the solid waste management facility guaranteed by the contract of obligation receiving only non-Resource Conservation and Recovery Act, Subtitle D waste? [8-6-1603 (d)(4)(A)]
☐	☐	Is the estimated annual general revenue amount pledged under a contract of obligation at least equal to but not less than the estimated annual cost for closure and post-closure care? [8-6-1603 (d)(4)(C)]
☐	☐	Is the contract of obligation irrevocable? [Reg.22.1405 (n)(3)]
☐	☐	Has the contract of obligation been issued for a period of at least one year? [Reg.22.1405 (n)(3)]
☐	☐	Has the owner or operator provided the original contract of obligation and resolution to the Director for approval? [Reg.22.1405 (n)(4)]
☐	☐	Has the contract of obligation been executed on forms developed and provided by the Department? [Reg.22.1405]
☐	☐	Has the owner or operator provided the initial and updated cost estimates for closure and post-closure care to the Director? [Reg.22.1405 (a) and Reg.22.1405 (b)]

Comments: _____

Reviewed by: _____

Date: _____



CHECK ALL THAT APPLY	
Bid Award	Bid #
Budget Adjustment	
Change Order	
Informational	
Ordinance	
Resolution	
x Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

March 25, 2014

Submitted by:

Jon Simpson

Department

Police

Phone

271-3172

ACTION REQUIRED:

Adopt a revised Missing Adult/Missing Juvenile policy, General Order 65, for the Police Department Policy and Procedures manual. See attached updated policy.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

Department Head

Date

3-20-14

Purchasing Agent

Date

Finance Director

Date

Staff Attorney

Date

Mayor

Date

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE • BENTONVILLE, AR 72712
www.bentonvillear.com



PLEASE RECYCLE



Bentonville Police Department

General Order 65

Missing Adults/ Missing Juveniles

Effective Date: August 20, 1998
Annual Review Date: May
Issuing Authority: James H. Allen, Chief of Police
Amending Authority: Jon Simpson, Chief of Police
Amending Date: March 25, 2014

PURPOSE

The police department is responsible for investigating reports of missing persons. The purpose of this policy is to establish guidelines and responsibilities regarding this agency's response to reports of missing persons.

POLICY

- It shall be the policy of this agency to thoroughly investigate all reports of missing persons. Additionally, every person reported missing to this agency, will be considered **at risk** until significant information to the contrary is confirmed.
- Jurisdictional conflicts are to be avoided when a person is reported missing. If a missing person either resides in, or was last seen in this jurisdiction, this agency will immediately initiate the required reporting process. If a person resides in the city of Bentonville and was last seen in another jurisdiction, but the law-enforcement agency covering that jurisdiction chooses not to take a missing-person/child report, this agency may assume any reporting and investigative responsibilities that may reasonably be conducted.
- Questions concerning parental custody occasionally arise in relation to missing-child reports. It shall be the policy of this agency to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child(ren) is paramount, members of this agency will open a case when it can be shown the child has been removed, without explanation, from his or her usual place of residence. If custody has not been established by the Court, then the only law-enforcement responsibility is that of determining the child's safety.

DEFINITIONS

The term **missing adult** refers to a person who is:

- 18 years of age or older and

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- Whose absence is contrary to his or her normal patterns of behavior and may be due to one or more of the unusual circumstances listed below on this section.

The term **missing child** refers to a person who is:

- Younger than 18 years of age and
- Whose whereabouts are unknown to his or her custodial parent, guardian, or a responsible party

A missing adult or child will be considered **at risk** when one or more of the **risk factors** noted are present. The term **risk factors** refers to:

- A missing child 13 years of age or younger
- Believed or determined to be experiencing one or more of the circumstances noted below.
- Is out of the zone of safety for his or her age and developmental stage
- Has mental or behavioral disabilities
- Is drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening
- Has been absent from home for more than 24 hours before being reported to law enforcement as missing.
- Is in a life-threatening situation
- Is in the company of others who could endanger his or her welfare
- Is absent in a way inconsistent with established patterns of behavior and the deviation cannot be readily explained
- Is involved in a situation causing a reasonable person to conclude the child should be considered at risk

PROCEDURES

65.1

Required reports

65.1.1 Actions upon determination of “Rick Factors”

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If it is determined risk factors are involved in the report of a missing person, the person will be considered at risk, and an expanded investigation, including the use of all appropriate resources, will immediately commence.

If appropriate, existing interagency response protocols-including the **AMBER Alert** system and/or other immediate community notification methods, if available- should be considered. While AMBER Alerts are typically for abducted children, there are other tools available such as the Endangered Missing Advisory.

65.1.2 Communications personnel receiving the report of a missing person shall

Determine if the circumstances of the report meet the definition of a missing child as set forth in Section 65.

Dispatch, in a prompt manner, an officer to the scene of the report.

Notify a Supervisor.

Transmit the appropriate BOLO's and other notifications.

65.1.3 Missing Adults without "At Risk" conditions

When the missing person is an adult and the circumstances fail to qualify as an "At Risk" condition, Officers should attempt to determine if the missing person has left the area on purpose. (Note: adults leaving the area intentionally will not be a police situation) If the facts are not clear as to the circumstances of the missing, officers shall take a report and label it missing person. However, this person shall **not** be entered into NCIC.

65.2

Conducting the Missing Person Preliminary Investigation

65.2.1 Missing Adults with "At Risk" conditions

When the missing person is an adult and the circumstances qualify as an "At Risk" condition, officers shall notify their supervisor and consider the following additional steps:

- Initiate a missing persons broadcast to the remaining Bentonville officers.

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- Inform the surrounding agencies of the missing adult and provide any emergency information that may be needed. (ie: need for medical assistance, medications, etc.)
- Consider a need for an immediate search for the subject.
- Consider a need for additional officers to assist with the search and/ or investigation.
- Enter the missing person into NCIC.

65.2.2 Missing Children under age thirteen

When the missing juvenile is under age thirteen, officers shall advise their supervisor and prepare to conduct an immediate search. Officers should consider the following:

- A need for additional personnel to assist with the search.
- Obtain physical and clothing description of the missing child.
- Obtain a photograph of the missing child.
- Attempt to identify the child's closest friends.
- Inform the surrounding agencies of the missing child and provide description of same.
- Conduct an initial search of the residence and curtilage. This search should include all out buildings, crawl spaces (interior and exterior) and any vehicles on the curtilage.
- Conduct a door to door canvass of the neighborhood, including personal contacts with friends of the missing juvenile. (take notes of persons contacted and record unresponsive locations)

When a search for the missing juvenile results in the child **not** being found, Officers should consider the following additional steps.

- Determine the name of the family dentist for purposes of future identification.
- Determine if the missing juvenile has any prior medical history that would assist in a future identification. (ie: broken bones, bone

repairs by means of pins or screws, etc.) When the person has a medical history, officers should attempt to identify the physician that treated the condition.

- Determine if the missing juvenile has any scars or tattoos for future identification purposes.
- Determine if the parents possess a set of fingerprints for the missing juvenile.
- Determine if the missing juvenile has hair samples in a brush or similar object.
- Enter the missing person into NCIC.

65.2.3 Missing Juveniles Over Age Twelve without "At Risk" Conditions

When the missing juvenile (unemancipated) is over age twelve, officers shall conduct an investigation and determine if the circumstances are an "At Risk" condition. If the facts fail to show an "At Risk" condition (ie: runaway), officers should consider the following:

- Obtain a complete physical and clothing description.
- Attempt to identify the closest friends of the missing juvenile.
- Inform the surrounding agencies of the missing juvenile.
- Gather information which may assist with a future identification of the missing juvenile (i.e.: steps described in missing juveniles under age twelve).
- Conduct any necessary and immediate follow-up as needed.
- Enter the missing juvenile into NCIC.

65.2.4 Missing Juveniles over age twelve with "At Risk" Conditions

When the missing juvenile is over the age 12 with an "At Risk" condition, Officers shall initiate the same procedures as described under "Children under 12".

Officers shall determine if the missing situation qualifies under the "Morgan Nick Amber Alert System". If the investigating officer believes the situation qualifies, notification shall be made to the Arkansas State Police for confirmation and

implementation of the alert.

65.2.5 FBI Involvement in Missing Children of “Tender Years”

The FBI generally defines children of “Tender Years” as age 12 or under. Whenever a child of “Tender Years” is missing under mysterious circumstances or the child is missing as a result of non-custodial abduction, officers shall promptly notify the FBI. The FBI will assist with the investigation when the evidence clearly shows the crime is taking place within the State. However, when the evidence shows the crime has moved across state lines, the FBI will assume the lead role in the investigation.

It should be noted the FBI can assist by providing agents, technical assistance for interception of electronic communications, polygraph examinations, both ground and aerial surveillance, behavioral analysis, analytical assistance, lead management system support, and evidence recovery support.

65.3

Locating a missing person

65.3.1 Locating an adult reported missing from Bentonville

When officers locate an adult reported missing from Bentonville, and no further police action is necessary, officers shall complete a supplemental report describing the circumstances. If the person was entered into NCIC, officers shall ensure the dispatcher removes the individual from NCIC.

65.3.2 Locating a juvenile reported missing from Bentonville

Upon locating a juvenile reported missing from Bentonville, officers shall take custody (per A.C.A. 9-27-313(e)/ Rule 4.1 of the Arkansas Rules of Criminal Procedure) of the status offender and immediately contact a juvenile intake officer. Arrangements shall be made for a return of the juvenile to his/ her parent or legal guardian if advised to do so by the juvenile intake officer. Officers must complete a supplemental report and describe the facts concerning the detention. Additionally, officers shall contact the dispatcher and ensure the missing juvenile is removed from NCIC.

65.3.3 Locating persons reported missing from another jurisdiction

Upon locating a missing adult from another jurisdiction, officers should verify that the person is still reported missing. When no further police action is required, officers shall complete a report describing the circumstances and

immediately notify the other agency.

When the missing person is a juvenile, officers shall take custody of (per A.C.A. 9-27-313(e)/ Rule 4.1 Arkansas Rules of Criminal Procedure) the juvenile and immediately notify the Benton County Juvenile Intake Officer. Officers should contact the other jurisdiction and make arrangements for that agency to take possession of the juvenile. It should be noted that A.C.A. 9-27-313(e)(2) allows for custody of the child at a juvenile detention facility when he/ she was gone for a period of at least 24 hours and the parents/ guardian reside in excess of fifty miles or out of state. (See statute for other details)

65.3.4 Other jurisdiction locating a Bentonville missing person

When another jurisdiction locates a reported missing adult from Bentonville, Officers shall complete a supplemental report containing all the details of the locate. Additionally, officers shall ensure the missing person is removed from NCIC.

When another jurisdiction locates a reported missing juvenile from Bentonville, Officers shall immediately contact a Benton County Juvenile intake officer and make arrangements to take custody of the child when the agency is within fifty miles driving distance. Upon taking custody of the child, officers shall ensure he/ she is returned to the parent or guardian if advised to do so by the juvenile intake officer. Additionally, officers shall complete a supplemental report containing all the details of the locate. Officers shall also ensure the missing person is removed from NCIC.

When the other jurisdiction is located in excess of fifty miles, officers shall immediately contact a Benton County Juvenile Intake officer, along with the parent/guardian. The parent/guardian shall be informed of the locate, along with a person to contact at the other agency. Officers shall complete a supplemental report containing all the details of the locate and ensure the missing person is removed from NCIC.

65.4

Morgan Nick Amber Alert Level I Activation

The Morgan Nick Amber Alert System has two levels of alert activation. Level I is the highest alert level. A Level I alert consists of full activation of the Morgan Nick Amber Alert System and the Arkansas State Police Critical incident Command Center in Little Rock.

The following criteria must be met in order to request a Level I Activation:

65.4.1 The age of the child

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Subject must be less than 18 years of age.

65.4.2 Threat assessment

Collect the necessary statements and evidence to assess the likelihood that the missing infant, child or minor may be facing imminent harm or death.

65.4.3 Time element

The amount of time that has elapsed between the last known sighting of the missing or abducted infant, child or minor and the actual time of the report to a law enforcement agency must be factored into a decision to request a Level I activation.

65.4.4 Witness information

Consider the reliability and competency of witness information.

65.4.5 Parental or guardian disputes

Every effort is must be made to determine if any parental or guardian dispute has played some role in the disappearance of the missing infant, child or minor.

65.4.6 Collective evidence and statements

The decision whether to authorize a Level I activation will be based on the collective evidence and statements provided to law enforcement officers that would lead investigators to believe that there is credible evidence of an abduction and/or the threat the infant, child or minor may be in imminent danger, facing serious injury or death.

65.5

Morgan Nick Amber Alert System Level II Activation

The following criteria must be met in order to request a Level II Activation:

65.5.1 ASP Mass Notification

If circumstances of the disappearance of an infant, child or minor do not meet the criteria for a Level I activation, the Arkansas State Police offers mass notification of a missing person in a Level II e-mail network activation.

65.5.2 Responding Officer Duties

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The initial responding officer to a missing person case involving an infant, child or minor will contact his/her supervisor and inform the supervisor of the circumstances surrounding the missing person case.

65.5.3 Command Staff Notification

If the supervisor believes the circumstances of the missing person case rise to the level of a MNAA, either Level I or II, the supervisor will notify command personnel of the situation.

65.5.4 Command Staff Response

Command personnel will respond to the scene and begin procedures for requesting a MNAA activation.

65.5.5 Authorized Commander Guidelines

In order to request a Level II activation, a police chief or authorized commander should follow guidelines set forth in Minimum Reporting Criteria of the section on Level I alerts.

65.5.6 Authorized Commander to follow ASP Procedures

An authorized commander must follow Arkansas State Police procedures as specified in the Morgan Nick Amber Alert Field Manual to request Level II activation.

65.5.7 Investigating Officer Notifies ASP of located subject

The officer responsible for the missing person investigation at the time the subject is located shall notify the Arkansas State Police that the subject has been located.

RESOLUTION NO. _____

**A RESOLUTION ADOPTING CERTAIN AMENDMENTS
TO THE POLICY AND PROCEDURE MANUAL FOR THE
BENTONVILLE POLICE DEPARTMENT.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE
CITY OF BENTONVILLE, ARKANSAS.**

Section 1: That the Policy and Procedure Manual for the Bentonville Police Department be amended to include certain changes to General Order 65, Missing Adult/Juvenile policy, as set forth in the Amended General Order of the Chief of Police attached hereto.

Section 2: This resolution shall be in full force and effect from and after the date of its passage.

PASSED and APPROVED this ____ day of _____, 2014.

APPROVED:

MAYOR

ATTEST:

CITY CLERK