

RESOLUTION NO. 2017-06- 610R

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**A RESOLUTION AUTHORIZING THE MAYOR OF TONTITOWN, ARKANSAS TO APPROVE AND EXECUTE THE FIRST AMENDMENT TO HOST COMMUNITY AGREEMENT BY AND BETWEEN THE CITY OF TONTITOWN AND ECO-VISTA LANDFILL**

**WHEREAS**, the City of Tontitown and Eco-Vista Landfill entered into a Host Community Agreement ("Agreement") on July 1, 1997 which provided the terms of the Agreement to be for the life of the solid waste management facility in the City; and

**WHEREAS**, the City of Tontitown and Eco-Vista Landfill, now desire to modify the Host Community Agreement by an Amendment attached hereto as Exhibit "A".

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Tontitown as follows:


**Section 1.** The First Amendment to Host Community Agreement by and between Eco-Vista Landfill is hereby approved.

**Section 2.** The Mayor of the City of Tontitown, Arkansas, is hereby authorized to approve and execute said First Amendment to Host Community Agreement with Eco-Vista Landfill.

**Section 3.** The First Amendment to Host Community Agreement shall be effective as of JUNE 1, 2017

**PASSED and APPROVED** this 6th day of June, 2017.

**APPROVED:**

  
Paul Colvin, Jr., Mayor

**ATTEST:**

  
Rhonda Ardemagni, City Recorder-Treasurer

**FIRST AMENDMENT TO HOST COMMUNITY AGREEMENT**

This "FIRST AMENDMENT TO HOST COMMUNITY AGREEMENT (this "Amendment") is entered into as of the 1<sup>st</sup> day of JUNE, 2017, by and between the CITY OF TONTITOWN, ARKANSAS ("City"), and WASTE MANAGEMENT OF ARKANSAS, INC., successor to Sunray Services, Inc. d/b/a USA Waste of Arkansas, Inc. and Eco-Vista, LLC (collectively, "Company").

**WITNESSETH:**

**WHEREAS**, the City and Company previously entered into a Host Community Agreement ("Agreement") on July 1, 1997 related to the Company's permitted solid waste management facilities commonly known as the Eco-Vista Landfill ("Facility"); and

**WHEREAS**, the Agreement set forth the Host Fee Amount and provided the term of the Agreement to be for the life of the solid waste management facility located in the City of Tontitown, Arkansas; and

**WHEREAS**, the City and Company desire to modify the Agreement by this Amendment, as more particularly set forth below.

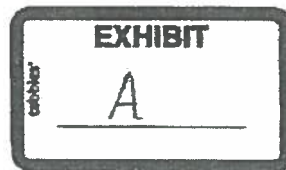
**NOW, THEREFORE**, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, the parties hereto agree as follows:

1. Section 1 Host Fee Amount of the Agreement shall be amended in its entirety to state as follows:

1. Effective ~~January~~ <sup>JUNE</sup> 1, 2017 the Company shall pay to the City a host fee equal to fifty-five cents (\$0.55) per ton for all Class I, III and IV waste received at the Facility, measured and paid for as indicated below. Any waste or other material received at the Facility that is used for operational purposes or diverted from disposal, such as material used as alternate daily cover or recycled, shall be exempt from the \$0.55 per ton host fee.

2. Capital words used in this Amendment shall have the meaning assigned in the Agreement or in this Amendment. Nothing contained herein shall be deemed to amend or modify the Agreement, except as expressly set forth herein. In the event of a conflict between the terms of the Agreement and this Amendment, the terms of this Amendment shall control.

3. The remaining provisions of the Agreement shall remain in full force and effect.



**IN WITNESS WHEREOF**, this Amendment has been executed as of the date first set forth above.

**Tontitown, Arkansas**

**Waste Management of Arkansas, Inc.  
Eco-Vista, LLC**

By: *[Signature]*

By: *Geoff Heatley, on behalf of*

Its: *Mayor*

Its: *Market Area Mgr Jim Wells*