

ORDINANCE NO. 2018- 08-803

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AS IT RELATES TO RESURFACING AND IMPROVEMENT WORK TO A PORTION OF SOUTH KLENC ROAD WITHIN THE CITY OF TONTITOWN**

**WHEREAS**, the City of Tontitown ("Tontitown") owns and maintains a network of streets and roads for the benefit of the citizens of Tontitown, including South Klenc Road;

**WHEREAS**, it has come to attention of the City Council of Tontitown that a portion of South Klenc Road, in is in disrepair and in need of improvements in order to protect the health, safety and welfare of the citizens of Tontitown;

**WHEREAS**, South Klenc Road is a primary route for heavy garbage trucks travelling to and from the Eco-Vista Landfill inside the City of Tontitown; and

**WHEREAS**, that due to the large numbers of heavy garbage trucks which utilize South Klenc Road, Waste Management, which owns and operates the Eco-Vista Landfill, has offered to Tontitown to pay for one-half of the costs of the resurfacing and improvements to South Klenc Road, up to the total of \$150,000;

**WHEREAS**, due to the unique location and use of South Klenc Road as a regional route to and from the Eco-Vista Landfill, Washington County has provided a commitment to Tontitown for the Washington County Road Department to perform the work of resurfacing and improvements for South Klenc Road at the estimated cost of \$275,000;

**WHEREAS**, the Tontitown City Council finds that having the Washington County Road Department perform this resurfacing and improvement work to South Klenc Road, and having Waste Management participate in the cost of said work, would provide substantial savings for Tontitown;

**WHEREAS**, after the City staff and City Council have studied the alternatives available for the street improvements to South Klenc Road and considering the offer to share in the costs of the improvements, the City Council has found that exceptional circumstances exist, that the offer for the performance of the work and the shared costs is advantageous to Tontitown, that the Washington County Road Department performs reputable work and that competitive bidding for these street improvements would not be feasible considering the special circumstances presented; and

**WHEREAS**, it is in the interest of the citizens of Tontitown to best use the resources of the City and provide a way to reliably and efficiently repair and maintain the City's infrastructure and to best promote the health, safety and welfare of the citizens of Tontitown, by waiving competitive bidding as herein described.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the City Council of the City of Tontitown, as follows::

**Section 1.** That pursuant to state law and applicable city ordinances, the City Council hereby waives the requirements of competitive bidding for the street improvements described in this ordinance and in the attached purchase form.

**Section 2.** The Mayor of Tontitown is hereby authorized, on behalf of the City, to take all measures necessary to give effect to authorization by the City Council set forth in this Ordinance.


**Section 3.** That all ordinances or resolutions or orders, and parts thereof, in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 4.** That in the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.


**Section 5.** Declaration of Emergency. That the City Council finds that the need for improvements and the repair to the city's streets and infrastructure is acute and the arrangement for the shared cost for the improvements is a rare and most advantageous opportunity and therefore an emergency is declared to exist, and in order to best protect the health, safety and welfare of the citizens of Tontitown, this ordinance should take effect immediately upon its passage.

**PASSED** and **APPROVED** this 6th day of August, 2018.

**APPROVED:**

  
\_\_\_\_\_  
Paul Colvin, Jr., Mayor

**ATTEST:**

  
\_\_\_\_\_  
Rhonda Ardemagni, City Recorder  
(SEAL)



June 29, 2018

Mayor Paul Colvin  
P. O. Box 305  
Tontitown, AR 72770

Re: Repairs to Klenc Road, Tontitown, Arkansas

Dear Mayor Colvin:

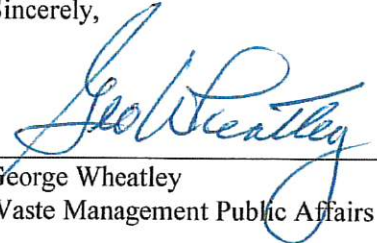
Eco-Vista, LLC ("Eco-Vista") has received the City's request seeking financial support in making repairs and upgrades to Klenc Road, which consist of adding a two-inch asphalt overlay with a two-foot shoulder. It's our understanding that this project is estimated to cost \$275,000.00, and will be completed in September 2018.

Eco-Vista agrees that the proposed repairs and upgrades will make the road safer and more roadworthy for all vehicles. We are pleased to inform you and the City Council that Eco-Vista is agreeable to paying \$137,500.00, one-half of the estimate, for the repairs and upgrades. Should the project estimate of \$275,000.00 be exceeded during actual construction, Eco-Vista is willing to contribute a maximum of \$150,000.00 to the project.

We would appreciate it if the City would acknowledge Eco-Vista's offer to pay one-half of these road repair and upgrade costs, up to a maximum of \$150,000.00, by signing in the space below and returning this letter to us. Payment will be made to the City at the end of the project, which is estimated to be September 2018. Eco-Vista, LLC is proud to provide safe and environmentally sound disposal to the businesses and residents of Tontitown, and we look forward to continuing our mutually beneficial relationship.

Should you have any questions or comments, please feel free to contact me directly.

Sincerely,

  
George Wheatley  
Waste Management Public Affairs

**Agreed:** City of Tontitown, Arkansas

By: \_\_\_\_\_  
Paul Colvin  
Mayor

cc: Tim Wells, WM Vice-President  
Ruth Muelker, WM Senior Counsel



**Joseph K. Wood**  
County Judge  
280 North College, Suite210  
Fayetteville, AR 72701

August 6, 2018

Mr. James Clark,

The Washington County Road Department has agreed to complete Dowell "Klence" Road Project for the City of Tontitown., see attached exhibit for scope of work. The estimated total completion cost of the project is \$275,000.00 dollars. This cost will cover labor, equipment and materials. The materials cost will be billed directly to the City of Tontitown. The materials cost has been calculated into the project total sum of the \$275,000.00.

Thank you,

Jeff Crowder  
Assistant Road Superintendent  
Washington County Road Department