

Mayor – Paul Colvin Jr.  
Recorder – Rhonda Ardemagni  
City Attorney –Justin Eichmann  
Law Firm--Harrington-Miller  
City Engineer – Garver Engineers



Ward 1 Position 1-Gene McCartney  
Ward 1 Position 2– Henry Piazza  
Ward 2 Position 1—Arthur Penzo  
Ward 2 Position 2—Larry Ardemagni  
Ward 3 Position 1—Don Doudna  
Ward 3 Position 2—Tommy Granata

**Committee of The Whole  
November 20, 2018  
Agenda**

**The Tontitown City Council Committee of the Whole meeting is scheduled for Tuesday,  
November 20, 2018 at 6:00 p.m. at the Tontitown City Hall located at 235 E. Henri de Tonti  
Blvd, Tontitown, Arkansas.**

- 
1. Meeting Call to Order
  2. Roll Call
  3. Pledge of Allegiance
  4. Approval of Agenda
  5. Approval of Previous Month’s Minutes
  6. Monthly Financials
  7. Comments from Citizens
  8. Department Reports
    - a) Police Department – Chief McCormick
    - b) Fire Department—Operations Chief Todd Witzigman
    - c) Public Works Department – James Clark
    - d) Planning Department – Dr. Darrell Watts
    - e) Tontitown Museum Board – Beverly Cortiana or Heather Peachee-Ranalli
  9. Old Business:
    - a) NONE
  10. New Business:
    - a) Review Fire Department Contract for 2019--Colvin
  11. Comments from Council Members
  12. Comments from Mayor
  13. Comments from Attorney
  14. Adjournment



Mayor – Paul Colvin Jr.  
Recorder – Rhonda Ardemagni  
City Attorney –Justin Eichmann  
Law Firm--Harrington-Miller  
City Engineer – Garver Engineers



Ward 1 Position 1-Gene McCartney  
Ward 1 Position 2– Henry Piazza  
Ward 2 Position 1—Arthur Penzo  
Ward 2 Position 2—Larry Ardemagni  
Ward 3 Position 1—Don Doudna  
Ward 3 Position 2—Tommy Granata

**Committee of The Whole  
October 16, 2018  
Minutes**

**The Tontitown City Council Committee of the Whole meeting is scheduled for Tuesday, October 16, 2018 at 6:00 p.m. at the Tontitown City Hall located at 235 E. Henri de Tonti Blvd, Tontitown, Arkansas.**

---

1. Meeting Call to Order
2. Roll Call  
Tommy Granata was absent
3. Pledge of Allegiance
4. Approval of Agenda  
Gene McCartney motioned to approve the agenda Second by Arthur Penzo Motion Passes
5. Approval of Previous Month's Minutes  
Henry Piazza motioned to approve Second by Don Doudna Motion Passes
6. Monthly Financials- Reference the city's website for detailed report
7. Comments from Citizens- None
8. Department Reports
  - a) Police Department – Chief McCormick  
  
Report for September 2018  
Calls for Service 438  
Traffic Citations 137  
Traffic Warnings 118  
Sold the Tahoe and purchased the two approved police cars.
  - b) Fire Department—Operations Chief Todd Witzigman  
Reference the city's website for detailed report
  - c) Public Works Department – James Clark  
Reference the city's website for detailed report
  - d) Planning Department – Dr. Darrell Watts  
Reference the city's website for detailed report
  - e) Tontitown Museum Board – Beverly Cortiana or Heather Peachee-Ranalli  
Reference the city's website for detailed report
9. Old Business:
  - a) NONE
10. New Business:

**a) Discuss Future Land Use and Master Transportation Plan—Courtney McNair**

Courtney McNair updated the council with a detailed presentation of the Future Land Use and Master Transportation Plan. This has been a lengthy process but with the help of the citizens, City Planning Board/other personal we feel we have a good foundation for the city. Reference the city's audio for details or come by City Hall.

**b) Discuss Fire Department Contract--Granata**

Nick Ardemagni presented the T.A.F.D 2019 budget to the council and they are to review and discuss any possible changes. (Employee cost section only)  
Move to the next City Council Meeting

**c) Discuss Approving Lease Purchase of New Fire Engine—Witzigman**

Three options were presented to the council for review.  
Reference the city's website for details.  
Move to the next City Council Meeting

**d) Discuss Results of Bid Tabulation for 412 Sewer Project—Clark**

Reference the city's website for bid results.  
Move to the next City Council Meeting

**11. Comments from Council Members-**

Halloween in the Park is doing great and the High School students have some great ideas for the decorating the Gazebo.

**12. Comments from Mayor**

**13. Comments from Attorney**

**14. Adjournment-Arthur Penzo motioned to adjourn Second by Gene McCartney Motion Passes**

**Oct-2018**

**Balance Sheet**

**General Fund**

Current Assets \$1,706,422.08

**Water/Sewer Fund**

Current Assets \$3,157,498.02

**Street Fund**

Current Assets \$630,125.08

**Income and Expenses**

**Target %      83.0%**

**City General**

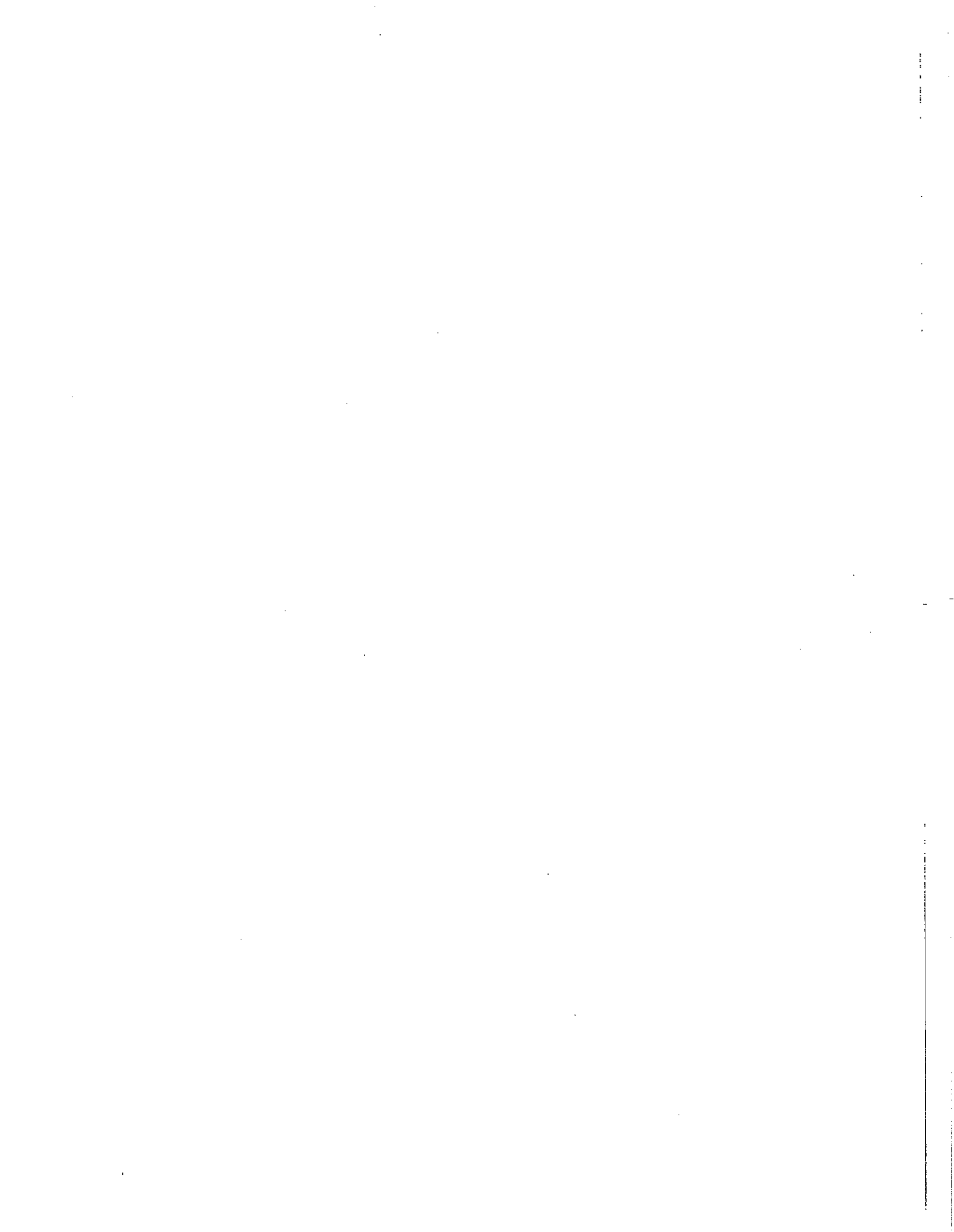
	Current Month	Year to Date	Annual Budget	Variance to Budget	% of Budget
Total Revenue	\$272,151.52	\$2,365,751.97	\$2,372,800.00	\$7,048.03	99.7%
Total Expenses	\$191,227.36	\$2,513,026.22	\$2,372,800.00	(\$140,226.22)	105.9%
Net Income/(Expense)	\$80,924.16	(\$147,274.25)	\$0.00		

**Water / Sewer**

	Current Month	Year to Date	Annual Budget	Variance to Budget	% of Budget
Total Revenue	\$338,638.11	\$2,297,487.44	\$2,444,500.00	\$147,012.56	94.0%
Total Expenses	\$262,120.34	\$2,435,479.36	\$2,444,500.00	\$9,020.64	99.6%
Net Income/(Expense)	\$76,517.77	(\$137,991.92)	\$0.00		

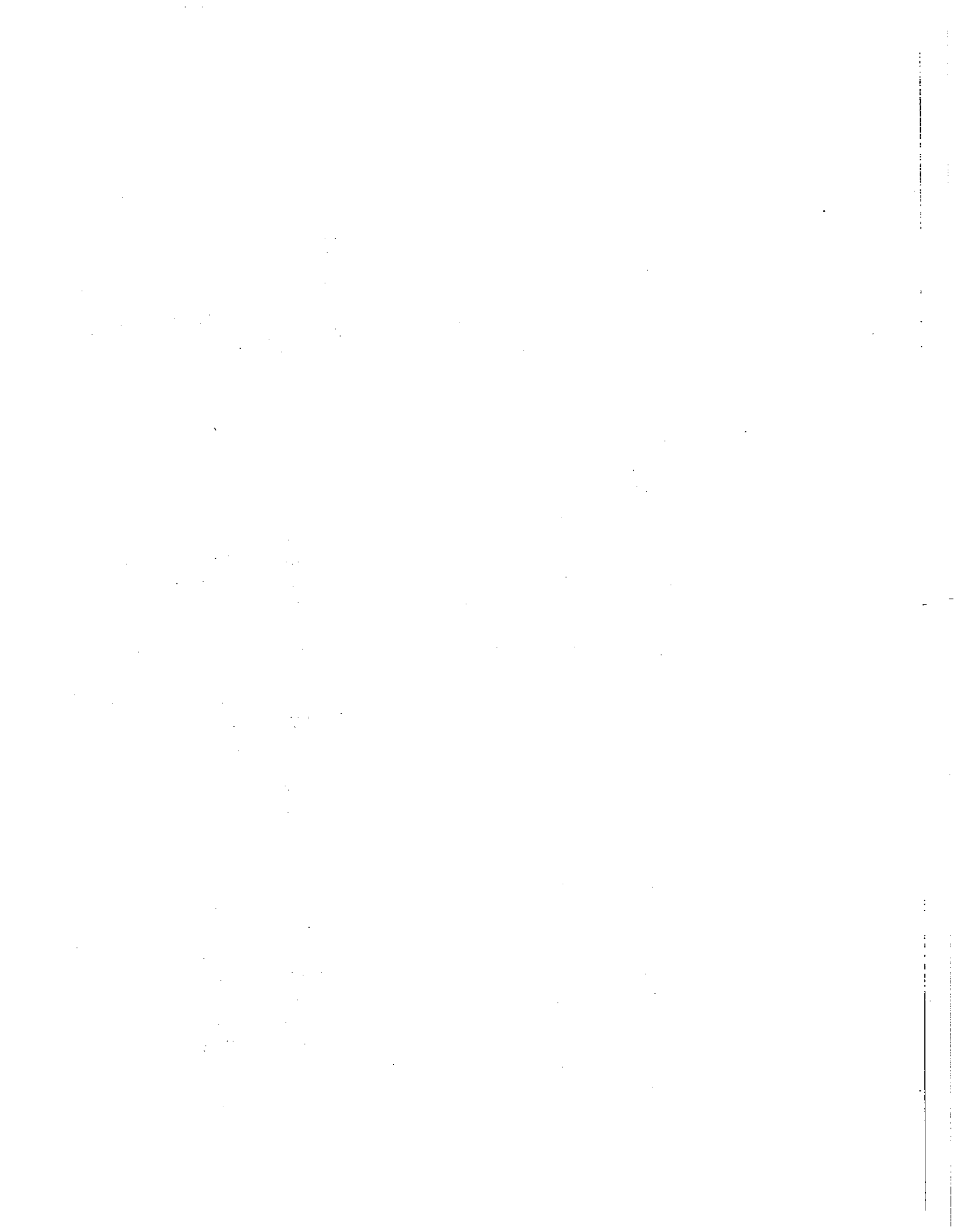
**Street**

	Current Month	Year to Date	Annual Budget	Variance to Budget	% of Budget
Total Revenue	\$22,579.65	\$206,299.23	\$237,250.00	\$30,950.77	87.0%
Total Expenses	\$14,248.56	\$130,578.87	\$237,250.00	\$106,671.13	55.0%
Net Income/(Expense)	\$8,331.09	\$75,720.36	\$0.00		



**City of Tontitown**  
**Balance Sheet - City General Fund**  
**For Period Ending 10/31/2018**

Account Number		Book Value Oct 2018 Actual
<b>Assets</b>		
<b>Current Assets</b>		
<b>Cash</b>		
1010	0170-City Gen Operating-DDA	336,548.95
1005	133038-F&M CD-BOF	305,421.30
1113	3150-General Museum-CD	206,394.61
1015	6476-Undercover Drug Fund-DDA	100.00
1001	6996-Payroll Bank Account	2,000.00
1097	7025-833 Fire Fund Restric-DDA	37,515.32
1096	7033-988 Police Fund-DDA	3,838.87
1003	7882-General - MMS	814,603.03
	<b>Total Current Assets</b>	<b>\$1,706,422.08</b>
	<b>Total Assets</b>	<b>\$1,706,422.08</b>
<b>Fund Balance</b>		
	<b>Accumulated Surplus (Deficit)</b>	
3000	Fund Balance	1,706,422.08
	<b>Total Fund Balance</b>	<b>\$1,706,422.08</b>
	<b>Total Liabilities and Equity</b>	<b>\$1,706,422.08</b>





**City of Tontitown**  
**General Fund**  
**Statement of Revenue and Expenditures**

Acct	Current Period	Year-To-Date	Annual Budget	Annual Budget	Jan 2018
	Oct 2018	Jan 2018	Annual Budget	Jan 2018	Dec 2018
	Oct 2018	Oct 2018	Jan 2018	Dec 2018	Percent of
	Actual	Actual	Dec 2018	Variance	Budget

**Revenue & Expenditures**

**Revenue**

**General Department**

4550	Act 988 Revenue	6,800.00	6,800.00	0.00	(6,800.00)	0.0%
4363	Bocce Tournament Entry Fee	0.00	357.80	250.00	(107.80)	143.1%
4040	Business License	381.95	23,393.21	21,000.00	(2,393.21)	111.4%
4580	City Sales & UseTax-2005 Serie	52,745.64	468,956.49	450,000.00	(18,956.49)	104.2%
4570	County Sales and Use Tax	43,911.52	421,839.55	450,000.00	28,160.45	93.7%
4021	Fire Income (Act 833)	4,429.07	9,025.57	14,000.00	4,974.43	64.5%
4534	Firework Permit	0.00	1,224.00	1,800.00	576.00	68.0%
4000	Franchise Tax Income	2,013.37	139,180.31	165,000.00	25,819.69	84.4%
4533	Garage Sale Permit	33.90	509.25	250.00	(259.25)	203.7%
4082	Grant - Museum	(2,500.00)	0.00	0.00	0.00	0.0%
4083	Grant - Park	0.00	15,000.00	0.00	(15,000.00)	0.0%
4084	Grant-Fireshouse Subs	0.00	24,247.00	0.00	(24,247.00)	0.0%
4010	Hosting Fees	73,053.51	268,347.80	258,000.00	(10,347.80)	104.0%
4650	Interest Income	2,312.62	13,468.40	5,000.00	(8,468.40)	269.4%
4020	Miscellaneous Income	11.95	11.95	1,000.00	988.05	1.2%
4100	Museum Income	150.00	3,863.95	2,500.00	(1,363.95)	154.6%
4180	Park Income	131.70	3,666.30	3,000.00	(666.30)	122.2%
4200	Permits-Income	26,340.15	250,039.31	225,000.00	(25,039.31)	111.1%
4540	Police Fines	18,261.00	172,122.58	135,000.00	(37,122.58)	127.5%
4560	Property Tax - TPRO400	41,397.50	260,080.14	271,000.00	10,919.86	96.0%
4645	State Turnback:Municipal Speci	2,677.64	33,618.36	40,000.00	6,381.64	84.0%
4660	Transfer from Reserve	0.00	250,000.00	330,000.00	80,000.00	75.8%
<b>General Department Totals</b>		<b>\$272,151.52</b>	<b>\$2,365,751.97</b>	<b>\$2,372,800.00</b>	<b>\$7,048.03</b>	
Revenue		\$272,151.52	\$2,365,751.97	\$2,372,800.00	\$7,048.03	
Gross Profit		\$272,151.52	\$2,365,751.97	\$2,372,800.00	\$0.00	

**Expenses**

**ADMINISTRATIVE**

5022	Audit Expense	0.00	1,620.00	0.00	(1,620.00)	0.0%
5025	Automobile Expense	2,213.17	2,606.22	500.00	(2,106.22)	521.2%
5030	Bank Service Charges	58.18	1,318.66	600.00	(718.66)	219.8%
5095	Bocce Tournament Expense	652.23	815.09	1,000.00	184.91	81.5%
5281	Building Repairs	0.00	134.20	0.00	(134.20)	0.0%

**City of Tontitown**  
**General Fund**  
**Statement of Revenue and Expenditures**

Acct	Current Period	Year-To-Date	Annual Budget	Jan 2018		
	Oct 2018	Jan 2018	Jan 2018	Dec 2018	Percent of	
	Actual	Actual	Dec 2018	Variance	Budget	
<b>Revenue &amp; Expenditures</b>						
<b>Expenses</b>						
<b>ADMINISTRATIVE</b>						
5035	Computer Software & Support	1,932.50	31,569.82	30,000.00	(1,569.82)	105.2%
5590	Contract Wages	7,528.25	29,273.41	20,000.00	(9,273.41)	146.4%
5040	Dues and Subscriptions	2,155.04	9,830.13	8,000.00	(1,830.13)	122.9%
5370	Engineering	9,931.01	46,820.51	40,000.00	(6,820.51)	117.1%
5050	Fixed Assets Purchases	0.00	0.00	41,150.00	41,150.00	0.0%
5047	Fuel	98.48	590.57	0.00	(590.57)	0.0%
5380	Legal Fees	12,301.50	172,920.62	150,000.00	(22,920.62)	115.3%
5060	Materials and Supplies	0.00	1,813.88	8,000.00	6,186.12	22.7%
5340	Miscellaneous Expense	0.00	658.44	15,600.00	14,941.56	4.2%
5051	New Building Expense	0.00	1,009,921.57	400,000.00	(609,921.57)	252.5%
5090	Office Expenses	748.80	11,578.29	15,000.00	3,421.71	77.2%
5630	Payroll w/Benefits	13,283.71	137,007.02	165,000.00	27,992.98	83.0%
5629	Payroll-Elected Officials	7,589.33	83,321.15	100,000.00	16,678.85	83.3%
5633	Payroll-Municipal Workers	0.00	3,090.20	550.00	(2,540.20)	561.9%
5350	Professional Fees	145.00	3,085.00	8,000.00	4,915.00	38.6%
5300	Property Insurance	0.00	272.11	10,000.00	9,727.89	2.7%
5420	Repairs & Maintenance	0.00	2,787.08	5,000.00	2,212.92	55.7%
5341	Training and Travel	0.00	315.88	2,500.00	2,184.12	12.6%
5500	Utilities	2,809.13	14,807.52	20,000.00	5,192.48	74.0%
	<b>ADMINISTRATIVE Totals</b>	<b>\$61,446.33</b>	<b>\$1,566,157.37</b>	<b>\$1,040,900.00</b>	<b>(\$525,257.37)</b>	
<b>Building Dept</b>						
5025	Automobile Expense	0.00	0.00	3,000.00	3,000.00	0.0%
5035	Computer Software & Support	0.00	9.99	0.00	(9.99)	0.0%
5040	Dues and Subscriptions	0.00	500.00	0.00	(500.00)	0.0%
5047	Fuel	529.84	859.10	0.00	(859.10)	0.0%
5060	Materials and Supplies	0.00	1,755.77	2,500.00	744.23	70.2%
5090	Office Expenses	0.00	627.45	500.00	(127.45)	125.5%
5630	Payroll w/Benefits	3,596.98	24,007.63	25,000.00	992.37	96.0%
5633	Payroll-Municipal Workers	0.00	1,754.00	1,800.00	46.00	97.4%
5170	Taxes-Construction Surcharge	48.97	2,598.25	8,000.00	5,401.75	32.5%
5341	Training and Travel	0.00	1,825.94	1,000.00	(825.94)	182.6%
5500	Utilities	0.00	174.10	0.00	(174.10)	0.0%

City of Tontitown  
General Fund

Statement of Revenue and Expenditures

Acct		Current Period	Year-To-Date	Annual Budget	Jan 2018	
		Oct 2018	Jan 2018	Annual Budget	Jan 2018	Dec 2018
		Oct 2018	Oct 2018	Jan 2018	Dec 2018	Percent of
		Actual	Actual	Dec 2018	Variance	Budget
<b>Revenue &amp; Expenditures</b>						
<b>Expenses</b>						
	<b>Building Dept Totals</b>	<b>\$4,175.79</b>	<b>\$34,112.23</b>	<b>\$41,800.00</b>	<b>\$7,687.77</b>	
	<b>Fire Dept</b>					
	5025 Automobile Expense	36.17	7,236.72	4,000.00	(3,236.72)	180.9%
	5035 Computer Software & Support	221.00	6,033.71	1,000.00	(5,033.71)	603.4%
	5590 Contract Wages	30,833.34	169,583.37	185,000.00	15,416.63	91.7%
	5040 Dues and Subscriptions	0.00	253.51	0.00	(253.51)	0.0%
	5050 Fixed Assets Purchases	0.00	24,247.00	30,000.00	5,753.00	80.8%
	5047 Fuel	1,535.09	2,263.27	0.00	(2,263.27)	0.0%
	5060 Materials and Supplies	7.70	10,086.55	10,000.00	(86.55)	100.9%
	5630 Payroll w/Benefits	9,014.63	55,126.47	86,500.00	31,373.53	63.7%
	5633 Payroll-Municipal Workers	0.00	2,583.00	0.00	(2,583.00)	0.0%
	5420 Repairs & Maintenance	310.78	1,585.43	10,000.00	8,414.57	15.9%
	5530 Tools and Equipment	0.00	1,028.21	0.00	(1,028.21)	0.0%
	5341 Training and Travel	478.56	826.40	1,000.00	173.60	82.6%
	5597 Uniform Expense	68.00	604.79	0.00	(604.79)	0.0%
	5500 Utilities	822.54	4,527.80	7,000.00	2,472.20	64.7%
	<b>Fire Dept Totals</b>	<b>\$43,327.81</b>	<b>\$285,986.23</b>	<b>\$334,500.00</b>	<b>\$48,513.77</b>	
	<b>Museum Dept</b>					
	5035 Computer Software & Support	221.00	1,900.60	1,000.00	(900.60)	190.1%
	5040 Dues and Subscriptions	0.00	535.35	100.00	(435.35)	535.4%
	5050 Fixed Assets Purchases	0.00	0.00	2,000.00	2,000.00	0.0%
	5060 Materials and Supplies	0.00	700.35	1,000.00	299.65	70.0%
	5490 Meetings & Travel	0.00	0.00	500.00	500.00	0.0%
	5070 Museum Expenses	0.00	493.46	500.00	6.54	98.7%
	5090 Office Expenses	0.00	308.96	500.00	191.04	61.8%
	5630 Payroll w/Benefits	626.18	7,457.13	12,500.00	5,042.87	59.7%
	5110 Printing and Reproduction	0.00	734.61	5,000.00	4,265.39	14.7%
	5420 Repairs & Maintenance	0.00	97.24	1,000.00	902.76	9.7%
	5500 Utilities	179.70	1,330.81	3,000.00	1,669.19	44.4%
	5598 Videography	5,500.00	5,500.00	6,500.00	1,000.00	84.6%
	<b>Museum Dept Totals</b>	<b>\$6,526.88</b>	<b>\$19,058.51</b>	<b>\$33,600.00</b>	<b>\$14,541.49</b>	
	<b>Park Dept</b>					
	5025 Automobile Expense	7.05	7.05	1,500.00	1,492.95	0.5%

**City of Tontitown**  
**General Fund**  
**Statement of Revenue and Expenditures**

Acct	Current Period	Year-To-Date	Annual Budget	Annual Budget	Jan 2018	
	Oct 2018	Jan 2018	Jan 2018	Jan 2018	Dec 2018	
	Oct 2018	Oct 2018	Jan 2018	Dec 2018	Percent of	
	Actual	Actual	Dec 2018	Variance	Budget	
<b>Revenue &amp; Expenditures</b>						
<b>Expenses</b>						
<b>Park Dept</b>						
5281	Building Repairs	437.50	437.50	0.00	(437.50)	0.0%
5590	Contract Wages	270.00	1,365.00	0.00	(1,365.00)	0.0%
5470	Equipment Repairs	0.00	60.13	0.00	(60.13)	0.0%
5050	Fixed Assets Purchases	0.00	0.00	45,000.00	45,000.00	0.0%
5047	Fuel	118.16	2,296.17	0.00	(2,296.17)	0.0%
5060	Materials and Supplies	185.46	2,394.55	3,000.00	605.45	79.8%
5090	Office Expenses	0.00	24.70	1,500.00	1,475.30	1.6%
5630	Payroll w/Benefits	0.00	16,813.53	25,000.00	8,186.47	67.3%
5420	Repairs & Maintenance	278.46	7,063.88	15,000.00	7,936.12	47.1%
5500	Utilities	355.77	3,356.94	3,500.00	143.06	95.9%
	<b>Park Dept Totals</b>	<b>\$1,652.40</b>	<b>\$33,819.45</b>	<b>\$94,500.00</b>	<b>\$60,680.55</b>	
<b>Police Dept</b>						
5020	Animal Sheltering	360.00	2,230.00	1,000.00	(1,230.00)	223.0%
5025	Automobile Expense	2,908.13	19,456.39	60,000.00	40,543.61	32.4%
5035	Computer Software & Support	250.99	20,748.34	25,000.00	4,251.66	83.0%
5040	Dues and Subscriptions	4,353.23	29,644.62	20,000.00	(9,644.62)	148.2%
5050	Fixed Assets Purchases	22,500.00	28,249.06	200,000.00	171,750.94	14.1%
5047	Fuel	5,600.87	35,746.15	0.00	(35,746.15)	0.0%
5596	K-9 Animal Expense	80.00	285.87	3,000.00	2,714.13	9.5%
5380	Legal Fees	600.00	6,000.00	8,000.00	2,000.00	75.0%
5060	Materials and Supplies	1,848.60	7,378.41	13,000.00	5,621.59	56.8%
5340	Miscellaneous Expense	0.00	351.49	2,500.00	2,148.51	14.1%
5090	Office Expenses	86.50	2,147.06	4,000.00	1,852.94	53.7%
5630	Payroll w/Benefits	32,423.28	387,790.75	450,000.00	62,209.25	86.2%
5633	Payroll-Municipal Workers	0.00	11,401.00	11,500.00	99.00	99.1%
5300	Property Insurance	0.00	3,608.55	1,500.00	(2,108.55)	240.6%
5420	Repairs & Maintenance	55.86	1,055.86	1,000.00	(55.86)	105.6%
5341	Training and Travel	1,400.20	3,241.24	5,000.00	1,758.76	64.8%
5597	Uniform Expense	9.88	4,832.24	3,500.00	(1,332.24)	138.1%
5500	Utilities	1,620.61	9,725.40	18,500.00	8,774.60	52.6%
	<b>Police Dept Totals</b>	<b>\$74,098.15</b>	<b>\$573,892.43</b>	<b>\$827,500.00</b>	<b>\$253,607.57</b>	
	<b>Expenses</b>	<b>\$191,227.36</b>	<b>\$2,513,026.22</b>	<b>\$2,372,800.00</b>	<b>(\$140,226.22)</b>	

**City of Tontitown**  
**General Fund**

**Statement of Revenue and Expenditures**

Acct	Current Period	Year-To-Date	Annual Budget	Annual Budget	Jan 2018
	Oct 2018	Jan 2018	Annual Budget	Jan 2018	Dec 2018
	Oct 2018	Oct 2018	Jan 2018	Dec 2018	Percent of
	Actual	Actual	Dec 2018	Variance	Budget
<b>Revenue &amp; Expenditures</b>					
Revenue Less Expenditures	\$80,924.16	(\$147,274.25)	\$0.00	\$0.00	
Net Change in Fund Balance	\$80,924.16	(\$147,274.25)	\$0.00	\$0.00	
<b>Fund Balances</b>					
Beginning Fund Balance	1,647,497.92	1,874,245.93	0.00	0.00	0.0%
Net Change in Fund Balance	80,924.16	(147,274.25)	0.00	0.00	0.0%
Ending Fund Balance	1,706,422.08	1,706,422.08	0.00	0.00	0.0%



**City of Tontitown**  
**Balance Sheet - Water/Sewer Fund**  
**For Period Ending 10/31/2018**

Account Number		Book Value Oct 2018 Actual
<b>Assets</b>		
<b>Current Assets</b>		
1050	0605-Water Meter Deposit-DDA	94,140.01
1040	0613-Water Depreciation-MMS	241,403.63
1030	0621-Water Sewer Cap Imp-MMS	392,117.41
1081	1081 Cash In Transit-SoftWater	122.83
1126	3543-Water Excess Oper-CD	406,131.07
1080	5484-Water Oper Fund-DDA	251,958.00
1070	5492-W/S Excess Funds DDA+	842,134.59
1027	5698-Regions Bond Fund	8,632.80
1132	6062-W/S State Sewer Funds-MMS	350,472.06
1095	7122-Water NACA Restricted-DDA	350,787.24
1021	UMB 141831.1 Principal Account	19,420.20
1022	UMB 141831.2 Reserve Account	171,466.25
1023	UMB 141831.4 Bond Account	16,750.00
1024	UMB 141831.6 Interest Account	11,961.93
	<b>Total Current Assets</b>	<b>\$3,157,498.02</b>
<b>Fixed Assets</b>		
1510	GIS System	284,099.11
1520	Vehicles	89,403.95
1800	Accumulated Depreciation	(4,720,187.91)
	<b>Total Fixed Assets</b>	<b>(\$4,346,684.85)</b>
<b>Other Assets</b>		
1200	Accounts Receivable	127,375.27
1811	Accumulated Amortization	(18,393.75)
1581	Buildings & Improvements	299,518.93
1762	CIP-412 Bypass Sewerline	41,529.07
1766	CIP-885 W H.D.T. Water Bore	6,793.94
1767	CIP-Water Tank	3,514.62
1765	CIP-Water Trans Line BWRPA	7,199.00
1760	CIP-Water/Sewer Impr New 8 Lin	(575,344.50)
1763	CIP-Water/Sewer Impr(New 8")	575,344.50
1400	Inventory	73,884.01
1505	Land	361,913.73
1534	Machinery & Equipment	326,193.03
1515	Office Furniture & Equipment	60,269.54
1301	Prepaid Expenses	3,079.31
1150	Sales Tax Receivable	92,298.53
1960	Unamort. Underwriter Discount	73,575.00
1601	Water & Sewer Systems	14,885,635.14
	<b>Total Other Assets</b>	<b>\$16,344,385.37</b>
	<b>Total Assets</b>	<b>\$15,155,198.54</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
2000	Accounts Payable	93,626.79
2410	Accrued Bond Interest Payable	16,237.80
2089	Arkansas Health Fee Payable	2,408.44
2045	Franchise Tax Payable	1,409.64
2490	Meter Deposits	85,700.81
2465	Reserve for rev bond retiremen	(56,170.19)

**City of Tontitown**  
**Balance Sheet - Water/Sewer Fund**  
**For Period Ending 10/31/2018**

<b>Account Number</b>		<b>Book Value Oct 2018 Actual</b>
2040	Sales Tax Payable	(5,353.38)
2540	Water Revenue Bond Region #31-	142,624.00
	<b>Total Current Liabilities</b>	<b>\$280,483.91</b>
<b>Long Term Liabilities</b>		
2525	Bond Refunding Series 2013	3,930,000.00
2141	Current Portion of LTD	(228,000.00)
2142	Current Portion of LTD	228,000.00
	<b>Total Long Term Liabilities</b>	<b>\$3,930,000.00</b>
	<b>Total Liabilities</b>	<b>\$4,210,483.91</b>
<b>Fund Balance</b>		
3085	Invested in Capital Assets	7,618,134.00
3065	Reserved for bond retirement	171,466.25
3000	Fund Balance	3,155,114.38
	<b>Total Fund Balance</b>	<b>\$10,944,714.63</b>
	<b>Total Liabilities and Equity</b>	<b>\$15,155,198.54</b>



**City of Tontitown**  
**Water / Sewer Fund**  
**Statement of Revenue and Expenditures**

Acct	Current Period		Year-To-Date		Annual Budget	Jan 2018
	Oct 2018	Jan 2018	Annual Budget	Jan 2018	Dec 2018	
	Oct 2018	Oct 2018	Jan 2018	Dec 2018	Percent of	
	Actual	Actual	Dec 2018	Variance	Budget	
<b>Revenue &amp; Expenditures</b>						
<b>Revenue</b>						
<b>Sewer Dept</b>						
4591	1999 Sales Tax	122,234.64	495,174.62	425,000.00	(70,174.62)	116.5%
4650	Interest Income	0.00	1,726.21	4,000.00	2,273.79	43.2%
4051	Sewer Sales	27,876.81	259,883.31	300,000.00	40,116.69	86.6%
4069	Sewer Tapping Fees	4,500.00	50,000.00	30,000.00	(20,000.00)	166.7%
4660	Transfer from Reserve	0.00	0.00	125,000.00	125,000.00	0.0%
4032	Waste Management Sewer	11,454.64	166,534.86	180,000.00	13,465.14	92.5%
	<b>Sewer Dept Totals</b>	<b>\$166,066.09</b>	<b>\$973,319.00</b>	<b>\$1,064,000.00</b>	<b>\$90,681.00</b>	
<b>Sanitation Dept</b>						
4053	Billing Fee Income	652.80	5,844.48	0.00	(5,844.48)	0.0%
4000	Franchise Tax Income	0.00	0.00	5,000.00	5,000.00	0.0%
4055	Recycling Fee Income	645.00	5,343.66	7,500.00	2,156.34	71.2%
4031	Sanitation SW Billing	13,173.52	117,735.45	145,000.00	27,264.55	81.2%
4056	Yellow Bag Sales	297.70	2,933.74	2,500.00	(433.74)	117.3%
	<b>Sanitation Dept Totals</b>	<b>\$14,769.02</b>	<b>\$131,857.33</b>	<b>\$160,000.00</b>	<b>\$28,142.67</b>	
<b>Water Dept</b>						
4053	Billing Fee Income	0.00	0.00	5,000.00	5,000.00	0.0%
4580	City Sales & UseTax-2005 Serie	35,163.76	312,637.63	300,000.00	(12,637.63)	104.2%
4057	Convenience Fee Income	116.90	1,318.38	1,000.00	(318.38)	131.8%
4650	Interest Income	885.00	9,759.54	4,500.00	(5,259.54)	216.9%
4052	Late Fee Income	1,788.70	16,460.47	10,000.00	(6,460.47)	164.6%
4020	Miscellaneous Income	0.00	0.00	500.00	500.00	0.0%
4060	Overpayment of Water Sales	2,032.58	22,929.04	20,000.00	(2,929.04)	114.6%
4058	Reconnection Fee	222.34	3,200.79	4,000.00	799.21	80.0%
4055	Recycling Fee Income	0.00	72.40	0.00	(72.40)	0.0%
4299	Returned Checks Fees	50.00	689.84	500.00	(189.84)	138.0%
	Sales Tax Refund	0.00	15,488.15	0.00	(15,488.15)	0.0%
4660	Transfer from Reserve	34,481.59	34,481.59	125,000.00	90,518.41	27.6%
4050	Water Sales	73,562.13	667,567.38	700,000.00	32,432.62	95.4%
4064	Water Tapping Fees	9,500.00	107,705.90	50,000.00	(57,705.90)	215.4%
	<b>Water Dept Totals</b>	<b>\$157,803.00</b>	<b>\$1,192,311.11</b>	<b>\$1,220,500.00</b>	<b>\$28,188.89</b>	
	<b>Revenue</b>	<b>\$338,638.11</b>	<b>\$2,297,487.44</b>	<b>\$2,444,500.00</b>	<b>\$147,012.56</b>	
	<b>Gross Profit</b>	<b>\$338,638.11</b>	<b>\$2,297,487.44</b>	<b>\$2,444,500.00</b>	<b>\$0.00</b>	

**City of Tontitown**  
**Water / Sewer Fund**  
**Statement of Revenue and Expenditures**

Acct	Current Period	Year-To-Date	Annual Budget	Annual Budget	Jan 2018	
	Oct 2018	Jan 2018	Annual Budget	Jan 2018	Dec 2018	
	Oct 2018	Oct 2018	Jan 2018	Dec 2018	Percent of	
	Actual	Actual	Dec 2018	Variance	Budget	
<b>Revenue &amp; Expenditures</b>						
<b>Expenses</b>						
<b>Sewer Dept</b>						
5022	Audit Expense	0.00	4,482.50	5,000.00	517.50	89.7%
5025	Automobile Expense	0.00	1,240.15	2,500.00	1,259.85	49.6%
5030	Bank Service Charges	0.00	0.00	1,500.00	1,500.00	0.0%
5199	Bond Expense-Regions	0.00	0.00	3,000.00	3,000.00	0.0%
5061	Bond Processing Fee	0.00	3,000.00	0.00	(3,000.00)	0.0%
5281	Building Repairs	120.00	3,406.61	2,000.00	(1,406.61)	170.3%
5035	Computer Software & Support	286.45	4,258.52	10,000.00	5,741.48	42.6%
5590	Contract Wages	0.00	807.50	2,500.00	1,692.50	32.3%
5040	Dues and Subscriptions	796.78	3,592.98	2,500.00	(1,092.98)	143.7%
5370	Engineering	47,487.63	57,462.45	60,000.00	2,537.55	95.8%
5470	Equipment Repairs	122.71	2,045.92	3,500.00	1,454.08	58.5%
5050	Fixed Assets Purchases	4,502.78	186,092.47	185,000.00	(1,092.47)	100.6%
5047	Fuel	359.29	4,043.27	2,500.00	(1,543.27)	161.7%
5150	Insurance, Vehicles & Property	0.00	0.00	1,500.00	1,500.00	0.0%
5441	Laboratory Testing	410.00	3,425.00	5,000.00	1,575.00	68.5%
5380	Legal Fees	0.00	1,207.11	1,000.00	(207.11)	120.7%
5285	Locate Service	99.67	901.27	1,500.00	598.73	60.1%
5060	Materials and Supplies	2,604.98	20,142.05	10,000.00	(10,142.05)	201.4%
5340	Miscellaneous Expense	0.00	0.00	1,000.00	1,000.00	0.0%
5090	Office Expenses	12.75	85.64	2,500.00	2,414.36	3.4%
5630	Payroll w/Benefits	8,336.76	79,226.04	90,000.00	10,773.96	88.0%
5633	Payroll-Municipal Workers	0.00	877.00	900.00	23.00	97.4%
5110	Printing and Reproduction	0.00	0.00	1,000.00	1,000.00	0.0%
5350	Professional Fees	0.00	0.00	2,500.00	2,500.00	0.0%
5202	Scada	294.00	5,480.57	10,000.00	4,519.43	54.8%
5538	Sewer Materials and Supplies	0.00	1,028.83	20,000.00	18,971.17	5.1%
5011	Sewer Service Purchase	60,652.36	613,242.80	750,000.00	136,757.20	81.8%
5283	Sewer System Repairs	0.00	11,196.00	30,000.00	18,804.00	37.3%
5530	Tools and Equipment	0.00	(442.49)	3,500.00	3,942.49	(12.6%)
5341	Training and Travel	200.00	532.86	1,500.00	967.14	35.5%
5597	Uniform Expense	106.62	547.77	1,000.00	452.23	54.8%
5500	Utilities	2,212.20	16,995.40	20,000.00	3,004.60	85.0%

**City of Tontitown**  
**Water / Sewer Fund**  
**Statement of Revenue and Expenditures**

Acct	Current Period	Year-To-Date	Annual Budget	Annual Budget	Jan 2018	
	Oct 2018	Jan 2018	Annual Budget	Jan 2018	Dec 2018	
	Oct 2018	Oct 2018	Jan 2018	Dec 2018	Percent of	
	Actual	Actual	Dec 2018	Variance	Budget	
<b>Revenue &amp; Expenditures</b>						
<b>Expenses</b>						
<b>Sewer Dept</b>						
5536	Water and Sewer Billing	500.00	5,538.00	7,500.00	1,962.00	73.8%
<b>Sewer Dept Totals</b>		<b>\$129,104.98</b>	<b>\$1,030,416.22</b>	<b>\$1,240,400.00</b>	<b>\$209,983.78</b>	
<b>Sanitation Dept</b>						
5040	Dues and Subscriptions	307.50	922.50	0.00	(922.50)	0.0%
5441	Laboratory Testing	0.00	0.00	5,000.00	5,000.00	0.0%
5012	Sanitation Expense-WMgmt	13,523.66	130,580.46	150,000.00	19,419.54	87.1%
5675	Yellow Bag Purchases	0.00	2,310.00	0.00	(2,310.00)	0.0%
<b>Sanitation Dept Totals</b>		<b>\$13,831.16</b>	<b>\$133,812.96</b>	<b>\$155,000.00</b>	<b>\$21,187.04</b>	
<b>Water Dept</b>						
5022	Audit Expense	0.00	4,482.50	5,000.00	517.50	89.7%
5025	Automobile Expense	379.02	5,029.17	2,500.00	(2,529.17)	201.2%
5030	Bank Service Charges	114.17	2,168.09	2,500.00	331.91	86.7%
5199	Bond Expense-Regions	0.00	9,670.00	20,000.00	10,330.00	48.4%
5281	Building Repairs	120.00	3,464.74	2,000.00	(1,464.74)	173.2%
5035	Computer Software & Support	286.45	8,550.10	10,000.00	1,449.90	85.5%
5590	Contract Wages	0.00	637.50	2,500.00	1,862.50	25.5%
5040	Dues and Subscriptions	796.79	3,804.35	2,500.00	(1,304.35)	152.2%
5370	Engineering	0.00	66,382.57	60,000.00	(6,382.57)	110.6%
5470	Equipment Repairs	122.73	1,485.71	3,500.00	2,014.29	42.4%
5050	Fixed Assets Purchases	4,502.78	233,983.48	185,000.00	(48,983.48)	126.5%
5047	Fuel	1,294.15	6,898.45	2,500.00	(4,398.45)	275.9%
5150	Insurance, Vehicles & Property	0.00	489.09	1,500.00	1,010.91	32.6%
5380	Legal Fees	0.00	1,207.11	2,000.00	792.89	60.4%
5285	Locate Service	99.68	901.28	1,500.00	598.72	60.1%
5060	Materials and Supplies	4,928.25	45,948.69	35,000.00	(10,948.69)	131.3%
5203	Meters	8,182.30	319,795.86	112,200.00	(207,595.86)	285.0%
5340	Miscellaneous Expense	0.00	5.44	1,500.00	1,494.56	0.4%
5090	Office Expenses	12.76	296.24	2,500.00	2,203.76	11.8%
5630	Payroll w/Benefits	10,841.45	103,871.85	125,000.00	21,128.15	83.1%
5633	Payroll-Municipal Workers	0.00	877.80	900.00	23.00	97.4%
5110	Printing and Reproduction	0.00	0.00	1,000.00	1,000.00	0.0%
5350	Professional Fees	0.00	0.00	2,500.00	2,500.00	0.0%

**City of Tontitown**  
**Water / Sewer Fund**  
**Statement of Revenue and Expenditures**

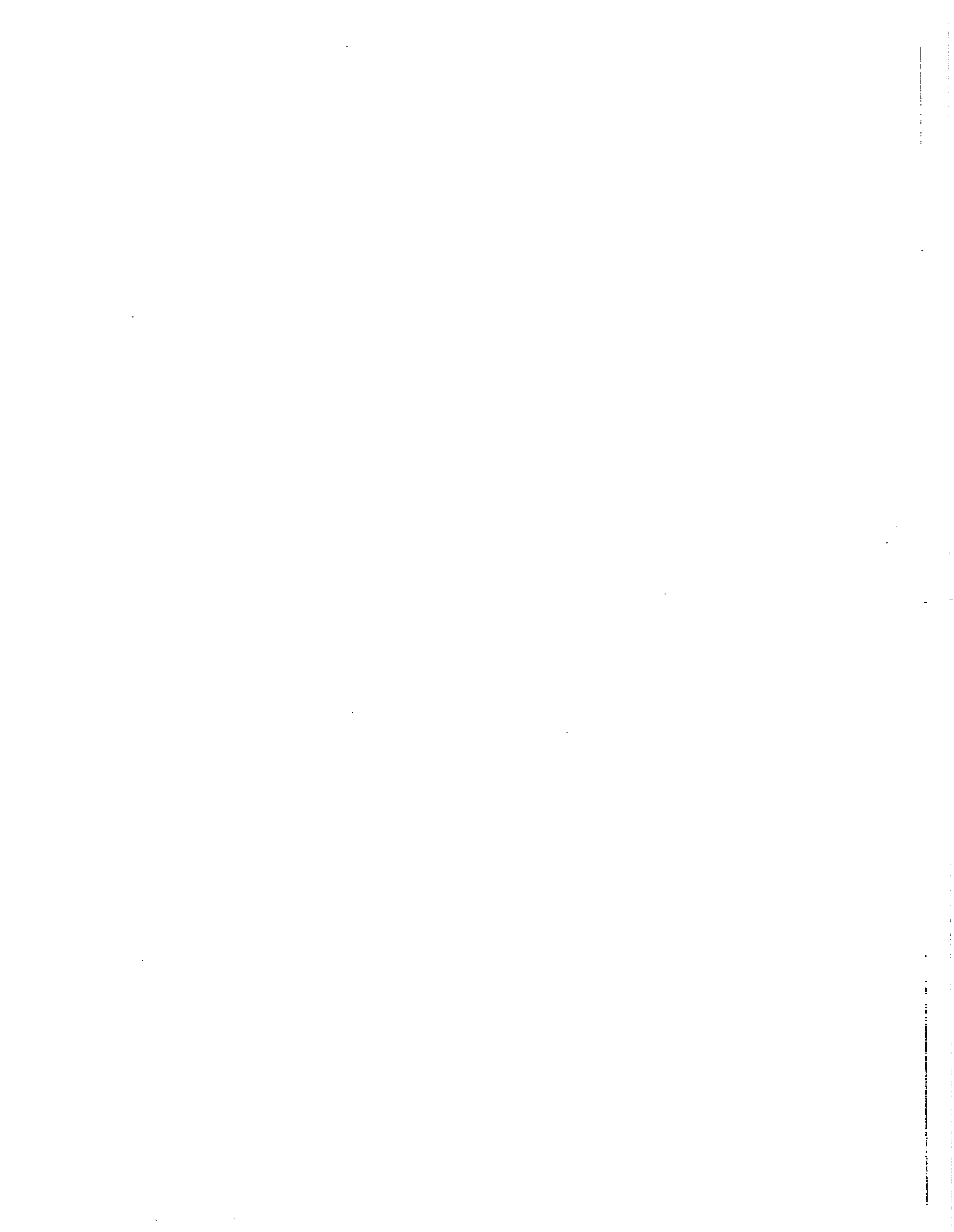
Acct	Current Period	Year-To-Date	Annual Budget	Annual Budget	Jan 2018	
	Oct 2018	Jan 2018	Annual Budget	Jan 2018	Dec 2018	
	Oct 2018	Oct 2018	Jan 2018	Dec 2018	Percent of	
	Actual	Actual	Dec 2018	Variance	Budget	
<b>Revenue &amp; Expenditures</b>						
<b>Expenses</b>						
<b>Water Dept</b>						
5999	Sales Tax Expense	0.00	0.00	2,000.00	2,000.00	0.0%
5202	Scada	294.00	5,179.92	10,000.00	4,820.06	51.8%
5530	Tools and Equipment	0.00	4,204.43	3,500.00	(704.43)	120.1%
5341	Training and Travel	200.00	833.95	1,500.00	666.05	55.6%
8000	Transfer to Depreciation Acct.	34,481.59	34,481.59	0.00	(34,481.59)	0.0%
5597	Uniform Expense	106.63	791.34	1,000.00	208.66	79.1%
5525	USDA Loan Service	0.00	0.00	60,000.00	60,000.00	0.0%
5500	Utilities	1,052.35	6,480.83	10,000.00	3,519.17	64.0%
5536	Water and Sewer Billing	500.00	5,538.00	7,500.00	1,962.00	73.8%
5010	Water Purchases	49,646.10	391,929.18	350,000.00	(41,929.18)	112.0%
5284	Water System Repairs	1,223.00	1,861.72	20,000.00	18,138.28	9.3%
	<b>Water Dept Totals</b>	<b>\$119,184.20</b>	<b>\$1,271,250.18</b>	<b>\$1,049,100.00</b>	<b>(\$222,150.18)</b>	
	<b>Expenses</b>	<b>\$262,120.34</b>	<b>\$2,435,479.36</b>	<b>\$2,444,500.00</b>	<b>\$9,020.64</b>	
	<b>Revenue Less Expenditures</b>	<b>\$76,517.77</b>	<b>(\$137,991.92)</b>	<b>\$0.00</b>	<b>\$0.00</b>	
	<b>Net Change in Fund Balance</b>	<b>\$76,517.77</b>	<b>(\$137,991.92)</b>	<b>\$0.00</b>	<b>\$0.00</b>	

**Fund Balances**

Beginning Fund Balance	10,517,724.80	10,731,567.08	0.00	0.00	0.0%
Net Change In Fund Balance	76,517.77	(137,991.92)	0.00	0.00	0.0%
Ending Fund Balance	10,594,242.57	10,594,242.57	0.00	0.00	0.0%

**City of Tontitown**  
**Balance Sheet - Street Fund**  
**For Period Ending 10/31/2018**

Account Number		Book Value Oct 2018 Actual
<b>Assets</b>		
<b>Current Assets</b>		
<b>Cash</b>		
1020	0188-Street Fund Operating-DDA	123,656.95
1131	6041-Street Excess Funds-DDA	506,468.13
	<b>Total Current Assets</b>	<b>\$630,125.08</b>
	<b>Total Assets</b>	<b>\$630,125.08</b>
<b>Fund Balance</b>		
<b>Accumulated Surplus (Deficit)</b>		
3000	Fund Balance	630,125.08
	<b>Total Fund Balance</b>	<b>\$630,125.08</b>
	<b>Total Liabilities and Equity</b>	<b>\$630,125.08</b>





**City of Tontitown**  
**Street Fund**  
**Statement of Revenue and Expenditures**

Acct	Current Period	Year-To-Date	Annual Budget	Jan 2018	
	Oct 2018	Jan 2018	Annual Budget	Jan 2018	Dec 2018
	Oct 2018	Oct 2018	Jan 2018	Dec 2018	Percent of
	Actual	Actual	Dec 2018	Variance	Budget
<b>Fund Balances</b>					
Beginning Fund Balance	621,793.99	554,404.72	0.00	0.00	0.0%
Net Change in Fund Balance	8,331.09	75,720.36	0.00	0.00	0.0%
Ending Fund Balance	630,125.08	630,125.08	0.00	0.00	0.0%



# Fire Department Report



Month of: October 2018

Number of City Calls	28
Number of Rural Calls	13
Total Calls	41

Call Type	City	Rural
EMS	17	9
Fire	1	3
MVA	6	1
False Alarm	2	0
Service Call	2	0
Total	28	13

**Other Notes**

Submitted two grants

1. State Farm Grant for fire extinguisher training prop
2. AFG grant for Rescue/Pumper



**BUILDING/PLANNING:**

The Planning Board will have a Public Meeting prior to the regularly scheduled meeting next Tuesday, November 27<sup>th</sup>. The public hearing and regular meeting agenda both relate to a variance request for road frontage and changes to Chapters 153 & 153 pertaining to Exclusive Landfill Use and zoning regulations.

**STREETS/PARKS:**

The Klenc Road paving project is scheduled for next week, weather permitting. The county has contracted with APAC for the installation of the asphalt surface. Once the paving is completed, our crew will re-install the mailboxes that were removed during construction.

Chief McCormick and I meet yesterday with representatives from GameTime playground equipment and USTA. We received a grant earlier in the year for \$15,000 to upgrade some of our equipment in the park. This is a matching grant so we have a minimum of \$30,000 to spend. It was decided that we are going to try to replace some of the most outdated pieces with some that will be handicap accessible. In addition to the new equipment, if funds allow, we are also looking at installing artificial turf around the new pieces. We will be receiving quotes sometime next week and then make a final decision. Chris Stuart with USTA met with us regarding our tennis courts. He indicated that there is grant money available to resurface and improve the courts we have. We will be applying for these grants as soon as possible. Hopefully, we will be able to make some improvements before next summer.

**WATER & SEWER:**

The biggest news in the water department is that we finally have a loan closing date with USDA. Next Thursday, November 29<sup>th</sup>, all parties involved the water tank project will meet to sign documents that will allow this project to officially begin. Caldwell Tanks has been chomping at the bit to get started since October. Once the closing is completed, we can issue a notice to proceed. The pipe crew and the foundation crew are both ready to begin their respective phases of the project.

The water transmission line project is continually moving forward. The main crew is installing pipe on the south side of 412. Currently they are across the highway from Ranalli Produce and moving west.



**Tontitown Historical Museum (THM) Report  
for COW Meeting - 11/20/2018**

Due to schedule conflicts, the THM Board rescheduled the November meeting to Monday, November 19. We will not meet in December.

1. **Museum Staff Update** -- We will offer the weekend Museum Assistant job position to Pamela Herron. Pam offers a varied administrative support background, strong organizational skills, and an eagerness to learn and share Tontitown history. She will work all three open days -- Friday, Saturday, and Sunday. She will also attend the monthly Monday evening THM Board meetings. Pam will work approximately 12 hours per week. We are excited to have Pam join our team!
  
2. **Happy Holidays!** -- The THM Board extends warm wishes for blessed, safe, and joyful Thanksgiving and Christmas holidays to all!

The next THM Board meeting is scheduled for Monday, January 7 at 6:00 p.m. in City Hall.

**Board Members:**

Heather Ranall-Peachee, President - 479-685-4793  
Jennifer De Martino, Vice-President - 479-435-6320  
Bev Cortiana-McEuen, Treasurer - 479-361-2609  
Caroline Franco, Secretary - 479-200-9880  
Carol Walker, Membership - 479-361-2363

Ashlee Bailey - 563-380-0792  
Emily Pianalto-Beshears - 479-799-5643  
Roger Pianalto - 479-361-2207  
Riley Tessaro - 479-361-2607  
Kyle Young - 479-619-8733



## Agreement For Fire Protection Service

This Agreement for Fire Protection Service (the "Agreement") is made and effective on this \_\_\_ day of \_\_\_\_\_ 20\_\_ by and between the Tontitown Area Volunteer Fire Department, Inc. (hereinafter referred to as "TAFD"), and the City of Tontitown, Arkansas (hereinafter referred to as "City").

### WITNESSETH:

**WHEREAS**, TAFD is a non-profit corporation organized and existing pursuant to the laws of the State of Arkansas, with the expressed "purpose of providing fire protection related emergency services within the membership area"; and

**WHEREAS**, the said TAFD membership area included the Tontitown City limits from TAFD's incorporation in 1979 until mid-2014; and

**WHEREAS**, City recognizes the valuable service provided to its citizens by TAFD and desires to make a formal arrangement with TAFD for the operation of fire protection and related emergency services; and

**WHEREAS**, TAFD has the authority, resources, and capability to provide such fire protection and related emergency services, and has provided services in the past; and

**WHEREAS**, it is in the interest of the City and its citizens to establish exclusive rights, privileges, and execute a contract between the City and TAFD; and

**WHEREAS**, the parties hereto are currently bound by an existing Contract for Fire Protection Service dated the 7th day of March 2017 (the "Contract") and intend for this Agreement to supersede such Contract after December 31, 2018;

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein and other good and valuable consideration, the parties agree and covenant as follows:

1. **GRANT BY CITY:** Subject to the terms, conditions, and stipulations mentioned in this agreement, the City hereby grants to TAFD the exclusive right and privilege within the present and all future expansions of the corporate limits of City to the following:
  - a. to provide for the operation of fire protection services to all residents and property owners within said City limits; and
  - b. to provide such services to the public by use of public right-of-ways, including streets, highways, or other public places of any kind whatsoever within the corporate limits of the City, and for any related purpose of providing fire protection and related emergency services to the residents and property owners of the City. TAFD is expressly given the right and privilege to use the streets, avenues, roads, highways, alleys, sidewalks, and other public places, as now laid out, or hereafter to be established, of any kind whatsoever within corporate limits, for the purpose of providing fire protection and related emergency services to the public from any point within the City or to any point, through, and beyond the corporate limits of the City; and

- c. to use any and all fire hydrants and the water from such hydrants in the corporate limits of the City, at no charge.
2. **OBLIGATIONS OF CITY:** The City shall pay TAFD Two Hundred Thousand Nine Hundred and Sixty (\$200,960) Dollars per year, payable in equal monthly installments beginning January 2019 and to be paid within thirty (30) days after such billing, for TAFD to operate fire protection and related emergency services in the City. TAFD shall also receive the benefit, without cost to it during the term of this Agreement, of the following:
  - a. use of the City owned fire department building ("Premises"), together with all existing City-owned or leased firefighting vehicles, equipment, and supplies; and
  - b. the City payment of any maintenance and insurance on City-owned firefighting vehicles or equipment, including any liability insurance required by state law on vehicles; and
  - c. the City payment of any maintenance of the fire department Premises; and
  - d. the City payment of any taxes on the Premises, and casualty and liability insurance, if any on the Premise; and
  - e. the City shall reimburse TAFD for fuel expenses for fire protection and related emergency services that occur within the corporate limits of City, with TAFD to bill City during the first week in December for the applicable previous year's fuel expense commencing in December of 2019 and to be paid within thirty (30) days after such billing.
3. **OBLIGATIONS OF TAFD:** TAFD shall provide any and all additional firefighting and fire protection equipment it deems reasonably necessary for providing the fire protection and related emergency services contemplated by this Agreement.
  - a. In addition, in the provision of these services TAFD shall provide all necessary manpower, including a fire chief and such other full or part-time employees as its budget reasonably allows, and shall use reasonable efforts to secure volunteers; and
  - b. TAFD shall be responsible for the salaries, stipends, employment taxes, withholdings and other benefits provided to any TAFD employees or volunteers; and
  - c. The personnel (including volunteers) of TAFD shall be under the direction, supervision, authority, and control, of the TAFD Chief and its Board of Directors pursuant to all TAFD policies, rules, and regulations, subject to exceptions due to personal illness, and personal emergencies and responding to emergency calls in or outside city limits; and
  - d. TAFD shall staff City premises with two (2) paid firefighters. One (1) firefighter shift shall begin at 7:00 AM to 5:00 PM, Monday through Saturday and one (1) firefighter shift shall begin anytime from 7:00 AM to 9:00 AM and continue until a ten (10) hour shift is completed from Monday through Saturday; and
  - e. All other times, staffing shall be provided by TAFD volunteer firefighters. Additional staffing, as necessary and appropriate, shall be provided by TAFD volunteer firefighters; and
  - f. TAFD shall be responsible for any and all expenses incurred in connection with the operation of fire protection services unless otherwise expressed to be a specific obligation of the City in this Agreement, including but not limited to, the maintenance



of TAFD equipment and training. TAFD shall provide fire protection services for all buildings and properties within the City.

4. **TERM:** This Agreement shall continue and remain in full force and effect for a period of four (4) years from the date of its execution (the "Term"); provided, however, either party may terminate this Agreement with six (6) months advance notice to the other party in writing. The funding provided for in paragraph two (2) above shall continue until the earlier of such six (6) month period or the of the Term of this Agreement.
5. **OPTION TO RENEW:** The parties hereto each have the option to renew this Agreement at the expiration of the Term as herein set forth. Unless otherwise mutually agreed, it shall be renewed under the same terms and conditions as set forth herein; provided, however, the annual payments made to TAFD pursuant to paragraph two (2) shall be negotiated at the time of the exercise of the option to renew. A party desiring to exercise the option granted herein shall give the other party at least sixty (60) days written notice prior to the end of the original four (4) year Term of their exercising said option. If the parties cannot agree upon the payment to be made, then there shall be no renewal of this Agreement.
6. **RULES OF TAFD:** TAFD shall provide fire protection under the terms and conditions herein specified, pursuant to state law applicable to fire protection for cities, and pursuant to fire department bylaws and protocols.
7. **FIRE PROTECTION OUTSIDE OF THE CITY LIMITS:** TAFD, using its employees and volunteers, shall be entitled to also provide fire protection and related emergency services to persons outside the corporate limits of the City, in providing such services TAFD shall be entitled to the following:
  - a. the area of its fire protection services shall be at the discretion of TAFD Board of Directors; and
  - b. TAFD shall be entitled to charge such rates and dues to customers outside of the corporate limits of City as it shall determine; and
  - c. in addition, nothing contained herein shall preclude TAFD from canceling the membership of any person or entity outside of City for failure to pay their dues within the time and manner required by TAFD; and
  - d. TAFD shall be entitled to use any and all City owned or City leased firefighting equipment and vehicles for any lawful purpose, including without limitation, training or responding to a call, whether within or without the corporate limits of the City. In the event such equipment or vehicles are damaged or destroyed in the course of its use by TAFD, TAFD shall replace or repair such damaged equipment or vehicles to substantially the same condition it was before such damage, normal wear and tear and damages covered by insurance, excepted.
8. **IMMUNITY AND INSURANCE:** It is acknowledged and understood that the parties hereto may enjoy or otherwise be covered by various immunity, including by not limited to statutory, tort, sovereign, qualified or legislative immunity. Nothing in this Agreement is intended to abrogate or otherwise alter that status or these immunities. Nothing in this Agreement shall, however, be interpreted to affect any insurance or risk management contract which the City has, nor shall it be, construed to require the City to indemnify TAFD. If City has or acquires liability insurance, City shall name TAFD as an additional insured on its policy, assuming it can do so without increasing the premium amount for that insurance coverage or without waiving

- any of its immunities. Nothing contained herein shall require either party to acquire a policy of liability insurance, except as required by Arkansas law.
9. **SEVERABILITY:** The various provisions and parts of this Agreement are hereby declared to be severable and if any phrase, clause, sentence or paragraph of this Agreement shall be declared invalid by the judgement or decree of a court of competent jurisdiction, such invalidity shall not affect any of the remaining sentences, paragraphs, or clauses of the Agreement.
  10. **EFFECTIVE DATE:** This Agreement shall be effective upon its execution by the president of TAFD and Mayor after approval by the City Council, which shall be by appropriate resolution or ordinance.
  11. **COMPLETE AGREEMENT:** It is agreed that neither party hereto is relying upon any oral or written information or representation made by the other prior to the signing of this Agreement between the parties. The same shall not be hereafter amended or modified unless reduced to writing and signed by the parties hereto. The parties hereto agree that this Agreement shall, effective on January 1, 2019, supersede and replace any existing agreements between them, including the Contract for Fire Protection Service dated the 7<sup>th</sup> day of March, 2017.
  12. **GOVERNING LAW:** This agreement shall be construed in accordance with and governed by the laws of the State of Arkansas, except as preempted by laws of the United States. Jurisdiction, both personal and subject matter, for any disputes or controversies shall rest with the courts within the State of Arkansas. It is the intent of the parties hereto that this Agreement qualify as a Fire Department Service Agreement under Ark. Code Ann. § 14-272-301 et seq.
  13. **BINDING EFFECT:** This Agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns, including the composition of any City Council or the TAFD hereafter.
  14. **ACT 833:** It is agreed by the parties that the City of Tontitown, Arkansas shall continue receive its portion of ACT 833 funding.
  15. **AUTHORITY:** The parties hereby acknowledge and represent that this Agreement has been duly approved by the parties' appropriate governing bodies and that the individuals executing this Agreement have the power and authority to execute this Agreement on behalf of their respectful parties.

***[Signatures on the following page]***

**IN WITNESS THEREFORE**, we have hereunto set our hands and seals the day and year first above written.

**The City of Tontitown, Arkansas**

**By:** \_\_\_\_\_

Paul Colvin, Jr., Mayor

**ATTEST:** \_\_\_\_\_

Rhonda Ardemagni, Recorder-Treasurer

**Tontitown Area Volunteer Fire Department, Inc.**

**By:** \_\_\_\_\_

Marcus Mason, President

