

Tontitown City Council  
Special Meeting Minutes  
December 17, 2009

The Tontitown City Council met in Special Session on December 17, 2009 at the Tontitown City Hall. Mayor Joe Edgmon called the meeting to order.

***Pledge of Allegiance***

***Roll Call:*** Ken Robertson-present, Julie Bowling-present, David Bolinger-present, Bobby Pianalto-present, Arthur Penzo-present, Henry Piazza-present. Also present: Mayor Joe Edgmon, City Attorney Mark Dossett, and Recorder/Treasurer Becky Alston

***Approval of Agenda:*** Alderman Bolinger asked for time at the end of the meeting to make a few comments. Motion to approve the agenda by Alderman Bolinger with a second from Alderman Penzo. Henry Piazza-yes, Arthur Penzo-yes, Bobby Pianalto-yes, Julie Bowling-yes, David Bolinger-yes, Ken Robertson-yes.

***Ratification of W & S and WWA agreement:*** City Attorney Mark Dossett reviewed the history of the ongoing lawsuit between W & S and WWA stating it was regarding the ability of Tontitown to serve certain customers in certain sections of Tontitown. The lawsuit involved approximately 77 customers outside of Tontitown's defined service area, and there were approximately 30 of those customers who were at risk of Tontitown losing as customers due to service lines being extended outside of Tontitown's area. These lines were placed upon the recommendation of City Engineers in the past prior to the formation of the W & S Commission and had never been formalized in writing. WWA had approximately 11 customers in Tontitown's service area. Under Federal Law, the City's ability to go outside of its service area is very limited. In reaching an agreement to settle the lawsuit, the parties have reaffirmed the boundaries of the service areas (staying the same) and will keep their respective customers. In determining the amount that Tontitown owed WWA for its customers, a value was placed on the customers at risk for each party (\$250 per customer) and it was determined that Tontitown would pay \$7500 to WWA based upon this value (due to Tontitown having more customers involved). The W & S Commission has approved a settlement agreement. WWA will bill new customers in its service area a separate bill from TWU for 25% of customer's water bill. TWU will not send this bill nor collect it for WWA. This is a policy put in place by WWA. The procedure put in place for future customers who approach TWU for water service due to WWA not being able to provide water to their location will be, TWU will refer the customer to WWA for approval. WWA will have 45 days to get the customer water or release them to Tontitown. WWA will then bill the customer the 25% of their Tontitown water bill. Motion to ratify the mediation settlement agreement between Tontitown Water and Sewer and Washington Water Authority by Alderman Bolinger with a second from Alderman Pianalto. Alderman Robertson asked the City Attorney to clarify that TWU could provide upgrades in the water system to its customers that it was currently serving in WWA's service area. Mark Dossett clarified that this was conceded by WWA to allow TWU to provide upgrades as needed to the customers TWU was serving. Ken Robertson – yes, David Bolinger – yes, Julie Bowling-yes, Bobby Pianalto-yes, Arthur Penzo –yes, Henry Piazza – yes.

***Approval of Police Repair bill:*** Alderman Robertson referred the Council to the bill from Brad's Tire & Automotive for Police Car repairs. Would like the bill totaling \$569.10 paid in 2009 and the item was placed on the agenda for approval. Motion to approve payment of invoice to Brad's Tire and Automotive by Alderman Piazza with a second from Alderman Penzo. Ken Robertson-yes, David Bolinger – yes, Julie Bowling-yes, Bobby Pianalto-yes, Arthur Penzo-yes, Henry Piazza-yes.

***2009 Budget Revision*** – Alderman Robertson stated he has been watching bills received over last couple of weeks with some accounts exceeding the last budget revision. He has reviewed the 2009 budget that includes a few revisions to certain lines. Motion to approve the Resolution to revise the 2009 General

and Street budgets as presented by Alderman Robertson with a second from Alderman Bolinger. Henry Piazza-yes, Arthur Penzo-yes, Bobby Pianalto-yes, Julie Bowling –yes, David Bolinger-yes, Ken Robertson-yes.

**2010 Budget Review and Revision** – Alderman Robertson directed the Council’s attention to the Resolution approving 2010 budgets for the General and Street funds. Said after receiving the Mayor’s budget a couple of weeks ago, a committee sat down last week (Aldermen Robertson, Bolinger, Pianalto, Mayor Edgmon and R/T Becky Alston) to go through the 2010 budget, and there were revisions/deletions made to the budget as originally presented. The goal was to avoid going into reserves in 2010 as the City has done in 2009. Alderman Robertson stated Property tax numbers have come in higher while sales tax is down. The committee recommended transferring \$240,000 to the Street fund in addition to the obligated funds that are routinely transferred, lowered sales tax trend, pay increase changed from 5% to 2%, R/T asked for an additional person in her office -2010 budget does not provide for that person. Alderman Robertson has sat down with all dept. representatives regarding changes to their presented budgets. Mayor Edgmon asked that the Council reconsider hiring the extra person in the front office and suggested lowering the transfer to the Streets to allow for this person. Alderman Bolinger stated the Admin Asst was making 13.52/hour and the City paying approximately \$28,000/year. College graduates being hired for less than that to perform similar functions. The Part-time position requested was for bookkeeping functions. Alderman Robertson asked that the Council watch requests to the Engineers in 2010 as fees in 2009 totaled approximately \$100,000. Alderman Bolinger commented that the Fire Dept. had not provided a budget and felt the Inter-local agreement was not being followed. Said the W & S dept was modifying the City Shop building so the Fire Dept could have a second location. Asked how much money in the remodel was being spent for the Fire Dept. Felt the Fire Dept. should help with some of those expenses in 2010 when the W & S is reimbursed. Alderman Pianalto agreed. Said he was on the Fire Board previously and said the City was giving the Fire Dept. money they weren’t spending so felt the City was giving them too much. Said when the budget was cut, the Fire Dept budget should be cut as they are hiring disabled people from another Fire Dept to work for the Tontitown Fire Dept to go fight fires. Said the fireman was drawing disability and the City was giving tax money to pay for the disabled firefighter. Has a paycheck to prove this. Said he wanted a Tontitown Fire Dept and didn’t get one. Has quit the Fire Board. Instead of increasing money to them in the middle of the year, should look at cutting money to reimburse W & S. Alderman Bolinger would like to see options explored, such as, rent paid to the City. Street budget reviewed by the Council. Sales tax projected downward. Includes purchase of equipment and contract wages for person to mow ROWs. Budget proposes two major Street projects instead of three for 2010. Alderman Bolinger felt reserves should be earmarked for City Parks and future expansions for City Hall. City Attorney said if the Council wanted to set aside specific funds for future projects should be done by Ordinance. Alderman Bolinger motioned to approve the Resolution adopting the 2010 General and Street budgets with a second from Alderman Pianalto. Alderman Robertson clarified the budget pages that are attached to the Resolution were the Summary (last 3 pages) of the total budget for the General fund (not individual classes) and the Street fund as presented. Henry Piazza-yes, Arthur Penzo-yes, Bobby Pianalto-yes, Julie Bowling-yes, David Bolinger-yes, Ken Robertson-yes.

**Park Re-Wiring:** Alderman Piazza said people doing the work for laying the sewer line through the park had uncovered electrical wires that weren’t in conduit. He had discussed this with Dennis Berry, an electrician who has done work for the City, who recommended leaving the cable buried, as is, since the wire is buried to specifications at the time it was buried (1975) and didn’t need to be in conduit. Said it would cost approximately \$5000 - \$6000 to trench and re-bury the line in conduit. Would also require underground junction boxes which he did not recommend. Alderman Piazza said there wasn’t power in certain areas currently in the Park and he had asked Todd to check with the people doing the work in the Park. Todd said the contractor was to test the line this afternoon where they got into the electrical

line to see if that was the problem. Mick Wagner stated it was the City's responsibility to locate the lines and they weren't located. Alderman Pinalto suggested there be a map drawn identifying the electrical lines in the Park. Alderman Robertson suggested this item be discussed further during the Committee of the Whole meeting.

Alderman Bolinger commented the Mayor has seemed more cooperative in the past few meetings and wanted to know if it was going to continue, ie no vetoes, etc. Mayor stated he only vetoes items that he didn't think were in the best interest of the City. Alderman Bolinger asked if he was more willing to work with the Council. Mayor stated his intention has always been to work with them within his ability. Alderman Bolinger stated, in the spirit of Christmas, he would drop his legal proceedings against the Mayor if the Mayor would drop his against the City. Mayor said he would keep under advisement and appreciated offer. Would seriously consider the Alderman's offer.

**Adjournment:** Motion to adjourn by Alderman Robertson with a second from Alderman Bowling. All in favor.

Bolinger

John Egan